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Chair

Ms. Julie Dabrusin

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• (1800)

[*Translation*]

The Chair (Ms. Julie Dabrusin (Toronto—Danforth, Lib.)): It is 6 p.m. We will begin our meeting. We don't have much time, as we have to go to the House to vote soon.

Welcome to the 142nd meeting of the Standing Committee on Canadian Heritage. We are continuing our consideration of Bill C-91, An Act respecting Indigenous languages.

[*English*]

I am very happy to have with us today National Chief Perry Bellegarde, and Roger Jones, special adviser to the national chief, languages act, from the Assembly of First of Nations.

I am going to warn you that the bells will ring for a vote. I will be seeking unanimous consent to continue through them.

We will begin with your presentation, please.

National Chief Perry Bellegarde (National Chief, Assembly of First Nations): Thank you, Madam Chair.

[*Witness speaks in Cree*]

That's just a little bit in Cree. I am very happy to be here.

[*Witness speaks in Cree*]

I am thanking you all, as relatives and friends, and acknowledging the Algonquin people for their ancestral lands on which we gather. The presentation is about seven or eight minutes long. I know that some bells will ring, so I'm going to get right into it.

I want to thank the members of the committee and thank you all for inviting me here today to speak to you about Bill C-91, An Act respecting Indigenous languages.

You have heard about the importance of our languages to our cultures and to our people. First nations languages, we say, are national treasures. They are essential to who we are as indigenous people, first nations people. Our culture, our identity and our overall well-being comes from our languages. They are unique to these lands and to these territories which is why we always say they are Canada's national treasures.

I would like to address you by speaking today on why we are calling for the support of this bill. We have four months left before June, so timing is of the essence.

Number one, the proposed bill answers first nations' calls for the government to recognize, affirm and meaningfully support and provide funding for first nations' languages. We want our languages to be our living languages, sourced from our lands, expressing our creation stories and alive in our ceremonies and daily lives. Our languages are essential to our very identity as indigenous people.

The legislation recognizes that our languages are essential to the transmission of our cultures and traditional knowledge for future generations including our values, histories and world views.

Bill C-91 acknowledges that discriminatory government policies and practices were detrimental to our languages and were key in the erosion of indigenous languages.

Bill C-91 also marks the first time that Canada has upheld indigenous language rights as existing aboriginal treaty rights as recognized in section 35 of the Constitution Act 1982. Through this act, it's like we're filling up section 35 and the language rights there in section 35.

To have a full discussion regarding the pre-existing aboriginal treaty rights, indigenous perspectives and case law must be considered. Cases such as Sparrow, Van der Peet, and Delgamuukw provide clear direction in that regard. Here's a quote from Van der Peet:

Courts must take into account the perspective of aboriginal peoples themselves. In assessing a claim for the existence of an aboriginal right, a court must take into account the perspective of the aboriginal people claiming the right.

The proposed legislation is consistent with the Truth and Reconciliation Commission's calls to action and the United Nations Declaration on the Rights of Indigenous Peoples, both of which are supported by first nations and both of which Canada has pledged to honour and impalement. Here I refer to TRC calls to action numbers 13 to 15, and the UN declaration's articles 1, 2, 3, 5, 7, 8, 11 to 16, 18, 20, 22, 23, 25 to 27, 31, 33, 34, 36, 37, 39, 40 and 42 to 46. We did encourage the elaboration of these articles in the body of the legislation. They are not yet included, but there are references to the UN declaration.

Indigenous people's languages qualify us for the right to self-determination, as upheld in the UN declaration, and language is a defining characteristic for our nationhood.

I've always said it this way: Five elements are needed for the inherent right to self-determination to be recognized not only within the nation state called Canada, but globally. Your own languages, your own lands, your own laws, your own people and your own identifiable forms of government.

Language is one of those five. It's fundamental to our existence.

This legislation commits the government to providing sufficient sustainable and long-term funding toward the revitalization of our languages.

● (1805)

This legislation includes provisions to ensure that the government consults with indigenous governments and governing bodies to provide adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of our languages.

The purpose of this legislation responds to the need for multi-faceted approaches. We need schools on the reserve, as well as in rural and urban settings to create and implement effective bilingual and immersion education programs, beginning with preschool-age children.

We need programs that inspire all of our people to speak our languages—regardless of age—to renew the vibrancy of our communities as our cultural places. These approaches must be developed and driven by first nations peoples.

The level of financial investment will be substantial and the need is immediate, including seeing the federal investment for language revitalization and related activities in this year's federal budget.

Number two is that passing this legislation is important for indigenous peoples and for all Canadians.

According to a 2017 Nanos research survey, 74% of Canadians were already found to be supportive of the development of an indigenous languages act, so this is good politics for the Conservatives, for the NDP and for the Liberals. Canadians want this and see the need for this. It's good for everyone. You talk about this word, "reconciliation". This is it in action, so it's good. Everybody is supporting this.

We say that Canada must revisit its vision as a multicultural, multilingual country in a way that includes the original peoples of this land. Canada as a nation was in part formed through nation-to-nation treaties. Indigenous languages were used in the making of these treaties. We can only fully understand our shared history with our ancestral indigenous languages.

We have met with francophonie representative organizations and they understand the importance of the recognition and affirmation of our language rights. This legislation will not displace the rights of other language groups. It is part of recognizing indigenous language rights, because all languages matter.

The health and socio-economic benefits of knowing one's language and culture expand beyond the individual, to building strong communities, stronger first nations, and a stronger Canada. People who acquire fluency at a young age are more successful in school and, therefore, more successful in life. Studies have shown that. You know who you are and where you've come from. You're more successful in school.

Think of this as the business case. You're investing in the fastest-growing segment of Canada's population, which is young first nations men and women, and you're going to have huge returns on

investment in the future. This is the business case that can be made if people can't get their head around fundamental human rights or inherent rights, aboriginal rights or treaty rights. It makes sense.

A culturally appropriate implementation of this legislation can help first nations and Canadians heal from our shared history of residential schools. It's time to begin to reverse the damage of harmful policies and to reverse language loss. A healthier and stronger Canadian society embraces peace, diversity, respect and inclusiveness. It's a society where everyone lives in freedom and dignity, and our strength lies in upholding these fundamental principles.

The United Nations proclaimed 2019 the International Year of Indigenous Languages. Let's let Canada be an example of what it means to not only celebrate but actively support indigenous languages by passing this legislation and furthermore, by supporting an international decade of indigenous languages.

Action is needed now because no indigenous language in Canada is safe. The urgency of language revitalization cannot be understated and we cannot stall. I acknowledge that there are some limitations to legislation, so how do we make sure we can move forward as soon as possible, considering the urgency of language revitalization?

We can address improvements to the act through this committee process. We always say that nothing is perfect. Let's find ways to make things better. For example, the AFN advocated for an elaboration of the United Nations declaration section in full. The language of the provision of "adequate, sustainable and long-term funding" could also be strengthened.

The matter of the delivery of federal government services in indigenous languages is an expectation and a right.

The possible requirement for translation of documents and interpretation services, where requested, in relation to federal institutions, would benefit from more clarity and strengthening as well.

Canadian intellectual property law does not currently acknowledge and protect indigenous languages as traditional knowledge and afford intellectual property rights. Participants in the national engagement sessions highlighted a need for this protection in the legislation. We need to make sure that we look after that information ourselves and that it's not copyrighted by other institutions, whether they be academic or any other.

● (1810)

First nations are dedicated to our languages. A growing number of second-language learners shows us that our young people care about their languages. Indigenous peoples and organizations will take the lead in reclaiming, revitalizing, maintaining and strengthening our languages.

Working on a co-development basis does not end here. Legislation could also clarify that first nations need to be involved in the implementation both before and following the entry into force of this act. We must continue to work together in implementing the indigenous languages act in a good way.

To conclude, this legislation is a stepping stone for us all. This legislation is enabling. It is a means to meaningfully support and fund indigenous initiatives led by indigenous peoples to bring our languages back. It's a means to regain a pride in our languages, regaining fluency, and make first nations languages living languages by bringing them back into our homes, communities and daily lives.

As a demonstration of good faith, we must put the same time and energy into revitalizing first nations languages as Canada put into trying to eradicate them. The implementation of this legislation will be a major legacy for our children who will be able to grow up learning and speaking their languages. Our languages, the original languages of this land, can and should once again be heard throughout Canada. To ensure this legacy we are also pressing that 2019 not only be the International Year of Indigenous Languages but that the United Nations also adopt an international decade of indigenous languages in a timely manner.

Kinanaskomitin.

The Chair: Thank you very much.

The bells are ringing. I said that I would seek unanimous consent to continue. We have 23 minutes left.

I would propose that we can try to go until we have about nine minutes left, which would allow us to have two questions for seven minutes. Then we'll come back right after the vote.

Would that work for everyone?

That's perfect.

We will begin with Mr. Badawey for seven minutes.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Madam Chair.

Welcome to the representatives.

With respect to some of the efforts that are happening off-reserve as well as integrating, hopefully, some efforts with the expertise from on reserve to off reserve, I have the following comments.

In Niagara we have a process called Landscape of Nations 360. We've established 10 essential undertakings as we're moving forward with indigenous education and, therefore, languages.

Mr. Bellegarde, with respect to, first, finding out if we're going in the right direction, and second, trying to attach an action to the overall legislation network to move it forward, some of the themes that we established included the following: indigenous peoples' cultures, including languages; time continuity and change; people, places and environments; individual development and identity; individuals, groups and institutions; power, authority and governance; production, distribution and consumption; nature, science and technology in society; global connections; and civic ideals and practices. A lot of this has been discussed in your presentation.

To attach an action to this overall legislation what would be some of your thoughts for both on reserve as well as off reserve?

National Chief Perry Bellegarde: That's a good question. The whole idea of this act is to bring back fluency. That's the intention of this act. You have 634 first nations right across Canada. There are over a million first nations people and 90 indigenous languages right across. It depends on what territory you're from: it could be Mi'kmaq, Maliseet, Passamaquoddy, Mohawk, Dene, Cree, Tlingit or Blackfoot. There are different nations and tribes.

Your question is good because half of our people live on the res, in their communities, and half live off. The intention of this act, for example, the monies to be spent on things like preschool curriculum development, things like teacher training, mentor-apprentice models, things like documentation and digitization—so it's really accessible—bilingual development... Those things can happen out on the reserves, but as well, half of our people live off reserves. I have to be respectful as well, because in the Yukon and Northwest Territories, there are no reserves. We have to be mindful of our language so that everybody has access.

The use of technology is a key part of reaching citizens, not only in Little Black Bear; our members live in Regina, Saskatoon, Toronto and right across Canada. We need technology.

There also has to be an aspect of provincial government involvement as well because the provinces decide the curricula. The provinces can also make investments. I lift up British Columbia as one example. That provincial government put \$50 million into indigenous language revitalization in British Columbia. That's huge.

You have to look at technology and provincial government involvement, but you also have to embrace this concept from the Corbiere decision. It's a recent Supreme Court decision whereby every first nation citizen has the right to vote for their chief and council, regardless of residency. The chiefs represent all their membership, whether they live in or away from their first nations community. This raises the issue of portability of services and programs, portability of rights and portability of services.

Between those three things—technology, provincial government involvement, and even, in some cases, involvement with the municipalities and governments in the big cities—and the extension of services and programs that allow the chiefs and councils themselves to look after their citizens, you should be able to address the issue of how to get services and programs to people living away from the community and territory.

● (1815)

Mr. Vance Badawey: That is a great answer, in particular as it relates to the recognition of those who are off reserve and who want to participate.

Having said that, I'll go a bit deeper into those who would actually communicate the message—teachers—and those who would bring the curricula together. What we've done in our small part of the world is ensure that world studies—geography, history, civics and politics—is included at every level of grade 9, 10, 11 and 12 Canadian history.

In your opinion, how would we facilitate and encourage the involvement, not just of students but also of those who would be the educators?

National Chief Perry Bellegarde: It's a good question, again. What has to happen?

There has to be a greater focus on dealing with the provincial premiers and with the provincial and territorial governments. We've asked for changes to the curricula to teach, in all the schools, about aboriginal rights and treaty rights.

For example, in Saskatchewan, it's law: You have to teach treaties in the classroom, from kindergarten to grade 12. You also build on that the impact of the residential schools. You also build on that the impact of the Indian Act, which has been in place since 1876. We need to change the curricula. That comes under provincial government jurisdiction, if you will, so there has to be a very concerted lobby effort at those levels. It's starting to happen across Canada, but that's how you get the curricula changed.

Again, focusing on the territory reserve is one jurisdictional piece, but a lot of our people reside off, so you need a two-pronged strategy. The federal government can do something, and it is through this act, but the provinces have a role to play as well. To address the issue there, that's one piece.

Going one step further, if these curricula are changed such that these rights have to be taught from kindergarten to grade 12, what about the teachers coming out of these institutions, who get their B. Ed. and their teaching degree? Those universities don't teach these teachers how to adequately teach about the spirit and intent of treaty, nor do they teach how to incorporate some of our ceremonies into these mainstream institutions in the Catholic schools, the public schools or the private schools. You have to have that as well.

Change the curricula, but the universities and all their education faculties still have to be brought up to speed. They have to incorporate traditional knowledge and elders' knowledge at that level so the young men and women coming out with their teaching degrees will know what the spirit and intent to treaty means. The words [*Witness speaks in indigenous language*], “cede, surrender and relinquish”, for example, I don't understand. I don't think Chief Little Black Bear understood them in 1874. He never had a good legal counsel to explain what it meant to put his four-direction mark on that treaty. The spirit and intent about sharing the land, the spirit and intent about a good education—all these things have to be taught.

Yes, we need curriculum changes and universities will also have to adapt.

• (1820)

The Chair: That's the end of your time, Mr. Badawey, so we'll be going to Mr. Yurdiga for seven minutes, please.

Mr. David Yurdiga (Fort McMurray—Cold Lake, CPC): Thank you, Madam Chair.

Thank you, Chief Bellegarde, for coming here and expressing your opinions. I agree with you totally; there has to be involved education, whether it's in elementary school or in university. There has to be a holistic approach to this. Many languages are on the verge of collapsing. I've heard of some cases where only nine members can speak the language.

Urgency is paramount in this. We have to start quickly. I know that we can't do everything at once, but we have to do what we can to preserve what's there to ensure future generations can enjoy the language and the culture.

I was told by one elder that culture and language are one and the same, that you can't have one without the other. From your perspective when we talk about culture and language, do they have to be taught together? I don't think you can separate them, because you'll do an injustice to one or the other.

National Chief Perry Bellegarde: Yes.

Mr. David Yurdiga: Can you tell me what you think about culture and language having to be together?

National Chief Perry Bellegarde: Thank you for the question, because they're linked. It's a direct link.

Again, we're using English, this beautiful English language.

[*Translation*]

However, I speak a little French.

[*English*]

These are two beautiful, wonderful languages, but *apisis nehiyawewin*, I speak a little bit of Cree as well. It's important, because in our ceremonies and our lodges, when you pray—*ehkakisimot*—when you smoke with the pipe, you're supposed to use your language, the gifts given to you by the Creator. That's a teaching from our elders. If you're in a sun dance lodge, or in a sweat lodge, or in any kind of ceremony, we're supposed to use those gifts from the Creator. They're tied. Your language is tied to ceremony. They're inextricably linked. They can't be separated.

We say it this way: that what was given to us is good this way. Our old people said that they would never disrespect the churches, that the churches are a good way, and go to God. That's what the Creator gave to these people over here, the good way, and they would never say anything negative. This way, our way, is not about that way, and that way is not about this way. For years, the residential schools and the Indian Act said that our way was no good. Now that pride is coming back, that language is coming back, and the ceremonies are coming back strong, and they're linked, because that's what the Creator gave us. They're totally linked.

I go to ceremonies all across Canada. I had the big honour of being with Haudenosaunee peoples in their longhouse. It's all Mohawk. Everything's in Mohawk. Then I go to our lodges and it's all in Cree in the sun dance lodges. You go to the Saulteaux and it's in Ojibwe. It's a big honour to see that.

That's one of the teachings. They're linked, so you must have those two. It's who you are. It's who we are. You can't avoid it. You have to have them.

Mr. David Yurdiga: Yes, and I'm struggling with how we do this in the post-secondary setting. Obviously we can't just have someone who has knowledge of the language or speaks the language, because there also has to be the ability of someone who comes from the culture in order to teach it correctly.

There are challenges there, and I don't know what we can do here to mitigate the challenges. Do you have any ideas about how we can encourage people and get them interested in becoming the teachers? But they have to be culturally linked, in my opinion.

National Chief Perry Bellegarde: Oh yes: the elders councils. Bring in the elders and the knowledge-keepers. They don't need to have a doctorate. They are our doctors. Our elders have that traditional knowledge and they've earned that right to teach and pass on these things if it's done in a respectful way. Utilize the elders councils. Utilize traditional knowledge-keepers. Incorporate that coming in.

Mr. David Yurdiga: My niece and nephew learned Cree from their *kohkom*. They didn't learn from mom and dad. They learned it from their grandmother, their *kohkom*.

National Chief Perry Bellegarde: Yes.

Mr. David Yurdiga: You're right. There's so much opportunity in using the resources that are already available, which are the elders and grandmothers or *kohkoms*, depending on how you want to refer to your grandparents.

What initial steps would you like to see? What should we do? Off the bat, what should we concentrate on?

• (1825)

National Chief Perry Bellegarde: Pass this legislation before June and make sure it receives royal assent. That's what this is all about. If we don't get it done by June, well, my goodness gracious, we've lost an opportunity.

We don't know what's going to happen in October. Even if there is a continuation, there might be a change. We don't know. Will anybody be supportive of another indigenous languages revitalization act? We don't know, so we miss an opportunity. There is a sense of urgency to get this done now. Royal assent is key.

Mr. David Yurdiga: Madam Chair, I'll share the rest of my time with my colleague.

The Chair: Okay.

I'll warn you that you have less than two minutes.

Mr. Martin Shields (Bow River, CPC): Thank you, Madam Chair.

Just quickly, I know you said to get it done, to get it passed, but in a sense, part of this is what has to be built afterwards. We asked in

the last panel about the funding mechanism. We had a couple of different versions from witnesses, who talked about one establishing another and about one bureaucracy. What's your view on how this funding could flow?

National Chief Perry Bellegarde: Again, this was co-developed. The co-development and partnership will not stop with the passing of this Bill C-91. We hope the co-development of regulations and the implementation process will continue so that we can address exactly what you're saying. What's the most effective and efficient way to get these out and have a real impact locally, regionally and even nationally? We have to look at that.

You also have to respect parliamentary privilege. There's a budgeting cycle every year. Within this bill, however, in three places are references to funding. That's unheard of in any kind of legislation. So it's strong. It can be strengthened, no question, but you have to respect the process. There's a federal budget every year—every year—and we want to make sure these resources get out for exactly what we talked about earlier on, which is the teacher training, the master apprentice model, the digitization and the capturing of it. It will be local, regional and national in some cases, with a flexible approach in each territory and province.

So it will vary, but I think that will be co-developed in the implementation piece. This is just the first step. Get the legislative drafting piece done. The regulations and the implementation work will continue after, in co-development.

The Chair: And that brings you to the end of your time.

I will now suspend for a few minutes.

I would ask the MPs to just sit for one second after we suspend. I need to ask you one thing.

Thank you.

• (1825)

(Pause)

• (1850)

The Chair: We will restart our meeting. We are continuing the first part of the meeting with National Chief Perry Bellegarde and Roger Jones, special adviser to the national chief at the Assembly of First Nations.

I propose that we have another round to finish off our questions and then start with our second set of witnesses a bit late, to make up for the time we lost on the vote.

I think we were at Monsieur Nantel.

[*Translation*]

Mr. Nantel, is it your turn or Ms. Jolibois'?

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): It is Ms. Jolibois' turn.

[*English*]

The Chair: Madame Jolibois, for seven minutes, please.

Ms. Georgina Jolibois (Desnethé—Missinippi—Churchill River, NDP): Thank you very much.

Chief Bellegarde and Mr. Jones, thank you for coming. It's a very important day and discussion.

I do have two questions. Last night, we heard from the First Peoples' Cultural Council that in addition to an indigenous languages commissioner, there should be a national indigenous languages organization that would be at arm's length from the government. The idea would be that it could protect funding and languages programming from political interference. Is this an idea you would support?

National Chief Perry Bellegarde: That's a good question. I always lift up the people who are doing good work, like Tracey Herbert and her First Peoples' Cultural Centre from B.C. Out of the 58 plus languages in Canada, 34 are in British Columbia. They know what they're doing. I lift them up and hold my hands up to them and thank them for their good work.

In terms of this idea of a national institute, we always break it down to the local, regional and national levels sometimes. Is this the most effective way to bring back fluency? It's a possibility. Again, I'd look to the language experts to do that.

However, in our consultations a lot of people said that we need the money out in the communities, out in the territories. That's where people were saying the priority should be focused. Having said that, when you start looking at national institutions, you think about the following questions. What's the role of a commission? It's for oversight. What's the role of a national institute? It's to ensure there's sharing of wise practices. What about a national foundation? It's to raise and award money, the resources. There are three different things depending on, again, the role, function, and responsibility.

We're hearing something very clearly from Tracey. It's one recommendation. All things should be explored. The intentions I want people to keep focused on are, one, the need to get this done by June, and, two, to look at ways in the co-development on the implementation of the regulations and everything else coming afterwards for the most effective way to bring back fluency, locally, regionally and nationally.

• (1855)

Ms. Georgina Jolibois: Another question is related to funding. I'm still learning from the legislation, and there are still some questions around funding.

My main concern is at the provincial and municipal level. We know that first nations live on reserve and, like us, also in urban municipalities. In my thinking it's not clear to me, and this is why I'm asking you if you can help clarify it. In your discussions for funding, when it comes to funding these organizations, be they some educational institutions like FNUC and the Dene teacher education program, and then municipalities for the Métis, non status and some first nation who live in municipalities—preschools are examples—cultural centres and the indigenous organizations or even elders who live in our communities to ensure that they have access to funding as well on reserve as well as Métis settlements and the Métis governments....

Have you had those discussions and advocated strongly for them, as well?

National Chief Perry Bellegarde: That's a good question, Georgina. *Mahsi cho* for that question.

Earlier on I made comments. A gentleman talked about how you get services and programs, not only on reserve. But I also have to be mindful of the terminology, because in the Northwest Territories and Yukon there aren't reserves. You have to be respectful and mindful. But, for ease of discussion, a half of our people live on reserves; a half live off. I made the point earlier on about the need for and use of technology to make sure that everybody has access to these services and programs, whether on or off reserve.

I talked about the need for provincial government involvement as well. This is the federal government, but there is the role of the provinces. They control the curricula and have monies transferred to them from the federal government, through EPF financing, for three things: education, health care and social services. So there's a role for provincial governments as well. I lifted up the B.C. government for providing \$50 million for indigenous language revitalization.

I also made the point about the Corbiere decision. That decision states that regardless of residency, you have the right to vote for your chief and council. Now there's going to be a reasonable expectation that the portability of services and programs should follow. We say, "I'm not just a treaty Indian because I live on Little Black Bear." That would be also...in this case. Make sure that the resources are out there in the community, but the chiefs and councils are going to have a responsibility to look after their membership and citizenship regardless of residency.

So there is technology; the use of provincial government involvement; and respect of first nations' jurisdiction regarding looking after their citizens' needs, whether for housing, education or, in this case, language revitalization.

Ms. Georgina Jolibois: How are we going to ensure that provincial involvement, especially with governments like Saskatchewan's with Scott Moe; Pallister in Manitoba; Doug Ford in Ontario; and even in Alberta, where there's the possibility of Mr. Kenney? How are we going to make sure that they say "yes" and support this?

National Chief Perry Bellegarde: There are two pieces, Georgina. A very strategic lobby and advocacy effort by leadership in each of those provinces and territories is one. In fact, in this legislation, in clause 9, there is provision for relationships and partnerships with other levels of government. There are provisions for that. That would be my response.

As well, it really becomes incumbent upon chiefs and the leadership right across Canada to exert pressure on the policy-makers and legislative decision-makers not only nationally, but provincially as well. I used the example earlier on about how in Saskatchewan it's law to teach treaties in the classroom from kindergarten to grade 12. It's in the curricula. It's legislated; it's law. That came about through a very strategic lobby and advocacy effort.

So, there has to be action on two fronts. That's the way of addressing that. There is provision in here to make that happen in terms of partnerships and relationships with other levels of government.

The Chair: Thank you. That brings you to the end of your time.

We are now going to Mr. Oliphant for seven minutes.

Mr. Robert Oliphant (Don Valley West, Lib.): Thank you, National Chief. I'm not a regular member of this committee. I'm substituting today, so it's a great privilege to be here on something I actually care quite a bit about.

First, I want to ask a technical question as to whether or not the report in our kit on the national engagement sessions has been submitted to the committee to be used in evidence. If it hasn't, I would like it to be considered. I have had a chance to skim it while others have been talking. If it would be agreed, we could submit it formally to the committee so that it could be used in their report.

Is that okay, Chair—?

• (1900)

The Chair: Yes.

Mr. Robert Oliphant: —and clerk? That would be considered a formal document. You don't have to get everything in, because a lot is in that engagement report.

I'd like to take a bit of time to dig down into the difference between reclamation and revitalization. I think it's a really important thing.

I'm glad that in our second hour we'll hear from CIJA, because my first trip to Israel... I had studied Biblical Hebrew. Biblical Hebrew was really a dead language. It was a closed set of terms, ideas and religious words, and it had to be revitalized to become a living language, based on the roots. It seems to me that for many of the languages, maybe all of them, we need to not only reclaim but also really to revitalize them. That means finding the terminology to live in the 21st century. Do you have some ideas of what else that would...? We've had a few ideas come up already in the committee, but I think it would be important to talk about local, provincial, territorial, national; educational, curricular, teachers, knowledge-keepers and elders; but also academics. There are a lot of things that need to be in there. It's a bit of a shopping list. I want to give you a chance to get a bit into the committee about what it would really mean to revitalize a language.

National Chief Perry Bellegarde: That's a very good question.

The whole idea behind the act is to bring back fluency. In our case, as first nations people, as you say, there are anywhere from 58 to 90 languages across Canada, and they're all at different stages. None of them is safe. It's not that we're going to always have Cree here or Dene here or Blackfoot. None of them are safe.

So you have to assess where each one is at, and then you apply a different strategy depending on where it's at. In some cases, you might have only one or two or three speakers left. That's where, with the digitization, you're capturing that.

For example, we have 634 reserves across Canada. There's one Lakota first nation reserve. I always do this test. Where do you think that is? Out of all of our reserves in Canada, over one million first nations people, there's one. Did you ever watch *Dances with Wolves*? They're speaking Lakota. There's one out of all the reserves, and Little Black Bear is not it. There's a small reserve in southern Saskatchewan called Wood Mountain. They're part of the Lakota nation, part of the Lakota tribe. Out of 634, they're Lakota. So you

can't exclude or forget them either and there aren't many fluent speakers. Again, you use a different strategy for the Lakota peoples.

So it depends on where each language is what strategy you use to bring about fluency. I mentioned earlier documentation or digitization capturing it. I mentioned the master-apprentice model to make sure people bring back fluency, teacher training in schools, immersion programs. It's all about having the necessary resources.

We're hyped up about this piece of legislation because it ensures there's statutory funding in place. Then you use the appropriate strategy depending on the state of that language. That's the simplest way to put it.

Mr. Robert Oliphant: The reason I dwell on that is that I lived in Yukon for a number of years, and there were two Tagish speakers left—just two at that time. I don't believe there are any now. In the schools the language they were learning was about life on the trapline. It was about a way of life that was part of indigenous life but a subset of their life. There weren't words about the things that kids were doing. They were gaming. They were involved in all kinds of things in their social lives and their technological lives.

If we sit at the level of—in Yukon it was at 1900 that the language sort of froze—how do we do that? I know it will be unique for every one. I guess I'm baiting you to try to say this needs money—

National Chief Perry Bellegarde: Yes.

Mr. Robert Oliphant: —and it needs a concerted activity by four levels of government. It needs indigenous governments, and it needs local governments with school boards, the provinces and territories, and the federal government.

I don't want you to be shy about saying that to this committee. Today we had almost unanimous consent on the second reading.

• (1905)

National Chief Perry Bellegarde: It will go on the third.

Mr. Robert Oliphant: My hope is that on third reading we will get that.

It's interesting. When I have been in Nunavut and in Greenland, Greenlandic is so close to Nunavut that a lot of the linguistics of the two are so related that this is also international.

You can get the Lakota speakers from the United States helping, so it's not only our four levels.

I just want you to get on record and push that when we get unanimous consent at third reading, it's not just passing a bill; it's establishing reconciliation in terms of the way we are going to move ahead on this.

The Chair: In 45 seconds you can make your plug.

National Chief Perry Bellegarde: I will gladly say, for the record, that we need all levels of government and institutions working in partnership to bring back fluency. The goal is fluency. We do not want any more of our first nations languages to be gone away, to be lost. So that's the goal of this bill.

I mentioned earlier that 74% of Canadians want this as well, revitalization and focusing on indigenous languages, to bring them back.

I even say it this way, and I said earlier on that if you can't get your head around human rights or treaty rights or aboriginal rights, this makes sense, because studies have shown that when you are fluent in your language, you're more successful in school and therefore more successful in life. The fastest growing segment of Canada's population are young first nations men and women.

The old people used to say, “*Nôsisim*, grandson, we walk in two worlds and we need two systems of education now.” I used to wonder what they were talking about. I always thought kindergarten to grade twelve, math and science, literacy and numeracy, go to university, technical vocational skills training on one hand. Yes, we get that. But equally important are your languages and your ceremonies and your traditions, your culture, who you are and where you come from. You need both now, as a Huu-ay-aht person, an Anishinaabe person, a Mi'kmaq person, a Haudenosaunee person. It's balance, because for hundreds of years the residential schools messages to our people were, “Your languages are no good. Your ceremonies are no good. Your culture is no good.” It's coming back now, and there's a pride. If you start using that word reconciliation, it's incumbent upon not only all levels of government but all Canadians to embrace this and see this going forward.

Mr. Robert Oliphant: My closing comment would be to thank the AFN for your advocacy work on this. I don't think we would have gotten here without a generation of the advocacy work you have been doing.

Thank you.

The Chair: Thank you.

[Translation]

National Chief Perry Bellegarde: Thank you very much.

The Chair: Mr. Blaney, go ahead for five minutes.

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Thank you, Madam Chair.

Chief Bellegarde, welcome to the committee.

I was not here at the beginning of the meeting and missed your opening remarks. That said, I am happy, as all my colleagues have said, to confirm that the bill was passed at second reading. So we are waiting for it in committee. We are already a bit ahead; we expected the bill to be accepted. That's good news.

I really liked your last very constructive comments on the importance of identity. Yes, knowledge, science and mathematics—I'm not sure whether we are talking about the left or right brain—are important. However, as you were saying, who we are, where we are going and the language we speak are also important. For me, a Quebecker, language is important because it is associated with my culture. Of course we are proud to support this bill.

I would like to talk a bit about the numbers, Chief Bellegarde.

We heard from Minister Rodriguez yesterday, and he told us that he negotiated with the Assembly of First Nations and the Métis budget envelopes for this bill's implementation.

My first question is very simple. Have you had conversations with the minister on the budget envelope required for the implementation of the bill on indigenous languages?

[English]

National Chief Perry Bellegarde: Did we have conversations with the ministry regarding the finance piece? They're going to begin formally tomorrow. We had a co-development process, and we all had reps around the co-development table.

The gentleman to my right has a lot of experience in co-developing federal legislation, going back to the specific claims tribunal. He's fluent in Ojibway. He has that experience; he's legal counsel. Roger is going to be our rep from AFN.

It's formally going to start tomorrow on the financing pieces. This is the important piece of work now. We don't stop just because the legislation's been co-developed. You have to co-develop the implementation processes and mechanisms as well, even getting down to the details in terms of the financing that's required every fiscal year. We call that very important man *Soniyaw Okimaw*. Some of you will know what that means: the big money chief. That's Bill Morneau. Right now, he's the one who's very important for every federal department, including Minister Rodriguez's, in terms of what's put in to that department for this area.

That's how we want to work it with the details and putting those plans in place, but we recognize that every fiscal year there's a federal budget, and we have to influence that every cycle.

• (1910)

[Translation]

Hon. Steven Blaney: That is not exactly what the minister told us. He told us that discussions had already been held.

Chief Bellegarde, I understand that the federal government was initially providing \$5 million a year through that envelope. I agree that this is not a lot. In the latest budget, the envelope went from \$5 million to \$30 million over three years. So for the current year and the two subsequent years, there is already an increase in funding, which is now \$30 million a year. The minister confirmed to us that, following discussions with you, he would present to us a new budget envelope.

Yesterday, we also had people from British Columbia testify, and they confirmed that the \$50 million had indeed been provided for language and culture development in British Columbia.

Here is my question. Earlier, you talked with Ms. Jolibois about the concept of portability. Can you explain that to me further? I am interested in it. That has to do with providing indigenous people with services outside communities. Do you see a way to combine that concept with the current bill?

[English]

Can we apply the concept of portability to this bill? That would be my question for you.

National Chief Perry Bellegarde: I made earlier comments about the portability of services and programs. We want to ensure that the services and programs can be obtained regardless of residency.

I said three things. We can use technology. We can also exert the pressure on provincial, territorial and municipal governments, based on the comment that all governments have an obligation. Then, because of the Corbiere decision, we have the right to vote for our chiefs and councils regardless of residency, so there's an expectation at some point there will be portability of services and programs to follow. That's three elements.

As well, within the legislation, clause 6 states:

The Government of Canada recognizes that the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act...include rights related to Indigenous languages.

They're constitutional rights. I believe there's also a provision in clause 9—Roger?—about partnerships with provincial governments.

[*Translation*]

Hon. Steven Blaney: Thank you very much, Chief Bellegarde.
[*English*]

I'm done?

The Chair: That was your final—yes.

We will now go to Mr. Hogg for our final five minutes.

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): Thank you very much for your submissions and comments. If I can summarize what I think I'm hearing and see whether or not you can mark me on this.... You're talking, first, about—I think you said four or five times—a sense of urgency with respect to this and the need to get this through by the end of June.

You've talked about the reason for that urgency: it's that no languages are safe and you don't want to move on to uncertainties. I think I heard that quite clearly.

You also said that no legislation is perfect and nothing is, but you felt there was a certain amount of agreement with the legislation here.

In previous testimony that we've heard, we've looked at some of those issues that should be looked at and/or changed.

Clauses 1 through 11, as I read them, are more value statements. They're the principles. They talk a little about organizational structure, but they lay out the broad framework of what we want to achieve. They're referring to the United Nations' UNDRIP, the Constitution and a number of issues that go through that.

Clauses 12 through 30 talk about the office of the commissioner of indigenous languages and the directors that will come with that. I think that's where I would see a lot of the flexibility or a lot of the interpretation. You've made reference a number of times to being able to respond to the local nuances and needs of the geographic area and the people who live in those areas.

Then, I think clauses 31 through 42 talk about a shared responsibility of the implementation of that and the need for flexibility.

I'm fairly accurate to this point. I'm asking if you would then agree that the values that are reflected are appropriate values, that they do provide the foundation and that the office of the commissioner will have the ability to make those decisions. While we don't know who the commissioner or the directors will be, we believe they will be representative of indigenous communities and be from indigenous communities and be able to do that.

My concern with legislation in the past has been that we put too much into the legislation, and we're not able to respond to the nuances and needs as things change. I'm just testing whether or not you would agree, or would correct me in those areas where I'm seeing this incorrectly, or whether or not that is a fair interpretation of what I've heard in your testimony.

● (1915)

National Chief Perry Bellegarde: It's a good question, Mr. Hogg, and I think the principles and values are there quite clearly. You broke it down really well: one to 11: principles and values, the details, commissioners and directors. We had a debate, or I still have a debate. Should we have a commissioner for the Cree? That's one of the 58. How about a commissioner for the Teslin Tlingit? That's another one. What about one for the Dene? That's another one. There are so many.

But again, what's their role? We don't want to take away from the focus. The focus is fluency, and that's what we have to keep our minds and hearts on.

The flexible approach from region to region—no question. The function of this commissioner and these directors was one of reporting and monitoring, reporting and function. Initially, in my mind, the word they use...were we going to have this commissioner as an officer of Parliament, like the Auditor General or the Privacy Commissioner or commissioner of the other languages? They are officers of Parliament. This one, as you can see in the act, is not like that yet. Maybe, but it's starting with something for monitoring and reporting back. It reports to the minister, then the minister has to make this report available to the 338 MPs. It's different.

The whole role.... I break it down to roles, responsibilities, authorities, powers and functions. The commissioner's role was just one of monitoring and reporting back. Remember, this legislation will have five-year reviews. Again, if things aren't perfect, you're going to get this done by the end of June and start it and build on it. If something's not working, we have a process to review and make it better. But the whole objective is statutory funding to make sure, as well, that these programs and policies and procedures that are going to be put in place bring back fluency. That's the objective.

Yes, I agree with the way you've set it up. But the principles and the values are key.

The Chair: You have 15 seconds.

Mr. Gordie Hogg: If you were to make one change to the legislation, is there anything you would change at this point? Or, given the urgency, would you leave it the way it is?

National Chief Perry Bellegarde: I made some recommendations in my earlier comments. You can refer back to those in terms of how to improve it.

Mr. Gordie Hogg: Thank you very much.

The Chair: I love how concise that was. Thank you very much.

Thank you very much to both of you.

I would like to echo Mr. Oliphant's comments. Thank you for your advocacy on this. Thank you also for being patient with us when we vote to vote.

I am very happy that the bill is now coming to us.

National Chief Perry Bellegarde: Thank you for the vote.

Thank you, everybody. Even Hunter.

The Chair: Okay. We'll suspend briefly while we change our panels.

•(1915) _____ (Pause) _____

•(1920)

The Chair: We're going to start again.

Again, thank you for everyone's patience.

Professor Dwight Newman, Professor of Law and Canada Research Chair in Indigenous Rights at the University of Saskatchewan, thank you for hanging out with us for the past 20 minutes on the screen.

We have with us, vice-president, Richard Marceau, and Allyson Grant from the Centre for Israel and Jewish Affairs. *Erev tov.* It's good to have you here.

We will start with the video conference in case we end up with any technical issues.

We will please start with you, Professor Newman, with your presentation.

Professor Dwight Newman (Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law, University of Saskatchewan, As an Individual): Good evening. My name is Dwight Newman. I am a professor of law and Canada research chair in indigenous rights in constitutional and international law at the University of Saskatchewan.

I carry on a broad-based program of research on indigenous rights, constitutional law and international law. I serve in a variety of related policy roles, including as a Munk senior fellow of the Macdonald-Laurier Institute and as a member of the International Law Association's committee on the implementation of the rights of indigenous peoples.

I appear before the committee as an individual, in response to an invitation I received last week, and I am pleased to assist the committee in whatever ways I can as it considers Bill C-91.

In my introductory remarks, I will do two things. One, I want to highlight the importance of supporting indigenous languages and why the goals of this bill should attract support from all sides; and two, I want to highlight a number of specific sections in the bill to think about or ask further questions about, in order to try to enact the best bill feasible.

First, then, I want to highlight that the scholarly literature on language rights generally references many factors that make initiatives on this subject an urgent matter. Language is not just a means of communication, important though that is, but it is also a vehicle of culture and cultural survival, a support for social solidarity and self-worth of different communities, and a means of conserving concepts and values highlighted within different world views that bring a variety of perspectives on our shared quest for meaning in human life.

Supporting indigenous languages is about supporting human communities, kinship networks, families and individuals. In the Canadian context, it is also a vital response to tragic errors of the past insofar as the residential school system tore apart families and communities and caused severe damage to indigenous cultures and languages.

The 2008 Canadian government apology for residential schools was a vital moment in reconciliation, but apologies must carry through to action and, in this case, action that seeks to restore families, communities and cultures. Supporting indigenous languages is an urgent policy initiative.

Second, I want to turn to this specific bill and highlight a number of questions the committee may wish to consider. This legislation has come to Parliament at a particular stage in time, and there are some resulting dangers in the kind of quick consideration it could end up getting, but we must all do the best we can in giving this bill the close attention it deserves in the limited time available.

I am going to highlight a number of questions I think the committee might wish to consider, very specific questions about sections of the bill, but I hope that will be helpful from a legal perspective.

The definitions section in clause 2 of the bill does not define the term "Indigenous languages", but that term is used elsewhere in the bill, quite obviously. Also, I would raise the question of whether there should be a provision for a schedule of indigenous languages adopted via regulation, so that there can be clarity on which languages the commissioner is to be focused upon, which could be developed, obviously, in conjunction with the commissioner and in consultation on an ongoing basis with indigenous peoples in Canada.

Several other terms that appear elsewhere in the act are also undefined in clause 2. The terms "Indigenous peoples", "Indigenous governing body" and "Indigenous organization" are all defined in clause 2. However, other terms used in the bill—"Indigenous groups", "Indigenous community" and "Indigenous governments"—are used elsewhere in the bill but are not defined in clause 2. I would just invite the committee to think of whether any difficulties could arise from that.

Jumping ahead to a related piece of the bill in clause 25, I do want to highlight that the bill says that the commissioner can provide funding to indigenous communities, indigenous governments or indigenous governing bodies—those specific terms. Given the terminology of the bill, there is an implicit but clear exclusion of indigenous organizations, another term appearing in the bill. Indigenous organizations would include bodies that operate in urban areas. The question here, simply, is whether Parliament is clear that it intends to exclude urban indigenous organizations from the possibility of receiving funding directly from the office. That's just a question to be clear upon.

● (1925)

Returning to earlier in the bill, clause 6 includes a legislative recognition of what is included in section 35 of the Constitution Act, 1982. I am personally on record as agreeing with the substantive view expressed in clause 6 as to what's in section 35, and I personally would also defend the role of legislatures in constitutional interpretation, but my view on the latter point is certainly not shared by all.

I would urge the committee to think carefully on Parliament's view of whether a sort of clause like clause 6 is appropriate as part of a legislative enactment as a clause rather than as part of a preamble, for example. I cannot find a precedent like clause 6 in other legislation. Someone may be able to point to one, but using search terms to try to identify one, I've not found one.

You may wish to consider whether there is a separation of powers issue on the legislature pronouncing on the interpretation of a section of the Constitution in place of the courts doing so. You may also wish to consider if there is a federalism issue in the federal Parliament pronouncing on a constitutional matter that also ultimately affects the provinces and trying to do that through federal legislation.

In clause 7, I would highlight that the English and French versions of the bill do not seem entirely consistent, at least as compared with other indigenous rights-related documents from the Government of Canada and the terms used in those documents to express the same meanings in English and in French. The French term, "*en vue de*", as found in the French version of this bill, is elsewhere found alongside an English term, "with the aim of". The English version here, "in order that", is usually found alongside a French term, "*afin de*". The terms at issue can have different legal meanings, and the English version of clause 7 of this bill uses language that some, in other contexts, end up arguing implies the achievement of the substantive result that follows the term. I know I'm being technical here, but this legislation is going to be a statute.

I do not entirely agree with the view that it has that implication, but it can be argued, and if the bill is passed as is, there may end up being credible litigation that argues that the English version of clause 7 implies a funding obligation, although the French version is much less supportive of that result. I know people have a variety of views on what the clause 7 obligation should be, but it's appropriate that there be consistency achieved between the English and French versions and that Parliament understand clearly what it is or is not committing to with the terminology ultimately adopted in clause 7.

● (1930)

The Chair: Professor Newman, I just want to jump in to give you a heads-up that you are now at your time. You can have another minute, maybe, to wrap it up and bring up the rest in questions.

Prof. Dwight Newman: I'm sorry to run over time.

I'll just raise the question of whether the construction of clause 24 on research that may be undertaken by the office is too tightly framed. The use of specific examples in the subclauses will tend to limit the interpretation of the general language in the chapeau provision in the clause. I raise the question of whether the research that may be undertaken by the office is constrained, perhaps even so much so that it can't gather the pertinent information to present its mandatory annual report as required by subclause 43(1).

Again, I would urge the committee to consider those matters on drafting. They're challenging matters in terms of the specifics. The bill obviously reflects an important process and important goals that are part of reconciliation. At the same time, while I hope the bill will draw broad support from everyone, hopefully all will work to make the best of the bill that's feasible in the context of the time to consider it.

I will, of course, try to help in respect of any further questions you may wish to pose.

The Chair: Thank you.

We will now go to CIJA, the Centre for Israel and Jewish Affairs.

[*Translation*]

Mr. Richard Marceau (Vice-President, External Affairs and General Counsel, Centre for Israel and Jewish Affairs): Thank you very much, Madam Chair.

Good evening.

My colleague Allyson Grant and I are happy to have been invited to testify today on Bill C-91 for the Centre for Israel and Jewish Affairs, which is the advocacy agent of the Jewish Federations of Canada. We are a national, non-partisan, non-profit organization representing the perspectives of 150,000 Canadian Jews affiliated through local federations.

[*English*]

Ms. Allyson Grant (Director, Government Relations and Ottawa Public Affairs, Centre for Israel and Jewish Affairs): Some of you are probably wondering why Canada's Jewish community is involved in the issue of the revitalization of indigenous languages. Why it is one of CIJA's priorities?

CIJA works to ameliorate the quality of life of not only Canadian Jews but of every Canadian. As a human rights organization, we believe in Canada's foundational values of freedom, justice, democracy and equality for all. We are committed to working with governments and all like-minded groups to ensure that Canada is a country where all citizens, irrespective of gender, race or creed, enjoy equal protections and opportunities.

The issue of revitalization of indigenous languages is an issue not only for indigenous people but for all Canadians, and for the entire world. This is why CIJA was honoured and humbled to be a guest of the Assembly of First Nations at the United Nations in New York for the launch of the International Year of Indigenous Languages earlier this month.

The friendship that exists between the indigenous and Jewish communities in Canada is not new, but spans many events and extends over the course of many years. For example, in 2015, CIJA offered a statement of solidarity with indigenous people on behalf of six Jewish organizations following the release of the Truth and Reconciliation Commission's Calls to Action.

Mr. Richard Marceau: Recently, the issue of indigenous language revitalization in the TRC report resonated with us. As Jews, we know the importance of language. A language is not only a means of communication. It carries with it history, culture and identity: past, present and future.

Dr. Pamela Serota Cote, whose doctoral research at the University of San Francisco focused on Breton language and identity, once noted:

Because language discloses cultural and historical meaning, the loss of language is a loss of that link to the past. Without a link to the past, people in a culture lose a sense of place, purpose and path; one must know where one came from to know where one is going.

Like indigenous people, the Jewish people know first-hand the truth of that statement. A little over a century ago, Hebrew, the indigenous language of the Jewish people, was considered by the world to be dormant, if not dead, confined to the religious texts and spoken prayers of the synagogue.

[*Translation*]

In 1890, the Jewish community, living in what is now Israel, took the bold step of establishing a Hebrew language committee. Its mandate was to prepare the Hebrew language for use as a spoken language in all facets of life—in the home, school, public life, business, industry, fine arts, and in the sciences.

● (1935)

[*English*]

The committee concluded that the indigenous language of the Jewish people, Hebrew, should be restored in the indigenous land of the Jewish people. It launched an intensive program to transform Hebrew from a language of religious text and ritual into one of daily life. By the time Israel was established in 1948, the broad renaissance the committee envisioned had come to fruition. Whereas biblical Hebrew consists of roughly 7,000 words, modern Hebrew now encompasses about 33,000 words.

[*Translation*]

As Hebrew writer Yehuda Burla observed: “The very foundation of each and every nation is its national tongue.” For Israelis, the revitalization of Hebrew was pivotal to the rebirth of the Jewish nation. For the diaspora—including the Canadian Jewish community—the restoration of Hebrew to the centre of the Jewish experience has dramatically enriched the identity of Jews worldwide. Today, it is not only in our religious services where one hears Hebrew—even in Canada. Jews around the world are connecting to their roots by

studying Hebrew as a key to accessing the vibrant world of modern Jewish culture.

[*English*]

The entire planet now has access to it. Some of the best shows on Netflix are in Hebrew. If you want suggestions, come and talk to me after. I'll give you some.

The revitalization of Hebrew has permanently changed the global Jewish experience. While the situation of indigenous languages in Canada is somewhat different from that of Hebrew, we believe similar consequences can follow from the adoption of Bill C-91.

Ms. Allyson Grant: This cause is all the more urgent given evidence of the disappearance of indigenous languages in Canada and around the world. UNESCO notes that nearly half of the world's 6,000 languages are endangered. The organization's list of vulnerable languages includes 87 indigenous languages in Canada, 32 are designated as critically endangered.

According to Statistics Canada, the proportion of the indigenous population able to converse in an indigenous language dropped from 21% to 15% in just 10 short years, between 2006 and 2016. This must be reversed and Bill C-91 is an important step in that direction. This historic bill was co-developed by the Assembly of First Nations, with whom CIJA is honoured to work with in support of this vital initiative. Immense credit is owed to the AFN for its years of hard work and persistence in advancing this cause, culminating in Bill C-91.

Mr. Richard Marceau: To build on the collaborative co-development process of the legislation, the bill recognizes that “Indigenous peoples are best placed to take the leading role in reclaiming, revitalizing, maintaining and strengthening Indigenous languages”. Indeed, they are the only ones who can do so.

[*Translation*]

It is a sentiment that is echoed in other places in the bill, such as: subsection 5(b), section 7, subsection 23(b) and section 25. The bill compels the Government of Canada to support approaches developed and driven by indigenous peoples. This must remain central to the implementation of the bill.

Indeed, while this process will rightly be developed and led by indigenous communities, the federal government has a vital supporting role to play, which is why passing Bill C-91 without delay is critical. Once the legislation is passed, sufficient, sustainable and long-term funding must be ensured, as committed to in the 14th whereas. We have to put the same amount of effort into protecting and revitalizing indigenous languages as Canada put into trying to eradicate them.

[*English*]

Our hope, Madam Chair, is that the adoption of Bill C-91 will pave the way for a comprehensive set of language immersion and cultural programs across the country, developed and led by indigenous communities. Canada's Jewish community stands ready to support this historic initiative in any way possible. We urge you as parliamentarians, from all parties, to support the rapid passage of Bill C-91.

Merci.

The Chair: Thank you.

I have two questions for the committee before we go to questions. My plan was to end it at 8 o'clock. I was going to ask if we could reduce it to a five-minute round. The other thing that will bring us to just past 8, if everyone is okay with it, is that I've had a request from Mr. Tootoo. He would like five minutes for questions as well.

Can I have the consent of the committee to add in that five minutes, bringing us to just after 8 o'clock?

Some hon. members: Agreed.

The Chair: Perfect. Thank you.

On that, we will start with Mr. Hogg for five minutes.

Mr. Gordie Hogg: Thank you very much.

Mr. Newman, you mentioned that there were some things you weren't going to get time to get to. If I gave you another minute and a half, would you be able to do that?

He's not listening to me.

A voice: He's probably on mute.

Mr. Gordie Hogg: You're on mute.

● (1940)

Prof. Dwight Newman: Can I come off of mute?

Mr. Gordie Hogg: You already have.

Voices: Oh, oh!

Prof. Dwight Newman: Okay. Sorry. I didn't hear to whom that was directed.

I actually moved quickly through the additional matters that I was raising. I think I addressed all of them quickly. The one I was speaking to near the end concerns clause 24. I just highlight briefly the way in which that clause is constructed in terms of provision. Including things within it has the danger of potentially restricting the broader term to a greater extent than it might be under some other formulation.

That was the point I was going to end on. I just did a quicker conclusion.

Mr. Gordie Hogg: Thank you.

All three witnesses made reference to the appropriateness of developing public policy and legislation that has input from, and a role of implementation from, those whom it most affects. Certainly we've seen considerable detail in the process for the development of this stage.

Mr. Marceau and Ms. Grant, I think you have reinforced what we've already heard. You've given us another context to look at that, which I found most helpful. Thank you so much for that.

I'll now turn it over to you, Mr. Oliphant, in terms of the detailed questions Mr. Newman has put forward, because you're a detail guy and I'm all concept.

Mr. Robert Oliphant: Thank you, Professor. This is helpful. First, I want to give you a chance to add in writing anything else that you think would be helpful for the committee to consider now that the bill has passed second reading. I think it's always very helpful for someone with a different set of eyes, other than the legislative counsel and the drafters here, to offer something in writing. I think that could be helpful for the committee as well. Our goal as parliamentarians is to make the best legislation. We don't make perfect legislation, but we make the best legislation. Especially if there are issues of language or definitions that you think could be helpful, I think those would both be important, so thank you.

I want to ask you a little bit about the relationship between language and the administration of justice. It's a little bit different from what you were talking about in your testimony, but it's about the role of language in courts and the role of language in ensuring that people have access to justice. I'm wondering if you have any comments that you want to share with the committee on that. We don't just revitalize languages for the sake of language; we revitalize them for their use, to help make our world better. You might have some comments on that.

Prof. Dwight Newman: [*Inaudible—Editor*] languages for the sake of languages, but for the sake of the communities they support. I would see that as the broad aim of revitalizing languages.

Certainly it may be pertinent in the context of access to justice and the courts as well. Within the court system, of course, there are charter rights in relation to translation of proceedings that are available when needed, at least within the criminal justice context. That doesn't solve a broader issue of access to justice, though, in terms of the provision of services leading up to the court proceedings that would be available in a variety of different languages. Certainly that's an effort to which all governments could direct themselves in seeking to build opportunities for access to justice and the availability of advice and legal support for individuals in a variety of different languages, including, obviously, indigenous languages.

Mr. Robert Oliphant: I don't want to put words in your mouth, except I do. This has to do with when I worked as a prison chaplain in the north. The number of incarcerated first nations or indigenous people there was high. I was convinced as I met with and talked to them that their capacity at language, or lack thereof, had actually put them in jail when they shouldn't have been in jail. I am quite convinced that if we don't restore and revitalize language, we will continue with incarceration rates that are too high.

I just wonder if you have any insights into that. I know it's not quite your field.

● (1945)

Prof. Dwight Newman: I have no doubt that there are instances where this becomes an issue, and you may have seen many of them. I don't disagree with anything you've said there, but I also think that it would be overly ambitious to expect that from this particular legislation right now—

The Chair: I'm going to have you cut you off there. I apologize. You are out of time, but I think that's a good place to end it.

We will be going to Mr. Shields for five minutes, please.

Mr. Martin Shields: I will follow up on the same line of questioning. What do you believe “rights” mean for what has been indicated are 90 possible indigenous languages? What is your definition or what would you believe are the rights for those 90 indigenous languages in this country?

Prof. Dwight Newman: What is a definition of rights for those languages?

Mr. Martin Shields: Right.

Prof. Dwight Newman: That's going beyond even anything I necessarily suggested defining. I think the commissioner is going to have certain dilemmas about what exact support to give to different languages in light of the different requests that come in. [*Inaudible—Editor*] will always be a limited budget, relative to the needs that could be supported.

I would think that there would need to be some decisions on, a sliding scale, in a sense, and on an “as numbers warrant” type of basis, as with decisions about official language communities that are minority language communities. At the same time there are some different moral imperatives at stake in the context of indigenous languages, particularly where government action has led to their diminishment in very direct ways through the residential school system.

One of the other things I would think on is whether the commissioner should receive any more guidance through the legislation or whether all of that is left to the discretion of the commissioner.

Mr. Martin Shields: I think that's a good question. As you see it, it's not a definitive right for 90 supposedly different languages, but that this is yet to be determined on a possible sliding scale determined by a number of other factors.

Prof. Dwight Newman: I would think that the particular rights for different languages are going to differ, based on a lot of different factors. Tragically, there are languages that are beyond the point of no return, in a sense, if they're down to a handful of speakers. There may be value in preserving and digitizing those languages, but there's not going to be an ability to save and revitalize those languages in the same way that there is for a language that has the possibility of being a vibrant language of life for communities.

Mr. Martin Shields: Right. You mentioned the French-English version. Being on the regs committee, I know that the Siksika Nation had a land settlement for a piece of land in Banff National Park in 2013. That still hasn't been settled because the word “ownership” in French is different from English. It's now six years later and we still can't get that fixed on the regs committee.

With what you're suggesting to do with funding here, there is a problem with this legislation that could cause a problem in the future and needs to be fixed.

Prof. Dwight Newman: I think it would be constructive to fix it rather than have inconsistent versions. I'm not an expert on English language drafting, let alone French language drafting or bilingual drafting, but the language chosen in the English and French versions of clause 7 differs in ways not seen in other indigenous rights documents from the Government of Canada. I think it does need to be fixed, to either one version or the other, in order to clarify Parliament's intent.

The Chair: You have two minutes.

Mr. Martin Shields: I appreciate your point and I hope that you submit it. I think it's a critical piece to try to get the legislation as correct as possible going forward, so please submit that.

There are a couple of other words in clause 7, “diverse” and “adequate”. Do you have any idea how you would define those legally? You referred to clause 7.

Prof. Dwight Newman: Right.

In terms of the adequacy, it's open to some interpretation. It's something that could be determined through the ongoing processes. But there might be ways to offer a clearer definition to what would be considered adequate, particularly if this is giving rise to a funding obligation on the one possible interpretation of it.

The word “diverse”, on the ordinary language of it, would reflect an aim to deal with a variety of different indigenous governments—

Mr. Martin Shields: Then why not use the word “variety”?

• (1950)

Prof. Dwight Newman: —but there could be more clarity there too.

Mr. Martin Shields: Good. Thank you.

Would you submit possible suggestions for those two wording things, because funding is critical? Would you submit that?

Prof. Dwight Newman: I would be pleased to submit some written materials. I didn't think I could in advance of this session—ironically due to language rules, because if there weren't time for it to be translated, it wouldn't make its way to the committee anyway.

Mr. Martin Shields: I'd appreciate it if you would do that.

The Chair: Thank you very much.

In that sense, to all of the witnesses, you can all provide written materials afterwards if there are additional things you would like to add.

[*Translation*]

Mr. Nantel, you have five minutes.

Mr. Pierre Nantel: Thank you, Madam Chair.

Mr. Newman, Mr. Marceau and Ms. Grant, thank you very much for being here today.

My first question is for the people from the Centre for Israel and Jewish Affairs.

You established a parallel by talking about Israel's rich television production, which is all related to the use of Hebrew. I think Quebec also has a rich television production. The parallel between those two societies may appear strange, but both have that will to promote the country's difference and distinction. In that context, you are right to say that it is promising for the future of all first nations languages in Canada.

I know there are many differences between Israel's reality and that of all these nations in Canada, but who should be entrusted with determining which representative organizations could manage the application of our societal choices?

Mr. Richard Marceau: Thank you for your question, Mr. Nantel.

Like Quebec, Israel is a very rich society in terms of culture. That may be due to the fact that those two societies are surrounded by different cultural and linguistic groups. There is also a will to affirm their difference.

You are asking me what organizations should be selected. When it comes to Canada's indigenous peoples, it is very difficult to see a single solution. The situation in Nunavut is very different from that in a small community or a small reserve in British Columbia, Saskatchewan, Quebec or Ontario.

One of the bill's benefits is the flexibility provided not only to the government, but also to the indigenous languages commissioner to adapt their actions to communities' needs. The federal government has a role to play in terms of providing support and receiving requests from communities. I think that is why the Assembly of First Nations is so in favour of the bill.

It is up to first nations and indigenous peoples to define their objectives. The federal government and, I hope, other levels of government—one of your colleagues mentioned this earlier—will support those objectives.

Mr. Pierre Nantel: Thank you.

If possible, I would like to hear your comments, Mr. Newman. You mentioned the participation of provinces. Do you think something should be set out to guarantee that participation? In terms of education, this is after all an important phase of the potential implementation.

[*English*]

Prof. Dwight Newman: Certainly clause 8 speaks to the possibility of co-operation with the provinces, which I think is very constructive.

I'm not sure that other means are to be found in the legislation itself so much as in constructive dialogue with the provinces to bring them on board, and that's an important ongoing initiative to engage in. We do live in a federation, and it's not the place of the federal government to legislate requirements on the provinces. To the extent that clause 6 appears even in the slightest to do that, there's a potential obstacle to federal-provincial co-operation if the federal government interprets the Constitution in a way that provinces disagree with.

I would hope that all provinces would enter into constructive dialogue and that there would be co-operation among federal, provincial, territorial, and other governments, including indigenous governments.

• (1955)

[*Translation*]

Mr. Pierre Nantel: Do you think the bill should necessarily contain a clear reference to the United Nations Declaration on the Rights of Indigenous Peoples?

[*English*]

The Chair: You have about 20 seconds.

Prof. Dwight Newman: I think that reference to the United Nations Declaration on the Rights of Indigenous Peoples is very

appropriate. I think there are clear references to that. For example, paragraph 5(g) speaks to a purpose of the bill in advancing the achievement of the objectives of the United Nations Declaration on the Rights of Indigenous Peoples as it relates to indigenous languages. That's an important reference and I think a very appropriate sort of reference.

The United Nations declaration provisions on languages are more limited than those in some other indigenous rights instruments. I mentioned the American Declaration on the Rights of Indigenous Peoples, a document recently adopted in the Organization of American States. Just in the last year or two Canada took a non-position on that declaration. It's interesting that it didn't go further in support of that declaration.

[*Translation*]

Mr. Pierre Nantel: That would be done in specific provisions.

[*English*]

The Chair: I'm going to have to cut it there because we're already over time.

[*Translation*]

Mr. Pierre Nantel: Okay.

Thank you.

[*English*]

The Chair: I wanted to make sure that we have time for Mr. Tootoo, so we will be going to him for five minutes, please.

Hon. Hunter Tootoo (Nunavut, Ind.): Thank you very much, Madam Chair, and everyone, for allowing me to ask some questions.

I know I probably surprised a few people today. I'm very confident that through this committee process and my discussion with the minister that, with some amendments, including with the Inuit, we will be able to come to some common ground so that we will have unanimous support at third reading. I want to make that very clear right off the bat. Those are topics for another meeting.

Professor Newman, while looking at the different clauses, I noticed that clauses 5 and 8, for instance, talk about co-operation with provincial governments. Provincial and indigenous governments are mentioned throughout the bill. From your point of view, would that include territorial governments, or are they excluded by their not being named here?

Thank you.

Prof. Dwight Newman: It would be preferable to specifically enumerate territorial governments within the bill as well.

Hon. Hunter Tootoo: Okay. Thank you.

Again, Mr. Newman, I'm not sure if you're familiar with the Nunavut Agreement and the Nunavut Land Claims Agreement. It's an anomaly; it's unique. It's a land claims agreement with Inuit that instead of choosing to go to self-government, as in Nunatsiavut where a lot of these things are geared toward, they chose to have a public government to administer all of the programs and services.

In the beginning of the bill, in the definitions where it talks about “indigenous governing body”, the unique situation of Nunavut, where the land claims agreement chose to have a public government to administer the territory, should be included because if I read this “indigenous governing body” wouldn't cover the territorial government that has the responsibility for delivering programs and services, especially with the languages as well.

Thank you.

Prof. Dwight Newman: I agree that it would be preferable to include a specific reference to territorial governments. It may be necessary to refer to Nunavut differently from the other two territorial governments, even though that would require further thought. As you highlight, it arises as a public government in response to a modern treaty, and has a bit of a different relationship to the country than the other two territories. It is ultimately public government. Territorial governments are not listed or enumerated in the act, and they should be.

The Chair: Thank you very much.

We will now go to Mr. Badawey for the final five minutes.

Mr. Vance Badawey: I'm going to ask some of the same questions I asked the previous presenters, with respect to some of the programs we're already starting on in our part of the world. Down in Niagara, we're putting together, for lack of a better word, a “platform” that would really promote indigenous languages and indigenous education. With what you're doing in your area of expertise, how would you move forward with the different platforms we have put together locally and promoted? How would you actually move forward in some of those programs? What are you trying to do in your different areas, as well as with different languages?

• (2000)

Mr. Richard Marceau: Is the question for the professor or for us?

Mr. Vance Badawey: It is for all three of you.

That's a good point.

Prof. Dwight Newman: I'd say that issues regarding education are going to require further steps that go beyond what's contained in this bill. They're an important further step, a context in which it's necessary to offer further support for indigenous languages. Hopefully, the commissioner's office will help to identify that as well within the context of this bill. It would be a much larger discussion to get into specific steps in that context, but I would say that that's an important area for further initiatives.

Mr. Vance Badawey: The bill highlights, in clause 9, as mentioned earlier by National Chief Bellegarde, the facilitation and cooperation with provincial governments, indigenous governments and other indigenous governing bodies, as well as even municipalities and local level governments and organizations. With your experience, how do you actually facilitate that? How do you go about expediting the processes contained within this whole bill—cooperation with the different levels of government and the

indigenous community, as well as other organizations that might have an interest in this bill?

Prof. Dwight Newman: There's a lot of work ahead in that regard. There will need to be clear and open lines of communication between the federal office involved and all of these other entities it needs to engage with, in terms of provincial and indigenous governments. There's a challenging task ahead for the commissioner. Choose the commissioner wisely. Get the very best person you can in that role, someone who's going to have good lines of communication.

That said, in a federation, it's not easy or appropriate to force provincial governments to take steps, but I would hope all would be enthusiastic to participate in such an important project as the revitalization of indigenous languages.

Mr. Richard Marceau: The question was also directed to us. What you described to Chief Bellegarde earlier, about what's happening in your region, seems to be a very interesting microcosm of what can happen when people on the ground get different levels of government together and decide to make it a priority. We believe that is a goal of this bill. I would suggest that the commissioner, whoever he or she is, look at what is happening in your region.

Another point I want to make, and it goes back to a point Mr. Yurdiga made earlier, is about who can teach. When we were at the UN at the beginning of this month for the launch of the International Year of Indigenous Languages, it was fascinating to speak to a lot of people from different indigenous nations across Canada, who said, “We have a limited number of speakers who could teach our children. Unfortunately, they're not sanctioned to teach in school, because they didn't go to teachers' college, and thus cannot have access to the kids. They are the only ones who can really teach our children, who can not only pass on the language, but also the culture and the values that this language carries.”

Certainly, I would urge the government and the commissioner that that be one of the primary focuses of actionable items when the time comes to put this bill into force and action.

The Chair: That brings you to the end of your time.

Mr. Vance Badawey: Thank you, Madam Chair.

The Chair: Thank you to all of you, and for allowing us to have a little pause in there.

That brings this meeting to an end, and we'll see....

• (2005)

Mr. Gordie Hogg: Could we ask the analysts to refer the testimony of Mr. Newman to legal counsel for comment?

The Chair: We're getting more testimony from other witnesses. Can we just talk about that at a later moment? I will speak to the analysts and get back to you on that one.

Thank you.

The meeting is adjourned.

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