

The Critical State of Aboriginal Languages in Canada

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The Aboriginal peoples of Canada believe that the protection of their languages is an inherent right, a treaty right, a constitutional right, and an Aboriginal right. It was believed that the treaties entered into at the turn of the century would protect their way of life so that their values and practices would continue "as long as the sun shines, the grass grows and the rivers flow." Subsequent international and national legal foundations support the claim that Aboriginal languages must be protected. Further to this, Aboriginal peoples believe that the church and state committed a moral atrocity concerning the loss of their languages and traditional mores. There are legal and moral foundations to confirm that Aboriginal peoples have a firm basis for calling on the Government of Canada to enact legislation to protect and revitalize Aboriginal languages.

Introduction

The critical state of Aboriginal languages in Canada is causing confusion and uncertainty among academics, both Aboriginal and non-Aboriginal, Elders, parents, and youth. The questions surrounding the quandary typically have to do with how we should go about protecting, preserving, promoting, and practicing our languages. Should bilingualism or unilingualism be the goal? Should the schools or the parents be responsible for teaching the language? Should it be taught through an immersion process or as a second language? Should Roman orthography or syllabics be used? Should we bother to try to save our languages, or should we accept the inevitable?

There is a camp of Aboriginal peoples, albeit a relatively small group, who share an underlying attitude that all efforts to save our languages are futile as English/French have been dominant among our people for so many years that these languages, and not Aboriginal languages, are now our means of communication and economy in our daily lives.

The majority of Aboriginal peoples in Canada, however, are adamant that our languages must be protected, preserved, promoted, and practiced in our daily lives. It is our belief and understanding that language is the principal means by which culture is accumulated, shared, and transmitted from one generation to another. Language expresses the uniqueness of a group's world view. It defines who you are.

An important question that must be addressed by everyone whose ancestral language is under siege is: What do you lose when you lose a language? The short answer is that you lose your culture. There is an indexical relationship between language and culture. Language is culture and culture is language.

Most of culture is in the language and is expressed in the language. Language is best able to express most easily, most accurately and most richly, the values, customs and overall

interests of the culture. If you take language away from the culture, you take away its greetings, its curses, its praises, its laws, its literature, its songs, its riddles, its proverbs, its cures, its wisdom, its prayers. You are losing those things that essentially are the way of life, the way of thought, the way of valuing, and a particular human reality.

Put another way, we speak of the sanctity or sacredness of language. It is our unique gift from the Creator, therefore it is the mind, spirit and soul of people. Language is important because it is what ties us together, as in a family. Losing a language would be like losing a member of one's family, an article of faith, and a commitment in life. (Fishman, 1996).

So in response to the question "What do you lose when you lose a language?" we do not merely lose a lexicon of words, but we lose our culture and the essence of who we are.

The Literature

In response to the critical state of Aboriginal languages in Canada, academics, governments, and Aboriginal organizations have initiated numerous studies designed to examine the state of Aboriginal languages, to determine strategies for renewal, and to consider directions for protection of the languages. As well, local and national conferences have been held to review the issues and to make recommendations. Resolutions have been passed recommending ways and means of establishing the language rights of Aboriginal peoples.

Much of the literature relates to the need for government recognition of the rights of Aboriginal peoples to the protection, preservation, promotion, and practice of their ancestral languages. Several reports recommend the establishment of either an institute, a foundation, a commission, or a clearinghouse for the purpose of developing, supporting, and coordinating the work on a national scale.

Repeatedly cited is the need for trained language teachers. Currently, for the most part, the majority of the teachers of the language are those who are speakers of the language. They either have limited or no training in teaching methods or curriculum development, yet they are expected to prepare lesson plans, materials, maintain classroom decorum, often from kindergarten to grade 12. It is obvious that the expectations are excessive and the effectiveness of language teaching in the schools is greatly diminished.

The Aboriginal peoples who have had the most success in revitalizing their language are the Maori people of Aotearoa (New Zealand). Much of their success has come from their program the Te Kohanga Reo or Maori language nests. In this program, which began in earnest around 1980, the language teaching is concentrated in the children from birth to 5 years of age. Most of the teachers are the grandparents. The Kohanga Reo is based on a family model whereby only the Maori language is used to conduct the activities of the day (Ministry of Maori Development, 1995).

Although this model has worked reasonably well, the question now being entertained is whether greater success would be achieved if trained teachers were taught the Maori language to conduct the program rather than taking speakers and providing some training in teaching methods as has been the case since its inception. It is a question that will no doubt lead to an interesting debate.

The literature also often refers to the need for curriculum development. The lack of resources, time, and expertise has led at best to adapting English/French

language curriculum and materials. This practice deviates from the uniqueness of Aboriginal cultures and, therefore, the values and mores of the Aboriginal people are virtually ignored.

Included in the literature is the need for extensive research in the area of Aboriginal languages, their philologies, and their relationship to developing curricula and appropriate materials for language teaching. Research must also focus on the traditional practices of the various language families, as the culture of the early years when the languages were vibrant will have major implications for current practices. Inherent in this direction is the need to have qualified linguists and curriculum developers.

The urgent requirement for funding to support myriad language revival initiatives is obvious. Without an influx of financial support, all of these well-founded initiatives that have been identified and recommended will not materialize and the languages will continue to be lost at an alarming rate.

To date, the responsibility of the governments and churches to acknowledge past injustices perpetrated by their institutions in the demise of Aboriginal languages has not been addressed. Aboriginal organizations, local Aboriginal authorities, Elders, and parents have continually sought restitution from church and state, not only to acquire the much-needed financial resources to revive their languages, but also as a means to begin a healing process. It should be noted that the Canadian government has only recently (in early 1998) apologized for its cruel policies of residential schooling.

The State of Our Languages

More than 60 Aboriginal languages were once spoken in what is now Canada. Of these, eight are already extinct, 13 are near extinction (with fewer than 40 speakers of each remaining), and 23 are seriously endangered (with only a few hundred speakers each). It is projected that at the current rate of decline only four (Cree, Ojibwa, Inuktitut, and Dakota) of the 16 remaining languages have a reasonable chance of surviving over the next century (University of British Columbia, 1996).

In addressing the serious state of decline of our Aboriginal languages, Burnaby and Beaujot (1986) reported that in 1951 87.4% of Aboriginal people in Canada had an Aboriginal language as their mother tongue. In 1986 the number was down to only 29.3%. In 1991 Statistics Canada indicated that 36% of adults surveyed (over age 15) and 21% of children spoke an Aboriginal language. Fifty-one percent of adults and 71% of children reported never having spoken an Aboriginal language (Burnaby, 1996).

In 1992 the Assembly of First Nations (AFN, 1992) national language survey of First Nations communities found that according to the Bauman's (1980) five-level language vitality (mother tongue/actual language use) scale, 12% had flourishing languages (over 80% are fluent speakers and literate), 18% had enduring languages (over 60% are fluent speakers), 28% had declining languages (at least 50% of the adults and a lesser percentage of young people are speakers), 30% had endangered languages (fewer than 50% of adults speak the language and there are few if any younger speakers or 80% of the older population speak the language and there are no identified speakers under 45), and 11% had critical languages (there are fewer than 10 speakers or there are no known speakers in the community).

Given these astounding statistics it is evident that if Aboriginal languages are to survive, immediate action is necessary to revitalize them. As has been pointed out many times, if an Aboriginal language disappears it is not possible to go to another country to retrieve it, as is the case of many other languages. Another startling observation is that if there are no speakers of a given language over two successive generations the language will be lost.

Advancing the Cause

The most recent endeavor to advance the cause of protection, preservation, promotion, and practice of Aboriginal languages in Canada is being spearheaded by the First Nations Confederacy of Cultural Education Centres in Canada (FNCCEC). The Association takes the position that it is imperative that the federal government enact legislation to recognize the rights and freedom of Aboriginal peoples to the protection of their languages (FNCCEC, 1996).

In 1982 the World Assembly of First Nations, at a conference in Saskatchewan, passed a resolution that stated:

Whereas the conference believes that languages of Aboriginal people are vitally important as unique systems for communication, are necessary for the transmission of concepts that are critical to Aboriginal culture, and must be retained in order that Aboriginal cultures may be perpetuated.

Therefore, be it resolved that the World Council of Indigenous Peoples, through the World Assembly of First Nations, endeavour to recommend, develop and implement legislation and institutes, with the assistance of Foundations, to establish language rights of Aboriginal people of the world in the courts and in the classrooms of all nations of the world.

Although the call for legislation in this resolution was acted on in countries such as New Zealand and the United States of America, no overall federal legislation has been passed in Canada that would protect all 53 of our Aboriginal languages. Only the Northwest Territories has passed legislation protecting all six of the Aboriginal languages found in their territory. The United Nations Declaration on the Rights of Indigenous Peoples to the protection of our lands, cultures, and languages strengthens the efforts being put forth in Canada. Legislation to protect Aboriginal languages in Canada must become a reality now, because the opportunity to save our languages becomes more remote with each passing generation.

The Position of the Aboriginal Peoples of Canada

It is the position of the Aboriginal people of Canada that the protection of their languages is an inherent right, a treaty right, a constitutional right, and an Aboriginal right. It was believed that the treaties entered into at the turn of the century would protect their way of life so that their values and practices would continue "as long as the sun shines, the grass grows and the rivers flow." Further to the treaties, subsequent international and national legal foundations support the claim that Aboriginal languages must be protected, revitalized, and maintained for the use of future generations.

Treaty negotiations [with the Crown] did not mention that First Nations children would be prevented from speaking their languages ... would be physically punished for doing so ... and would be subjected to all kinds of mental and physical cruelties in the process of

learning the “cunning” of the white man. (Federation of Saskatchewan Indian Nations [FSIN], 1996, p. 47).

These have been the experiences of several generations of Aboriginal peoples in the church- and state-run industrial/boarding/residential schools that existed in Canada from the 1880s to the 1970s. This experience extended to schools/education, in general, wherein Aboriginal children were not only denied their languages, but their cultures as a whole were denigrated. As stated in the recent Royal Commission on Aboriginal Peoples (1994), “Schools aimed to kill the Indian in the child.” The erosion of our cultures, our lands, and the right to determine our own destiny was further thwarted over the years by federal and provincial legislation.

The following legal and moral foundations attest to the claim that there is both a legal and a moral obligation for the Government of Canada to respond to the call of Aboriginal people for legislation that will recognize their rights to the protection, revitalization, maintenance, and use of their ancestral languages.

Legal Foundations

(1871-1921) Treaties with the Crown—Indian people entered into treaties with the Crown so that they could continue to live as Indian people. Lieutenant-Governor Alexander Morris, a Treaty Commissioner, stated, “What I have offered does not take away from you your way of life, you will have it then as you have it now, and what I have to offer is put on top of it” (FSIN, 1996).

- “The old people were told we were supposed to keep our language and protect the treaties, so that immigrants would not bother us and we wouldn’t bother them” (Affidavit of Joseph Crow, born 1927, Kakkewistahow Band, FSIN, 1996, p. 220).
 - Chief Justice Dickson of the Supreme Court of Canada accepted oral history as evidence in the case of Simon in 1985. He stated “Simon had succeeded in proving that he had sufficient connection to the [Micmac] tribe in question” (Opekokew & Pratt, 1995, p. 97).
 - Evidence in Treaty cases: Where there is no written history, oral history as “hearsay” satisfies the test of necessity for admission as evidence even though the declarant is unavailable for the truth of the contents to be tested in court (FSIN, 1996, p. 157).
 - First Nations oral history tells us that the treaties guaranteed free education in cooperation with FN cultures (FSIN, 1996).
 - In *Nowegejick vs. the Queen* (1983) 2 C.N.L.R. 89, the Supreme Court of Canada determined that the principle of liberal construction means that treaties must be interpreted in the sense in which they would be understood naturally by the Indians and not according to the technical meaning of the words.... Treaties and statutes relating to Indians should be liberally construed and doubtful expressions resolved in favour of the Indian (FSIN, 1996, p. 144).
- (1763) The Royal Proclamation—The Crown recognized Indian land titles (FSIN, 1996, p. 41).

(1867) The British North America Act—Section 91(24) made “Indians and lands reserved for Indians” the responsibility of the federal government. It gives Parliament power to make laws in relation to lands and lands reserved for Indians.

(1969) Royal Commission on Bilingualism and Biculturalism—recognized the importance of protecting Aboriginal languages and addressing the language rights of Aboriginal peoples separately and apart from those of other nations and ethnic groups. It was further stated that “everything must be done to help the Native populations preserve their cultural heritage” (Opekokew & Pratt, 1995, p. 78).

(1982) Canadian Charter of Human Rights Section 23(1) provides that citizens of Canada whose first language is one of the two official languages “have the right to have their children receive primary and secondary school instruction in that language in every province.” Sub-Section 23 (3) (a) provides that the right under subsection (1) applies “whenever in the province the number of children (of official language minorities) is sufficient to warrant them out of public funds of minority language instruction.” Further subsection 23 (3) (b) provides that the right “includes, where the number of children so warrant, the right to have them receive that instruction in minority language educational facilities provided out of public funds” (Opekokew & Pratt, 1995, p. 53).

(1982) Constitution Act, Section 35. (1)—states “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” It applied the same principles to Indians as to French and English in terms of safeguarding their culture and languages (Opekokew & Pratt, 1995).

– stated that the Charter of Rights and Freedoms is not to be construed as derogating from “any aboriginal treaty or other rights or freedoms that pertain to the Aboriginal people of Canada” (FSIN, 1996).

(1988) Supreme Court of Canada *Ford vs. Quebec*—“Language is more than a mere means of communication, it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them.”

(1993) UNESCO endorsed minority language survival in the International Year of the World’s Indigenous Peoples.

(1994) The federal government recognized the inherent right to self-government as an existing right within the meaning of Section 35 of the Constitution Act and that there is the prospect of realizing the treaties according to the purpose for which the First Nations entered into them (FSIN, 1996, p. 39)

(1994-95) Draft United Nations Declaration on the Rights of Indigenous Peoples—Resolution:

Article 14

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

States shall take effective measures, whenever any right of indigenous peoples may be threatened, to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 15

Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their own education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.

States shall take effective measures to provide appropriate resources for these purposes.

Article 17

Indigenous peoples have the right to establish their own media in their own language. They also have the right to equal access to all forms of non-indigenous media.

States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.

Charlottetown Accord—included clauses on FN self-government acknowledging the right to “protection and advancement of Aboriginal languages and culture.” International Covenant on Civil and Political Rights, Article 27 provides that “in those states in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

International Covenant on Economic, Social and Cultural Rights—prohibits discrimination on the basis of language or race.

Universal Declaration of Human Rights—prohibits discrimination on the basis of language or race.

Canadian Charter of Rights and Freedoms—guarantees equality before the law, with equal protection and benefit.

Moral Foundations

The “moral” argument that the Government of Canada has an obligation to recognize the rights and freedom of Aboriginal peoples to protection, revitalization, maintenance, and use of their ancestral languages is based on ethical grounds. Webster’s dictionary defines *moral* as “pertaining to the distinction of right and wrong, and the rules of right conduct.”

It is an historical fact that Aboriginal peoples of Canada have from the time of contact not only been denied their rights as the First Peoples of this land, but they have been denied the rights enjoyed by the people from other countries who have settled here. Several examples suffice to illustrate the immoral conduct of the state and its churches that has directly or indirectly contributed to the loss of Aboriginal languages and thus the traditional mores of the people.

One of the most insidious forms of injustice that has had an overwhelming, lasting effect on the lives of Aboriginal people was the passing of the Indian Act in 1876. This is aptly referred to as “The Conspiracy of Legislation” (1986) by Chief Joe Mathias of the Squamish Nation. “The legislation,” he states, “speaks to a very clear intention to deprive us (Aboriginal people) of our lands, destroy our cultures and to deny us the right to make decisions about our own well-being.”

The Indian Act, which has undergone a number of revisions to the present day, essentially had the effect of prohibiting "Indians" from acquiring lands, from conducting their religious ceremonies and potlatches, from raising money and prosecuting claims or retaining a lawyer, and even from obtaining higher education on threat of enfranchisement. It discriminated even further against Indian women by stipulating that an Indian woman who married a non-Indian ceased to be an Indian within the meaning of any statute or law in Canada. This did not change until 1985. The Electoral Franchise Acts prohibited "Indians" from the right to vote in federal elections. This did not change until 1960.

The Conspiracy of Legislation also occurred in provincial statutes. The Land Ordinance (1870) prohibited "any Aboriginees of this Continent" from preempting any tract of unoccupied, unsurveyed land, and unreserved Crown Lands, whereas this right was given to any male person being a British subject who was 18 years old or over. The Land Act of 1888 continued the practice. Subsequent Municipal Election Acts, Provincial Elections Acts, and Public Schools Acts all prohibited "Indians" from voting. These have changed only in the last 50 years.

These are some of the moral atrocities that Aboriginal peoples in Canada have had to endure and are having to endure. The impact has had the effect of destroying the social fabric of the people who once were the sole occupants of what is now Canada.

Related to the Conspiracy of Legislation to rob Aboriginal peoples of their birthright is the legacy of Indian industrial/boarding/residential schools about which much has been said in recent years. The quiet suffering of generations of students in these schools that operated from the 1870s to the 1970s has finally surfaced, and the policy that promulgated this action is at last being challenged by its victims.

Bull (1991) and Ing (1991) in their respective discussions of the experience of residential schooling report the lasting responses to residential schooling and their devastating effect on parenting. In the December 1996 issue of *The First Perspective*, Oskaboose provides a scathing account of residential schools. He states:

We were removed at age five (sometimes earlier) from our parents and community, dumped into an alien hostile environment of residential schools, and left to survive by any means we could.

We were removed from our parents, our grandparents, our siblings, our relatives, our elders, our communities, our religion, our languages, our teachings and our customs to be brought up by childless nuns and white men who wore black dresses.

We were allowed to see our parents two months out of the year and allowed to visit our brothers and sisters for one day out of that same year. We didn't know them then and we don't know them now. All family and community bonds were destroyed. Consider that in the dysfunctionality that exists in Indian country today.

We were beaten for speaking our languages. We were ridiculed when we spoke of our customs and teachings. We were taught through your books that our ancestors were godless heathens who talked to rocks and worshipped totem poles. Your ancestors who fought and died were called intrepid pioneers; ours who did the same thing were mindless savages.

We were beaten, by disciplinarians, at the slightest whim, at the slightest infraction of the myriad of rules that governed our existence. We lived in a constant state of fear, of beatings from Jesuit disciplinarian and schoolyard bully alike.

We learned to steal food to supplement our meagre diet of watery gruel, lumpy porridge, dirty raw vegetables and dry bread while the priests and brothers feasted on the finest of foods.

We learned how to be abusers ourselves, and we passed it on to the generations that followed, our own children. Abused children become abusers themselves.

We were introduced to spiritual confusion. We were taught, through the fear of “eternity and hellfire and damnation to worship a man who walked on water, fed thousands with a little bread and fish, and who brought the dead back to life. Our own notions of a kinder, gentler creator were summarily dismissed as heathenish rubbish.” We were beaten and brainwashed into accepting Christianity as the ultimate truth. How could the servants of God treat us the way they did?

We were taught European ways and European values and European mindsets and when we returned to our own communities we had become strangers—little brown whitemen who couldn’t speak their language, or make a simple fire or track an animal through the woods. We were ridiculed and rejected by our own people.

And that’s what the policies of assimilation did to Indian Country. They brought pain and suffering, lost lives, vicious in-fighting divisions, waste and sorrow. We may never recover from the time of residential schools; only survive.

This treatment of Aboriginal peoples in industrial/boarding/residential schools in Canada reflects sadly on the government and the church. Residential schools were devised as a means of isolating children from their parents and the influence of the reserve. They were usually located miles from the child’s community and as far away as another province in many instances.

Residential schools provided a very basic education. They were essentially designed to prepare the children for a domestic, Christian life. The children were in school, so to speak, for half a day, and the other half was spent in a severe regimen of work. Boys cleaned stables, mended broken machinery, butchered cattle, or worked in the fields while the girls did laundry, sewed, worked in the kitchen, and did other forms of housework.

The residential school was notable for its high mortality rates among the students. At the turn of the century, it was estimated that 50% of the children did not live to return to their families and communities. It has been recorded that many died from alienation and loneliness. The loss of language and culture had a devastating effect.

Every Aboriginal person is affected even today by residential schools despite the fact that they no longer exist. The breakdown of our societies is attributed to the effect of the separation of Aboriginal children from their parents. Many generations of children were denied the association with their nuclear family, with their extended family’s culture, their values, their language, their customs, and their spirituality.

The situation poses a moral dilemma for both the Government of Canada and the churches, who were equally responsible for these acts. It must be addressed in many ways by the church and the state. Enacting legislation for the protection,

revitalization, maintenance, and use of Aboriginal languages would be one small step toward redress.

Legislation: Precedents

In several countries, provinces, and territories, the legal right to maintain indigenous languages has been accepted. The following are examples of legislation that has been passed in the last 10 years officially recognizing the rights and freedom of Aboriginal peoples to the protection, revitalization, maintenance, and use of the ancestral languages.

The language of the Maori of New Zealand and the six Aboriginal languages of the Northwest Territories have official language status, which means that "the languages have the equality of status and equal rights and privileges as to their use in all institutes of the Legislative Assembly and government agencies but only to the extent and manner provided in the Act and any regulations made under the Act (MacLachan, 1991).

The Official First Nations Languages Act of the Federation of Saskatchewan Indian Nations has received Second Reading in the legislature of their Aboriginal government. They are seeking official language status for six Aboriginal languages found in their territory.

The Precedents include:

1987 Maori Language Act (New Zealand):

- official language status (represent 16% of population);
- based on a claim that the Crown was in breach of the Treaty of Waitangi;
- has a Maori Language Commission and a Secretariat;
- government funding is provided.

1990 Northwest Territories Official Languages Act:

- official language status (Chipweyan, Cree, Dogrib, Gwich'in, Inuktitut, Slavey)(over 60% of population is Aboriginal);
- has a Languages Commissioner;
- funding for languages began with a Canada and GNWT (1985) five-year contributions agreement of over \$25 million;
- government funding continues.

1990 Native American Languages Act (US):

- declares that it is a US government policy to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop NA languages (150 languages);
- calls on federal agencies, states, and other institutions to take appropriate steps to implement the policy.

1992 Native American Languages Act (US):

- established a program of grants to tribes and other Native American organizations to support a wide range of activities;
- began with a \$2 million appropriation in 1993.

1990 First Peoples' Heritage, Language and Culture Act (British Columbia):

- Province of BC wishes to:
 - a. preserve and enhance Native heritage, language, and culture,

- b. increase understanding and sharing of knowledge, both in the Native and non-Native communities,
 - c. heighten appreciation and acceptance of the wealth of cultural diversity among all British Columbians;
 - has a 12-member council responsible for administering an operating and capital grant program (9 from the Tribal Councils and 3 government appointees);
 - has a 30-member Advisory Committee (one member from each of the Tribal Councils in BC). It breaks into nine smaller groups based on regional lines. Each names a member to the Council;
 - five-year funding in 1990 was \$5 million for operating and \$5.7 for capital (similar amount renegotiated for further five years);
 - formed a First Peoples' Cultural Foundation with federal tax credit of 100%.
- 1991 The Law of the Republic of Yakutsk (Russia):
- Sahka, the indigenous language of the Yakut is an official language in Yakutsk;
 - government guarantees protection and development of four other indigenous languages.

In Process: Official First Nations Languages Act (FSIN, 1992):

- first reading in FSIN Legislative Assembly in 1991, second reading in 1993;
- official language status (Cree, Sauteaux, Dene, Lakota, Dakota, Nakota).

What is Proposed

An Aboriginal Languages Act is proposed with a provision for an Aboriginal Languages Foundation under federal law. The Act will define Aboriginal as provided in Section 35 of the Constitution Act of 1982: "Aboriginal peoples of Canada shall include Indian, Inuit and Metis peoples of Canada."

The Act will bring into law the recognition of the rights and freedom of Aboriginal peoples to protect, revitalize, maintain, and use their Aboriginal languages.

The Act will make a declaration of the policy of Canada in terms of protection, revitalization, maintenance and use of Aboriginal languages.

The Act will include a statutory provision for the appropriation of funds through the establishment of an incorporated, endowed, Aboriginal Languages Foundation. The government would provide a substantial initial grant to the Foundation (e.g., several million as a start-up fund or several million a year for five years). The Foundation would add to this amount by soliciting donations that would provide a 100% tax credit to donors by virtue of its status as an agent of the Crown.

An Aboriginal Languages Act with a provision for an Aboriginal Languages Foundation under federal law is the most appropriate way to meet Aboriginal language needs. It addresses the recommendations that are found in the numerous studies, reports, and conference proceedings of Aboriginal peoples, academics, and government committees including the Royal Commission on Aboriginal peoples.

It conforms with the legal and moral obligations of government to restore Aboriginal languages that have been under siege for over a century. It is consistent with the government's direction in the Constitution Act, Section 35, which states: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (Opekekw & Pratt, 1995, p. 53). It applied the same principles to Indians as it did to French and English in terms of safeguarding their culture and languages.

The establishment of an Aboriginal Foundations Languages Act is consistent with the government's direction of devolving to Aboriginal people the responsibility for the management of provisions of services that they require. This would occur through the mechanism for management and delivery decided by Aboriginal peoples of Canada.

Conclusion

The importance of language as an expression of a culture, of who we are as a people must be upheld by each individual, each family, each community, and each nation. Language is the mind, spirit, and soul of a people. Every effort must be made to protect, preserve, promote, and practice our Aboriginal languages. We must gather into the circle all the knowledge and wisdom we possess to ensure their survival. The documentation has been done, and what is left to be done is action. The last generation of fluent speakers are with us. Without their help the work toward the survival of the languages will be more difficult.

The pursuit is through legislation. There is a need not only for the legal right, but also for an effective right, to save our languages. An effective right means access to the knowledge, strategies, and resources necessary to rebuild and revive our languages. The legal right without an effective right is of little value (Reyner, 1996).

An Aboriginal Languages Act recognizing the rights and freedom of Aboriginal people to protect, revitalize, maintain, and use their languages, which would include an Aboriginal Languages Foundation under federal law as proposed by the First Nations Confederacy of Cultural Education Centres, would give us some assurance that we have fulfilled the role of our generation, which is to preserve the languages for future generations. The Maliseet Language Honor Code states:

***Grandmothers and Grandfathers,
Thank you for our Language
That you have saved for us.
It is now our turn to save it
For the ones who are not yet born.***

May that be the Truth.

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