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## **Standing Committee on Canadian Heritage**

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**EVIDENCE**

**Monday, February 25, 2019**

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**Chair**

**Ms. Julie Dabrusin**



## Standing Committee on Canadian Heritage

Monday, February 25, 2019

● (1100)

[English]

**The Chair (Ms. Julie Dabrusin (Toronto—Danforth, Lib.)):** We will bring everyone to the table, this is our 145th meeting of the Standing Committee on Canadian Heritage. We are continuing with our study of Bill C-91, an act respecting indigenous languages.

We have with us today, from the Inuvialuit Regional Corporation, Duane Smith.

We have with us, from the Witsuwit'en Language and Culture Society, Ron Mitchell and Jennifer Wickham.

We will go in the order that you appear on the agenda, and we will begin with Mr. Smith, please.

**Mr. Duane Ningagsiq Smith (Chair and Chief Executive Officer, Inuvialuit Regional Corporation):** Greetings. *Ublaami*. Good morning, Madam Chair and members of the committee.

As the chair has mentioned, my name is Duane Ningagsiq Smith, and I am the chair and CEO of the Inuvialuit Regional Corporation. It's in the very far northwest portion of Canada but still in the country. I represent almost one million square kilometres of Canada within my region.

My Inuvialuit name was given to me by my grandparents. It's a custom process in our system.

In regard to the language issues, when you understand it so well that it is in your heart and your mind, it is not only a means to convey information and obtain things; it is a source of strength, pride and belonging. It is the caretaker of our history and our culture.

I do want to say thank you for this opportunity as well. It's taken us 151 years for me to sit down here in front of you, and I hope we can develop that much more quickly in regard to reconciliation.

I wish I could share more of my language with you. I wish I could help my extraordinary heritage become our extraordinary heritage as Canadians. When I say that I wish that I could, I am the third generation of assimilation within this country, where we were not allowed to speak our language. If we did try to, then we were either beaten, etc., or put into certain conditions where we would learn not to speak our language. I am the third generation of that. I grew up in the wake of Canada's mission to make us all the same, and I have lost something fundamental because of those policies and the laws that entrenched them.

I'll now give you a quick description of our region and the state of our language. In the Inuvialuit settlement region, ISR, the Inuvialuit are the Inuit of the western Arctic. It's nine hours by jet, but like I said, it's still in the same country. I welcome you to come to visit us sometime.

The ISR is one of the four regions of Inuit Nunangat, our homeland. There are six communities located in the ISR, and we have over 6,000 Inuvialuit registered and enrolled with us.

In response to Canada's accelerating development agenda and assimilation policies in the Arctic, the Inuvialuit negotiated the Inuvialuit Final Agreement, which was signed and brought into effect in 1984. One of the three principal objectives of both Canada and the Inuvialuit under the IFA is to preserve Inuvialuit cultural identity and values within a changing northern society. When I say "both", we're both signatories to this treaty, so we're both obligated to make sure it's implemented to the greatest extent that we can together.

Regarding the state of our language, later today you will hear the president of ITK, Natan Obed, talk about Inuktitut, which is the language of Inuit Nunangat. For clarity, Inuvialuktun is the name we give to Inuktitut in our region. We have three dialects within the Inuvialuktun: Sallirmiutun, Uummarmiutun and Kangiryuararmiutun. The speakers of Inuvialuktun are able to converse with Inuktitut speakers right across Inuit Nunangat as well as into Alaska and Greenland. We have been tied together by our language and culture for millennia.

A long period of contact along with Canada's past assimilation policies and inequitable funding for language have extensively corroded the vitality of Inuktitut in the western Arctic. Compared to the high percentage of individuals able to speak Inuktitut in Nunavik and Nunavut, only 22% of Inuvialuit have conversational ability in our language. We still have a small window of opportunity to see Inuktitut preserved where it continues to thrive and to see it rehabilitated in our region.

I will now turn to the bill.

● (1105)

In terms of comments on Bill C-91, my fellow Inuit presenters will discuss the process in which we were engaged on this bill as well as the draft text that our working group has proposed in support of this process. I will not repeat these comments due to the time constraints. My intention today is to identify those aspects of Bill C-91 that are of particular importance for our regions where the vitality of Inuktitut is more severely diminished.

Bill C-91 is a positive start. The bill includes Canada's acknowledgement that the rights of indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, include rights related to indigenous languages. This is absolutely correct and reflective of Canada's existing obligations under the Inuvialuit Final Agreement. Bill C-91 sets as a main purpose to support the efforts of indigenous peoples to reclaim, revitalize, maintain and strengthen indigenous languages. Related to this, the bill sets out the purpose of the act to establish measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of indigenous languages. These measures are absolutely necessary.

It is our view, however, that to achieve these purposes for Inuvialuit we will need to continue working together to refine the legislation.

First, it will be necessary to acknowledge that Inuit Nunangat is a distinct linguistic region within existing laws that recognize Inuktitut as an official language. This would allow for sophisticated measures that have a real chance of success to be implemented.

Second, it will be necessary to re-evaluate the creation of the office of the commissioner of indigenous languages and its role in jurisdictions like the Northwest Territories and Nunavut, which already have a similar office.

Third, it will be necessary to impose a requirement to enter into bilateral agreements with our organizations to further the purposes of the act rather than leaving this as a mere option. As we have observed over the last few decades in my territory, funding that has flowed through the territorial government is not distributed in an equitable or even a logical fashion. It tends to go where the voting populations are greater and where the chance of success is weak.

Due to the time lag, I'll stop my comments and I will entertain your questions as we proceed.

With that, *quyanainni, quyanuq.*

Thank you for your attention.

I'll be happy to take questions.

•(1110)

**The Chair:** Thank you very much.

We'll now go to Mr. Mitchell and Ms. Wickham, please.

**Mr. Ron Mitchell (Hereditary House Chief Hagwilnekhllh (Liksilyu Clan), Office of the Wet'suwet'en, Witsuwit'en Language and Culture Society):** [*Witness spoke in Witsuwit'en*]

[*English*]

My name is Ron Mitchell. My hereditary chief name is Hagwilnekhllh.

Witsuwit'en is my first language. In the Delgamuukw court case, I was one of the translators and the only one who could write the language back then. I walked 22,000 square miles with my pencil and named places, hills, creeks, mountains, all in Witsuwit'en. I named all our laws in Witsuwit'en and our feasts, potlatches, protocols and all the chiefs' names.

Thank you.

**Ms. Jennifer Wickham (Executive Director, Witsuwit'en Language and Culture Society):** *Hadih.* I am Jennifer Wickham. I am from the Gidim't'en clan and am the executive director of the Witsuwit'en Language and Culture Society.

I would like to start by acknowledging that I am an uninvited guest here in Anishinabe territory.

We thank you for the invitation to discuss Bill C-91.

I am here with Hagwilnekhllh Ron Mitchell, house chief of the Likhsilyu clan, as represented by the Office of the Wet'suwet'en. We are here on behalf of the Wet'suwet'en First Nation.

Our territory spans 22,000 square kilometres, as Ron was saying, from Burns Lake to west of Witsset, formerly known as Moricetown, in British Columbia.

In our nation, our Witsuwit'en language is reaching a critical point. Only 3% of our population currently speak our language fluently. The average age of speakers is 70 years old.

Bill C-91 is a significant step toward helping us revitalize our language, but it must have measures that will empower our nation to lead the language revitalization work and research for generations to come. This means having guaranteed funding to build our own capacity to create immersion programs for Wet'suwet'en living within and outside our territory.

After consulting with some members of our Wet'suwet'en leadership, language champions and community members, we have the following feedback regarding the legislation.

First is an inclusive definition of indigenous governments and organizations. In the interpretation section, section 8 and section 5, which is purposes of act, we want to ensure that the definition of "indigenous governing body" includes traditional hereditary governance systems that are not defined by the Indian Act, like our own Wet'suwet'en house and clan system.

If the spirit of the act is truly to respect indigenous self-determination, an inclusive definition is required for meaningful nation-to-nation negotiations regarding funding. We want to ensure that indigenous organizations include nation-based, non-profit societies like the Witsuwit'en Language and Culture Society.

In the past, we have been denied federal funding because we were not considered a "national organization" based on the Canadian state's definition of "nation".

We suggest the following changes: "Indigenous governing body means a council, government or other entity—including a traditional hereditary government of unceded lands, not defined under the Indian Act—that is authorized to act on behalf of an Indigenous group..." and "...Indigenous organisations, including non-profit societies, or other entities...."

Second, we would like to address guaranteed long-term funding for generations to come. Clause 7 needs to demonstrate that guaranteed long-term funding, secure from changes in government, will be available to indigenous nations and communities for what we foresee as the three phases that our language will undergo, which are as follows:

The first is language revitalization: research, mobilization of resources and communities, human and technical capacity-building, implementation of revitalization strategies and programs, and health and wellness strategies.

The next would be language stabilization: production of new generations of fluent speakers, growth and stabilization of programs and human resources that meet their growing needs.

The third is extension of language programs and services to the broader, non-indigenous community. To support the self-determination of any indigenous nation and promote co-operation within our territory, financial means and infrastructure need to be in place.

These phases all require significant, long-term financial commitments that will span many generations. The Wet'suwet'en people should be the ones leading these endeavours. Section 5(e) should facilitate nation-to-nation agreements. Should a provincial body be considered as the means to negotiate agreements and disburse funding, this should be done with the political support of the indigenous nations of that province.

Since education funding flows from Indigenous Services Canada, the bill needs a clear statement facilitating coordination and co-operation among all levels of government to guarantee that language revitalization funding will increase our capacity to achieve full immersion in our schools, and that one funding source will not offset another.

• (1115)

British Columbia is home to the majority of indigenous languages, all of which are endangered. Language funding needs to reflect this reality. Equal division of funding among provinces will only lead to inequality and create competition and division where needs are high.

On official language status and legal protection, for an indigenous nation to attain full self-determination, it needs the ability to assert itself through its language. An indigenous nation's language is intrinsically tied to its territory. The ongoing colonization and alienation of indigenous peoples and languages from their lands are unacceptable. For the UNDRIP to become meaningful, this needs to be addressed. Indigenous languages need official language status equivalent to French and English. This is essential to nation-building.

In the "Purposes of Act" section, this should be included as follows: "...facilitate and legally protect the ability of Indigenous nations or governments to declare their unique languages as the official languages of their traditional territories and implement their use in the public domain (i.e. the reclamation of traditional place names on maps and signage) and public education."

Next I will address minority language rights of indigenous children. A large proportion of Wet'suwet'en children receive their education through the public school system. Bill C-91 must include a

declaration protecting the right of indigenous children in minority situations, within and outside their home territories, to receive an education in their language, similar to article 23 of the Constitution relating to French and English minorities. Without legal protection of that right, there is no real means to implement indigenous language education in the public school system, and our ability to start immersion programs or schools outside of our territory is limited.

Also, on the selection of the indigenous languages commissioner and directors, we want Bill C-91 to ensure that the people selected are qualified and recognized as competent representatives of indigenous peoples. We suggest that the commissioner and directors selected be indigenous language champions with demonstrated experience and expertise working in indigenous language revitalization within indigenous communities. As to the location of the language commissioner's office, since British Columbia has the highest concentration of indigenous languages, we think the commissioner's office should be located in that province.

On indigenous languages and intellectual property, we consider all Witsuwit'en language research materials and documentation to be the intellectual property of the Wet'suwet'en nation. We are in opposition to clause 24, which would give Statistics Canada and Library and Archives Canada any authority to conduct research and store indigenous language content. The only role we see for Statistics Canada and Library and Archives Canada is to facilitate access to information and resources on language and culture in their existing collections and databases. We are entirely capable of collecting our own statistics and archiving our language. This legislation should be empowering all indigenous nations to build their own capacity, not delegating this work to federal institutions.

In closing, if Canada is truly committed to respecting the rights of indigenous peoples, then the recommendations that we bring forward to you—and have throughout the regional consultations—should be reflected in Bill C-91. Wet'suwet'en people and other indigenous nations have been fighting to keep our languages alive since colonization began hundreds of years ago. We expect this government to live up to its promises and begin addressing the injustices that continue to harm indigenous peoples in this country today. This legislation must reflect a new way of thinking that is not founded on paternalism, tokenism and archaic colonial structures.

We appreciate the opportunity to have our voices heard, and we'll be watching carefully to see how well this government is listening.

*Wiggus.*

Much respect.

*Awet zeh.*

• (1120)

**The Chair:** Thank you.

[Translation]

We'll now begin the question and answer portion.

Mr. Breton has the floor for seven minutes.

**Mr. Pierre Breton (Shefford, Lib.):** Thank you, Madam Chair.

I'd like to thank the witnesses for being here to participate in our study of this important bill.

My first question is for you, Mr. Smith.

We all know that preserving Inuktitut is a big challenge. I'd like you to tell us in greater detail about your corporation's experience as it endeavours to preserve the language in the Northwest Territories.

[English]

**Mr. Duane Ningaqsiq Smith:** Where will I begin? Well, as I said, it starts with the third generation of assimilation. When the government first came into our region, we were required to send our kids to an education system that put them into facilities that strictly enforced speaking in English only. When you look at the education system today, there is no obligation or requirement of the government of the region to provide any education within the indigenous languages.

You ask me where the issues are and what can be improved. I think we need to get it as a requirement in the education system. Work with us to develop some of our own people to become the teachers who can provide it in our own language. We're not saying we don't want to teach them English, French or anything else, but we do think that in our region, Inuktitut should be part of the curriculum.

I have to agree with my colleagues from B.C. in regard to how we can collaborate better with each other on signage. We are on our way, in collaboration with different departments of Canada, in regard to identifying traditional place names within our region. That's a positive aspect in that regard, but when we have an education system that's still partly being imposed on us without adequate engagement, involvement and participation of our organization in the delivery, then we still have a problem here.

[Translation]

**Mr. Pierre Breton:** How many indigenous languages are spoken in the Northwest Territories? Obviously, there's Inuktitut, but are there many others?

[English]

**Mr. Duane Ningaqsiq Smith:** There are 11 official languages within the Northwest Territories. In my area it's primarily English, French, Inuvialuktun and Inuktitut. In the capital area, many more first nations have their indigenous languages recognized. That's the extent of what the government has done; they've only recognized these indigenous languages.

•(1125)

[Translation]

**Mr. Pierre Breton:** I'd like to hear your take on the challenges of preserving Inuktitut.

You've no doubt read the bill. Do you think it addresses those challenges?

[English]

**Mr. Duane Ningaqsiq Smith:** The sound was fading out a bit, but I think I caught the question.

I have looked through it. As I said in my opening statement, I don't think it fully addresses the issues. That's why I said we should be working together to improve the legislation moving forward. I don't think it is adequate enough in regard to areas where it should be mandatory. We need a tool moving forward. We see this as an opportunity for us to work directly with the federal government, in this case, to develop processes where we can improve the language and the use of it, not only as individuals but throughout the different governance processes. In terms of health and education, the primary people who are being serviced are the Inuit in my region. That's where I see a lot of need for improvement as well. Make it a requirement, but also provide us with the adequate tools and resources for us to start to implement this once we develop—we together develop—an implementation process and plan.

[Translation]

**The Chair:** Mr. Breton, you have less than a minute remaining.

**Mr. Pierre Breton:** Very well. I have two quick questions for Mr. Smith.

Overall, do you support the bill? I didn't catch it if you mentioned it already.

[English]

**Mr. Duane Ningaqsiq Smith:** In a general way, yes, I do. I see this as a tool, but it needs a lot of improvement.

[Translation]

**Mr. Pierre Breton:** Very good. That's what I thought.

My last question is for Mr. Mitchell and Ms. Wickham.

The bill was co-developed with indigenous peoples. Do you think the approach worked? Would you say it was successful? Were you consulted as part of the co-development process?

[English]

**The Chair:** If I could jump in quickly, you have already gone over time.

[Translation]

**Mr. Pierre Breton:** Oh, really?

**The Chair:** Yes, I told you you had less than a minute left.

**Mr. Pierre Breton:** My apologies, Madam Chair.

[English]

**The Chair:** If you can, just briefly answer that, then maybe bring it out through other answers as well.

**Ms. Jennifer Wickham:** The Witsuwit'en Language and Culture Society was part of the consultation process. I believe you all have a copy of our position paper on the draft legislation. In that letter, we address the fact that the feedback we gave while it was in consultation was not reflected in the bill.

**The Chair:** Thank you.

I'm going to clarify. We have it, but it's in translation. While I have a copy, everyone doesn't have it yet. You will all have it.

We'll go to Ms. McLeod, please.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Madam Chair.

Thank you to the witnesses for presenting. To those from British Columbia, I'm also from British Columbia, so I appreciate the complexity, all the different languages in our community.

Essentially everyone voted at second reading, and our job now is to make sure the legislation is technically right. I want to make a comment, and maybe the analysts will be able to follow up on it. A witness questioned this: he said to proclaim on the Constitution as they did in clause 6 had never been done before to his knowledge. He wondered if it was constitutional. I'm curious.

Could the analysts research if it has ever been done before? I think it's a piece of valuable information. That particular witness did not know.

• (1130)

**The Chair:** Yes.

**Mrs. Cathy McLeod:** Thank you.

Ms. Wickham, I've been struggling with clause 24 a little. The way the legislation reads, it is a "may". I know other witnesses have expressed the same concern that you have expressed. The way I read it is it would not allow the office of the commissioner to arbitrarily move forward. It just enables them to do it if it's appropriate, and I would presume, according to full protocol and respect for IP, etc.

Are you saying it's not okay the way it's written? That's not how I read it. I thought the "may" just provided flexibility for the communities to move forward in partnership if they wanted to. Could you share your concerns there a little more?

**Ms. Jennifer Wickham:** Yes. The concern is that our communities have been researched and researched, and we don't have access to that information. That information is not implemented in our communities in a meaningful way, and so we're really cautious when something like this is written into a bill, where the other bodies would be given access to our communities and our language itself, so any resources that are developed out of that or... We don't want to see anything archived or put away that has to do with our language. Our people should be building capacity within our communities, being able to do that research and store it as we see fit or implement it in our community as we see fit.

**Mrs. Cathy McLeod:** I absolutely agree with that, but do you think "may" allows them to do that without the permission of the communities involved? I saw it as perhaps enabling if the communities chose.

**Ms. Jennifer Wickham:** Maybe that needs to be more clearly written.

**Mrs. Cathy McLeod:** Okay. Thank you.

Both witnesses had several comments in terms of what you believe needed to be done to improve this legislation. Let's say that the government chooses not to move any amendments. Do you believe this legislation should be supported as is?

Let's have Mr. Smith and then Ms. Wickham.

**Mr. Duane Ningaqsq Smith:** I would prefer to see areas where it can be improved upon. Unfortunately, due to the time and the situation we're in, at the very least we would like to see something put in place so that we have a tool that we can use. It needs a lot of work, in my view, but nothing is ever perfect when it first starts out.

**Mrs. Cathy McLeod:** Okay.

It's not perfect, but you did indicate it was a step. Obviously, it's the government that chooses which amendments it will accept or not accept. Do you believe it's supportable as it is if they choose not to?

**Mr. Duane Ningaqsq Smith:** There's an opportunity for it to be improved and we'd like to see it improved upon.

**Mrs. Cathy McLeod:** Okay. Thank you.

Chief Mitchell.

**Ms. Jennifer Wickham:** Are you saying if there is no opportunity to make any changes on this bill in the future...?

**Mrs. Cathy McLeod:** Legislation always has the opportunity for changes, but we're doing intensive committee meetings right now. We're getting lots of recommendations.

If it stays exactly like it is without any changes, do you believe it's supportable?

**Ms. Jennifer Wickham:** The short answer—

**Mrs. Cathy McLeod:** You're not a politician if you give a short one.

**Ms. Jennifer Wickham:** I'm not a politician.

I think that the consultation process with communities was really rushed for this bill. There were communities that weren't able to be part of the consultation in B.C. and in the north. I think there are quite a few things on our list that need to be clarified and/or changed. As Mr. Smith stated, this is a very positive step. I think that as long as the government is open and willing to make some changes in the future if it doesn't happen right away... Obviously we would prefer these changes to happen before it is passed. I do realize that the government is in a bit of a time crunch right now. We can be optimistic.

• (1135)

**Mrs. Cathy McLeod:** Good. Thank you.

Mr. Smith, I want to go back. You had three recommendations. You only had a chance to very briefly talk about them.

**The Chair:** You have a half a minute.

**Mrs. Cathy McLeod:** I think I'll have another round and I can get back to you.

Thank you.

**The Chair:** Thank you very much.

Ms. Jolibois, you have seven minutes.

**Ms. Georgina Jolibois (Desnethé—Missinippi—Churchill River, NDP):** Good morning.

Thank you to both organizations for coming and presenting to us.

Your information is very important and what you said today validates my thinking in various areas.

Where I come from, within the Desnethé—Missinippi—Churchill River riding, the majority of my constituents.... The majority of the children, Métis and first nations, attend the public system. I feel nervous about how they are left out in this discussion, and your bringing it forward validates that thinking. I see across Canada that we need to have that discussion more and more.

Having said that, as I'm listening to your answers, how can we ensure that we push the government a bit further for the recommendations that you bring forward? We can try. I do like to see some changes in the legislation.

This is to both, if you can.

**Ms. Jennifer Wickham:** Well, I think that might be a question for you all. How can we push the government to make that part of legislation?

If the government is really serious about reconciliation with indigenous communities, I think this bill being put forward in good faith in partnership with indigenous communities and taking our feedback seriously and implementing it would be a good step forward.

As far as what we can do to ensure that our children are not left behind, I think that if we can include specific language around immersion available to our children, both inside and outside of the community.... As you said, within the public school system, the majority of our members, our house members and our clan members, are spread out. They're not necessarily living on the reserve or within the 22,000 square kilometre territory boundaries.

We have a large population of Wet'suwet'en people and children who are living in other places, such as Prince George and Vancouver. If we can push for Witsuwit'en language to become an official language within its territory boundaries, I think that is going to increase the chances of our children being able to access the language. If it's then recognized within B.C. as an official language within its territories, we would be able to have Witsuwit'en immersion school available to our membership in areas like Prince George and Vancouver.

Currently, if you have as few as 15 children from a minority language group in an area, it's enough to start an immersion school, and we would like the same for Witsuwit'en.

**Ms. Georgina Jolibois:** Thank you.

Mr. Smith.

**Mr. Duane Ningaqsiq Smith:** Very briefly, I would suggest that you take into consideration the recommendations that we as well as others are putting forward in improving the bill right away. This is the opportunity for it to be done.

Second, look at how we can work together again to develop an implementation process with each other so that we can start to identify areas where this bill might be lacking, as we move forward in regard to enacting it and developing operations on the ground within each of our communities so that we can work on the implementation of the different areas this bill is supposed to address.

● (1140)

**Ms. Georgina Jolibois:** Thank you.

Thinking back to some of the witnesses who have come forward, even National Chief Perry Bellegarde was here as a witness, as well as Mr. Clément Chartier from the Métis National Council. They are both pushing really hard for this legislation to move forward as is.

I am hearing from various groups that changes are recommended. As I think back to the discussion that we were having, one piece is the discussion around the provinces. I know that B.C. and Nova Scotia have really invested quite a bit of time and energy in the languages in their provinces, and I'd like to see other provinces and territories do the same.

To both organizations, have you had discussions with other organizations and people across Canada about the children who are attending public schools across Canada?

**Ms. Jennifer Wickham:** The Witsuwit'en Language and Culture Society uses a lot of the immersion methods that are also used in Secwepemc territory with Secwepemctsin, the language in Chase and the Kamloops area. That has been a really beneficial relationship where we can share resources.

They have an immersion school in Secwepemc territory, and they have developed a lot of different methods that we are able to use in our language nest and also in the elementary school that is in Witsset. The language teacher there meets with them regularly.

There aren't a lot of examples or programs that we are able to liaise with or collaborate with, but we have definitely built relationships with people who are out there doing work similar to ours, and we are trying to move forward with them.

Our elementary school is going to be developing online games using the Witsuwit'en language, and that's being modelled off the school in Secwepemc territory.

**Ms. Georgina Jolibois:** Thank you.

**The Chair:** We'll now go to Mr. Hogg for seven minutes.

**Mr. Gordie Hogg (South Surrey—White Rock, Lib.):** Thank you very much for your comments and testimony. Just so we are clear, the purpose of this process is to look at improvements that we can make. Certainly, we're most open to any types of suggestions you have.

One challenge we have is that there are often testimonies that are in conflict with each other, and so we have to make some judgments with respect to those. The values that some of you have highlighted in terms of the overall intent of the legislation are an important part of it. How we start to articulate that, hopefully, reinforces the things you're saying.

Clearly the role of the commissioner and the directors—who, as you've appropriately pointed out, should be indigenous people who have understanding of that knowledge. They will have a lot of the articulation responsibilities in terms of where that goes and what that looks like. Indigenous communities could start their own school boards, for instance. There are a number of things they can do to be able to carry out the actions they want from that.



Ms. McLeod made reference to British Columbia, which I think has given about \$50 million to start looking at indigenous languages and actions around indigenous languages. How do you see that being allocated in British Columbia? Given that we have almost half of the indigenous languages from Canada in B.C., how do you see that being allocated? Do you have some principles or ideas around how that might be done?

**Ms. Jennifer Wickham:** I think one really important thing, as we mentioned in our feedback, is that we're working on a nation-to-nation basis, and so each of those nations is determining who is representative of that nation.

For Wet'suwet'en people, I know we are a little bit special, a little bit distinct in British Columbia because we still have a very intact traditional governance system. The Witsuwit'en Language and Culture Society works very closely with our hereditary chiefs system, and with our clans and our houses that govern our territory. I think it's really important that it be written in here that when the money is being disbursed, it's not just disbursed to band councils, because those have a very limited geographic scope. We want all of our membership to have access to the language resources and the language programs. That would include people who are living on reserve, which is what currently the chief and council represent, just the reservation. We also want them to be available to our membership who are off reserve and possibly even off the territory.

At WLCS we have a lot of requests for online material or Skype classes, and we just don't have the capacity to do that. I think it's really important that, when you're looking at disbursement of funds, you're dealing with a group or an entity that is able to serve the entire nation and not just the reservation.

• (1145)

**Mr. Gordie Hogg:** My understanding is that the province has not yet decided how that allocation will take place, so there might be an assumption that it's as you're describing, that people could apply, that any individual, any council, any organization, or any school district could apply. Is that your understanding as well at this point?

**Ms. Jennifer Wickham:** I'm not sure. I think it will be interesting to see. Hopefully, it will be available equitably among the nations.

**Mr. Gordie Hogg:** It will be interesting to see as well, with the federal money and the provincial money that may be coordinated across the country, whether or not there will be a set of values or principles that are reflected consistently so that they can augment the issues that are there. Do you have any thoughts around what those principles might be, other than what you've already outlined in terms of access for anybody?

**Ms. Jennifer Wickham:** No. The only thing that's really coming to mind is that fair is not equal, or equal is not fair. As I already mentioned, there's such a disproportionate number of languages within British Columbia compared to the rest of the provinces. It's going to look quite different. Funding in B.C. would look quite different from how it would be in, say, Saskatchewan.

**Mr. Gordie Hogg:** Mr. Smith, can you help me to understand how your traditional territory differs or is similar to that of Nunavut Tunngavik so I can get a grasp of what the differences might be?

**Mr. Duane Ningaqsiq Smith:** The reason I'm here is to emphasize the dire situation of the language within my specific Inuit region compared to in the others.

In our area the language is dying much more quickly than it is in the other Inuit regions. At the very least they have tools available to them, through their own governments, which they can use to develop the proper revitalization processes, whereas our region has only a government that recognizes our language.

In relation to the question you are asking about funding, our territory got an increase in funding but our region received a cut. Tell me how it is that we have 19% of the overall territorial indigenous population in my region and we're receiving cuts. It doesn't make sense. That's why I'm also stressing that this revitalization and resources and capacity need to be developed directly with us so that we're maximizing the development of these programs and tools for the children as well as for every other Inuit person in my region to the extent that we can.

• (1150)

**The Chair:** Thank you.

Ms. McLeod, you have five minutes.

**Mrs. Cathy McLeod:** Mr. Smith, I'd like to pick up where I left off by giving you the opportunity to illustrate your three recommendations in a more robust way, because I know you were limited with your 10 minutes. I want to try to understand them all a bit better.

**Mr. Duane Ningaqsiq Smith:** I'll try to be as clear and as short as I can.

The first one I was stressing was that Inuit Nunangat should be recognized as the linguistic region across Canada for Inuktitut.

**Mrs. Cathy McLeod:** Can I just interject there?

We've had other people suggest that the legislation should have an addendum to it with some clarity around the different languages.

Do you see that as the place where you would have that notified or acknowledged?

**Mr. Duane Ningaqsiq Smith:** Part of the earlier discussion we had was that if that was the extent to which we could have it recognized at this time, then yes, for that part.

With regard to the commissioner, I think I've already answered in relation to the response I gave Mr. Hogg about how the government of my region conducts its language affairs. That's why I was stressing the concern we have with yet another commissioner. We've seen a commissioner in our region who has no teeth, no ability, no authority, etc. The person is actually French now, I think, and we're seeing a revitalization of French in a region where fewer than 5% are speaking it, so they're doing a good job in that area but there's nothing with regard to indigenous languages. If we're going to have a commissioner at the federal level, then we want to see a direct relationship with him so that we're ensuring that Inuktitut is recognized and provided the proper tools for implementation.

My other point is in regard to the funding and to developing a direct working relationship. I just emphasized how the government of my area received an increase in funds while the indigenous peoples, not only us but also the different first nations south of me, received cuts. There is a disconnect between a government—the federal government in this case—providing funds and not meeting their obligations, or developing their intents without proper collaboration and input from us, as an example.

**Mrs. Cathy McLeod:** Ms. Wickham, you raised a very good point about who gets recognized. That's going to be changing too, of course, as nations perhaps reconstitute or become stronger. You suggested that we be careful around our language in that area to ensure we met the needs of the different communities across the country. Could you talk to that particular piece a little further; where you see that happening within this legislation?

**Ms. Jennifer Wickham:** I'm here representing the Wet'suwet'en. As I said, we have a unique position in British Columbia. I've heard that within B.C. only three nations have an intact traditional governance system. That means they have been practising their governance since before contact, and continued to practise their governance throughout the potlatch ban, when Canada made it illegal for them to practise. The Wet'suwet'en are one of those nations. We still practise our *bathlats* or our potlatches, our feast system, to this day. I have a *bathlat* this weekend with my clan.

I think that historically and currently our governance system hasn't been affirmed by this government. Places like the Witsuwit'en Language and Culture Society haven't been able to apply for language funding. We've been denied federal funding because we aren't recognized as representing the nation, and only reserves are recognized. We would like to see the wording around that changed so it's fair to nations like ours that aren't dependent on the chief and council band system.

• (1155)

**Mrs. Cathy McLeod:** Thank you.

**The Chair:** Mr. Long.

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Good morning to my colleagues.

Good morning to our witnesses, and thank you very much.

Ms. Wickham, you mentioned, and it stuck with me because I've heard it in previous testimony, making sure that minority children are captured in this, or looked after. Obviously, some of the indigenous territories, communities, are vast, as I think all three witnesses mentioned. How does this bill get to those children who aren't in a community that would have the infrastructure, the government, that kind of thing? Can you elaborate on how you see Bill C-91 capturing and covering them?

**Ms. Jennifer Wickham:** I'm trying to think of an example, because I am prepared to answer on Wet'suwet'en territory.

**Mr. Wayne Long:** That's fine. You can answer in respect to that, or just generally.

**Ms. Jennifer Wickham:** I think it's really important for our children to have access to the language and within the school system. I am a trained teacher so I'll speak a little bit to our curriculum.

In British Columbia specifically we have more of a focus now on traditional knowledge, so certainly language could fall under that.

I think the issue we really want to see is to have indigenous languages protected and made official within their territories. For example, in Wet'suwet'en territory, which covers Burns Lake, Houston and Smithers—those are the municipalities within our territory—we would want to see Wet'suwet'en traditional place names recognized with signage.

I know in other places in British Columbia they have the local indigenous languages on their stop signs, for example, much the same way you would see French and English. Driving through Ottawa from the airport on the way here we saw that. I think that's really what we want to emphasize, that we need to have our indigenous languages protected and made official within their respective territories.

In Ottawa, it would be Anishinabe. In Kamloops, it would be Secwepemctsin. Really making that a community focus, and having the language available within the school systems would not only make it available to Wet'suwet'en students, but it would make it available to all students.

I know within the high school in Smithers, for example, when they teach the B.C. first nations studies 12 class, it's predominantly non-Wet'suwet'en students who are taking that class and it creates very rich opportunities for reconciliation to happen on that level. That's what we're hoping to see within our own territories as well.

**Mr. Wayne Long:** Thank you very much, that's a great answer.

You also mentioned three phases that I found very interesting. You mentioned revitalization, stabilization and then extension.

Can you elaborate briefly on how you see Bill C-91 with respect to the extension part of that phase?

**Ms. Jennifer Wickham:** Extension, I'll just quickly say, is very far in the future for us right now.

• (1200)

**Mr. Wayne Long:** How far is it?

**Ms. Jennifer Wickham:** Years.

In order to get to extension we would have to first have stabilization, and our current population that is fluent is declining rapidly. As I said, the average age is 70 years old, and we are only at 3% of fluent speakers within—

**Mr. Wayne Long:** Do you think you could get to the extension part in 10 years?

**Ms. Jennifer Wickham:** Optimistically, yes.

**Mr. Wayne Long:** Okay, thank you.

**The Chair:** The bells looked like they were flashing for a second there and then they stopped, so I will figure out what that was all about.

That brings this first hour to an end. I would really like to thank all of the witnesses for your testimony today. It was very helpful and you've brought a lot of interesting ideas for everyone to be considering.

We're going to suspend briefly so that we can set up for our next set of witnesses.

Thank you.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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- (1205)

**The Chair:** We're starting up again and we now have with us, for the second hour, president Natan Obed from the ITK; Tim Argetsinger, political adviser; and William David, legal adviser.

Please begin with your opening statement, and then we'll go to the questions after.

**Mr. Natan Obed (President, Inuit Tapiriit Kanatami):** *Nakurmiik.* Thank you, Madam Chair.

Thank you, members of the committee, for allowing Inuit Tapiriit Kanatami to be a witness here before you today. I also want to recognize Duane Smith, the chair of the Inuvialuit Regional Corporation, a board member for Inuit Tapiriit Kanatami, who was just a witness before this committee.

Inuit are one people sharing a common language, Inuktitut, which has many dialects, and Inuktitut is a term that we have decided to call our Inuit language. There are lots of conversations in our community about what that term is defined by, but in the end there are definition of words and etymology of words, but there are also our words that are used for political practice. Ontario might be an indigenous word, but you all know Ontario as something very different, as a political space. We are in the midst of developing our self-determination, and the words that we use in Inuktitut are very helpful to that.

The majority of our people live in 51 communities throughout Inuit Nunangat, the term that we use to describe our homeland. Inuit Nunangat is a distinct geographical, political and cultural region that makes up nearly one-third of Canada's land mass and half its coastline.

Eighty-four per cent of Inuit in Inuit Nunangat report an ability to speak Inuktitut, making our language the most resilient indigenous language in Canada. However, a more complex picture of our language status emerges when considering conversational ability and language of the household: 58% of Inuit within Inuit Nunangat report being able to speak Inuktitut well enough to conduct a conversation, and only 40% report that Inuktitut is the language most often used at home.

Inuktitut has official language status in the Northwest Territories and Nunavut. In Nunavut, the rights of Inuktitut speakers are further affirmed by the Inuit Language Protection Act. Inuktitut has official language status in the self-governing region of Nunatsiavut within the jurisdiction of Newfoundland and Labrador as well.

National legislation is needed to build on existing rights for our language and to complement initiatives advanced by territorial governments and Inuit throughout Inuit Nunangat. ITK therefore recognizes the positive role national legislation can play in closing statutory and policy gaps that enable continued discrimination against Inuktitut speakers. The specific nature of this discrimination and its consequential negative impacts on the day-to-day lives of

Inuktitut speakers is detailed in ITK's written submission to this committee.

Bill C-91 currently falls far short of fulfilling the Government of Canada's own commitment to develop distinctions-based legislation. On the basis of this commitment, ITK agreed to participate in this legislative initiative at the beginning. In the joint statement released when this legislative initiative was launched on June 15, 2017, Minister Joly, I, National Chief Bellegarde and Clément Chartier, president of the Métis National Council agreed to, "work collaboratively, transparently, and on a distinctions basis to codevelop national first nations, Inuit and Métis Nation languages legislation whose content will reflect the distinct geographic, political, legislative and cultural contexts impacting language revitalization, recovery, presentation, protection, maintenance and promotion".

It was our understanding, all the way through this initiative until very recently, that there would be a common section with provisions within the legislation, and then there would be distinctions-based sections based on the specific needs and realities of first nations, Inuit and Métis. Bill C-91, as it is currently drafted, completely overlooks the unique status of Inuktitut and the practical needs of its speakers. In the absence of Inuktitut-specific provisions within Bill C-91, ITK is therefore proposing amendments to the bill that would help ensure that our long-standing priorities for our language are reflected in this bill.

Remedying these problems has been a national Inuit priority for more than half a century. ITK was formed in 1971, in large part to advance the statutory and policy measures required to help revitalize, maintain and promote our language. These amendments are necessary to fulfill the federal government's commitment to indigenous peoples and all Canadians to develop distinctions-based legislation.

- (1210)

They would ensure that our people are able to enjoy the human rights and fundamental freedoms that all peoples are entitled to, including in the political, economic, social, cultural and other fields of public life.

In our submission to this committee, ITK has therefore proposed amendments to Bill C-91 that would obligate the minister to develop a separate annex to this act in relation to Inuktitut. This annex could include provisions addressing the following areas, among others: use of Inuktitut in the delivery of federal programs and services; use of Inuktitut in the federal public service; standards to govern federal financial support for Inuktitut and specific levels of support; and measures to support the provision of Inuktitut language programs and services in relation to education, health and the administration of justice.

The amendments to Bill C-91 that we are proposing are consistent with documents and input provided by Inuit to the Minister of Canadian Heritage throughout the past two years. They are also aligned with the federal government's own priorities, particularly in the area of access to federal services for Inuktitut speakers.

Inuit face consequential linguistic barriers when it comes to accessing public services, especially within the majority Inuktitut-speaking regions of Nunavut and Nunavik. This problem is particularly acute in law enforcement, where the limited number of Inuktitut-speaking RCMP officers contributes to under-reporting of violent crime, and family violence in particular.

Furthermore, the Senate Standing Committee on Fisheries and Oceans reported in 2018 on the risks to public safety that exist as a result of the limited number of Inuktitut speakers within the Canadian Coast Guard. The committee has recommended that the Canadian Coast Guard recruit people who speak Inuktitut. Similar barriers are well documented within Quebec's provincial justice system. The federal government's unwillingness to provide services in Inuktitut within Inuit Nunangat has even served to undermine the federal government's ability to discharge its duty to consult and accommodate Inuit. Such was the case in 2017 when the Supreme Court of Canada ruled in favour of the Nunavut community of Clyde River and found the National Energy Board's consultation process on seismic testing in the area flawed for, among other reasons, failing to communicate with Inuit in our primary language.

ITK urges this committee to take concrete action to address these long-standing problems by adopting the amendments we are proposing today. These proposed amendments, so necessary to the enjoyment of dignity among our people, are modest in comparison to the rights enjoyed by speakers of Canada's two official languages, both within our homeland and throughout this country.

Inuit are looking to each of you to demonstrate the creativity and political courage needed to help us end the discrimination too many Inuktitut speakers face in going about their day-to-day lives and to replace symbolism with effective and impactful federal support for efforts to strengthen and revitalize our language throughout Inuit Nunangat.

*Nakurmiik.*

• (1215)

**The Chair:** We will now begin our question and answer period.

We'll begin with Mr. Anandasangaree for seven minutes.

**Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.):** Thank you very much, President Obed, for your presentation.

I'd like to get a sense from you of the service provision in Inuktitut, with respect to, for example, the current education system.

How many teachers are available to teach Inuktitut to children right now in the different regions?

**Mr. Natan Obed:** I don't have specific documentation about the numbers, but I will give a general sense of the education system as it stands.

In a number of our 51 communities, Inuktitut is the primary language of instruction between kindergarten and grade 4. It fluctuates in that in some communities there isn't that opportunity. In many communities it's K to grade 2 or maybe just kindergarten. My children, in Iqaluit, took Inuktitut as the first language of instruction in their education between kindergarten and grade 4.

There have been efforts for public governments to increase the number of Inuktitut-speaking teachers through specific Bachelor of Education programs for Inuit within specific jurisdictions. This is all done on the margins. This is done not as a primary concern to get us to a language of instruction from K to 12 in Inuktitut but to ensure that the small gains we have made over time continue to exist.

**Mr. Gary Anandasangaree:** I think you mentioned four very specific areas: education, health care, the justice system and policing. Are there enough speakers right now who are able to provide those services in the different regions?

It appears that the gap we have... Many of your recommendations suggest there should be provision, in the different regions, in Inuktitut. Do we have enough people who can fill those roles if we do go that route?

**Mr. Natan Obed:** If you continue to systemically starve our language to death, then yes, that is a prophecy that will be fulfilled.

In the Official Languages Act, in terms of the rights for minority situations where there is a francophone or an anglophone community in a dominant community of the other language, once you hit a certain threshold, the minority linguistic population then has rights in terms of their own education and the ability to access government services. We don't have those. To come at this conversation saying that our capacity is limited, therefore our rights will not be exercised or upheld is not the way this country looks at its Official Languages Act for francophones or anglophones, and I'm not willing to enter into that conversation.

**Mr. Gary Anandasangaree:** To look at it the other way, it may not be responsible for the government to commit to legislation if it can't necessarily implement that right. An example is language of service. It may be very difficult to implement that. All of this requires a plan. I think that's what it comes down to. It requires a plan to build fluent speakers and to recruit them to the different areas of work, for example, in the public service. For us to put it in the legislation right now could be problematic in the sense that we're committing to something that is not immediately feasible. It's likely to be feasible in the longer term.

How do we bridge that gap?

• (1220)

**Mr. Natan Obed:** Our language rights exist today. This legislation is an attempt to allow Canada to respect its own obligations under international law, under the Constitution. That is not necessarily the same as having a conversation about capacity. The ability to exercise our rights versus the ability for us to fill all positions needed to do that are two completely different concepts.

In the legislative space we're operating in today, we are fighting for the ability to have the space to build capacity. That goes against the last 151 years of a lack of respect for our rights in relation to language. It's no surprise that our language use is declining in an environment where it doesn't have the same level of rights and respect as the two official languages in this country have. This country has been systematically trying to wipe out indigenous languages, and this is still a great opportunity to push back against that. The legislation and the ability for codevelopment was an opportunity we thought we were entering into that would go beyond symbolism and try to figure out how to practically implement our rights. We still have a hope that this innovation can happen, and our submission shows that path forward.

**The Chair:** Thank you.

We can go to Ms. McLeod, please, for seven minutes.

**Mrs. Cathy McLeod:** Thank you, Mr. Obed, for presenting today.

You didn't mince words in your press release after this legislation was introduced. I think you were quoted as saying that this legislation was symbolic, in bad faith, that it was done behind closed doors in a colonial system, that it was being imposed. Those are very strong words, and they speak to your disappointment.

The government talks about codeveloping legislation, and it might be as it was with the Trans Mountain pipeline when they talked about consultation with the communities that were going to be impacted, but the words didn't actually match what was happening. We're not privy to what was happening behind closed doors.

What happened that made you so uncomfortable that you were not mincing words in terms of the outcome?

**Mr. Natan Obed:** I'll reference again the June 15, 2017 joint statement made in the foyer at Centre Block, where we all pledged to work collaboratively, transparently and on a distinctions basis to codevelop legislation. We had a list of different things within the legislation, including distinct geographic, political, legislative and cultural contexts impacting language revitalization, maintenance and promotion. This had been preceded by a number of conversations led by the Canadian heritage minister, but also underpinned by the Prime Minister in the statements that he had made publicly about the ambition for an indigenous languages act.

All of that led to us agreeing to codevelop. We could have said no at that point. This is a really key point within this. There is an Inuit democracy in this country. Indigenous peoples have rights. We have the right to self-determination and self-government. The Government of Canada does not have exclusive domain on the political space that we occupy. We chose to come to this table. We chose to codevelop, and we chose to spend countless hours of our time at the national level and with our regions to provide our best positions that would practically implement the existing language rights we have and that would make a better future for Inuit. What we didn't have throughout the process was a response to our proposals nor, ultimately, a respect for any of the foundational principles that we had all agreed to within the bill you see that has passed first and second reading.

The preambular language talks about the importance of indigenous peoples, the importance of our language and the wrongs

that have happened. Yes, it is meaningful to have that in a preamble of a piece of legislation. If an indigenous language commissioner was within the context of distinctions-based sections of an act and that was a component of an act, we probably would be thinking very differently about it and would be much more at ease with it.

For this act to basically be an act that creates a federal commissioner is far short of the expectations we had. In relation to codevelopment, we do not see codevelopment as the same as consultation. If it was truly codeveloped, there would be segments of this act that we could point to and say these were the segments that Inuit wanted within this.

• (1225)

**Mrs. Cathy McLeod:** As you are aware, the AFN and MNC do support it. The question is, will the bill, as written, do harm? If nothing is changed, will it do harm, in your opinion?

**Mr. Tim Argetsinger (Political Advisor, Inuit Tapiriit Kanatami):** I can answer that to some degree.

Currently, in two of our four regions—Nunavik and Nunatsiavut—the main sources of formal, dedicated language funding that exist are through the aboriginal languages initiative program that is administered by the Department of Canadian Heritage.

As far as we can determine, the bill proposes replacing that program with a languages commissioner's office. The language commissioner will have duties that may or may not positively impact Inuit and Inuit language efforts to revitalize, maintain and promote our language. With an absence of the only current source of dedicated federal funding in at least two of those regions, you could argue that the proposed provisions in the current bill would, in fact, be a step backward for those two regions.

**Mrs. Cathy McLeod:** I asked a question in the first panel and I'll ask the same question again. If nothing is changed to meet the recommendations that you put forward, would you suggest that this bill should not be supported?

**Mr. Natan Obed:** We still remain optimistic that the codevelopment process is not over and that the provisions that Inuit have put forward can somehow find their way into an annex of the legislation or be incorporated in further readings of the bill. We're not willing to give up on this yet.

**Mrs. Cathy McLeod:** That was a good political answer. Thank you.

**The Chair:** Thank you very much.

**Ms. Georgina Jolibois:** Thank you for coming, I appreciate your presentations.

Other witnesses have told us that there are 11 official languages in the territories. This bill, as written, is not clear about how the provinces and territories will be included in the funding model. I am also concerned how a province or territory will incorporate languages into curriculums.

Can you comment on how this process worked in the north, and how you think languages should be included in provincial and territorial education programs?

•(1230)

**Mr. Natan Obed:** Your last witness, Duane Smith, talked about the way in which jurisdictions with multiple indigenous languages have historically underfunded indigenous languages and how fundamental change is necessary. This is the reason we're talking about an Inuit Nunangat approach within this legislation that would see our needs met through specific policy and legislative provisions and regulatory processes that fall under it to ensure that our 51 communities are serviced in exactly the same way and that our rights will be upheld on a consistent basis, no matter where you are in Inuit Nunangat.

I think part of the challenge has been that the way Confederation is imagined does not have space for Inuit Nunangat. When we introduce this topic and this idea, this advancement of our rights in a consistent way to this government wanting to renew its relationship with us, we don't find acceptance or innovation. We can't then get to the practical solutions that are being proposed through sometimes a very logical, simple approach, mainly because it's novel.

Breaking up the old way of doing business, especially within the aboriginal languages initiative, which for most of the last 10 to 15 years has operated basically with indigenous peoples competing with one another, and with Canadian Heritage deciding which indigenous projects they like best, versus having the proper funding and authority for language promotion be with the indigenous peoples themselves in a way that we choose to structure the interventions.... This is what we're trying to get to.

The concerns we have had are many in relation to the lack of respect for our language rights. This legislation is not going to solve every last one of them. It is also going to require additional considerations with provinces and territories, but this can be a really good place to start. We hope the amendments we're proposing can be incorporated into the bill.

**Ms. Georgina Jolibois:** I'm glad to hear you're optimistic, as I am too.

We have a chance to ask questions and we have a chance to bring forward our ideas and our suggestions to the government. Have you had the chance to communicate with a minister regarding the recommendations you are making here today?

**Mr. Natan Obed:** We've had a number of different opportunities to speak with Minister Rodriguez and, previously, we had regular meetings with Minister Joly for the entirety of the initiative. Our access to the minister and to provide advice to the minister is not the challenge.

Some of the senior technical processes that we have engaged in have not been as constructive when you look at them as a whole. We've had amicable conversations in many different rooms. As I have mentioned before, we have spent an inordinate amount of time providing our perspectives and our positions to Canadian Heritage on this bill and in the development of the provisions that you see here. We don't see the product of those conversations in the bill itself. At some point, when we get beyond talking about how important indigenous languages are and how great they are to be recognizing our rights and implementing them within legislation, that's where it seems to have fallen apart.

**Ms. Georgina Jolibois:** Our previous witnesses said that official languages need to be recognized and that indigenous languages need to be included in the federal government's definition of official language in Canada, as you were saying here this morning.

Can you comment on why that is so important again, to re-emphasize your perspective?

•(1235)

**Mr. William David (Legal Advisor, Inuit Tapiriit Kanatami):** With official languages status comes recognition of rights, which here is actually relevant because there's a remedy that flows from that. With official languages status comes the opportunity for federal supports for Inuit, and for provincial and territorial governments as well.

I would just point out, on official languages status, that this was held out as a possibility at the outset of this exercise. By demonstrating flexibility from the Inuit side, rather than simply asking for official languages status, we had developed a fairly extensive articulation of what we might be seeking as an incremental step to eventually achieving that. I believe we provided that to the committee. It's a very lengthy series of legislative provisions, and it's not necessarily the achievement of official languages status. It's what we would see as the necessary precursors and incremental steps to avoid the amount of disruption that would come from a simple declaration at the outset.

**Ms. Georgina Jolibois:** Thank you.

**The Chair:** We'll now go to Mr. Long for seven minutes.

**Mr. Wayne Long:** President Obed, thank you so much for coming in and giving us your presentation.

I think we can all agree that the goal is to ensure that we address as many of your concerns as possible. I certainly respect the fact that you have some concerns and some differences. Obviously the hope is that through amendments we can build capacity so that language rights, your main concerns, are protected.

The first thing I want to talk about is this. I've heard your concerns regarding Inuktitut, but I want to hear your thoughts on the other indigenous languages spoken in Inuit Nunangat. Do you think the bill would help protect them?

**Mr. Tim Argetsinger:** I just want to clarify, what languages are you referencing, because Inuktitut is the only indigenous language spoken throughout Inuit Nunangat.

**Mr. Wayne Long:** I apologize. It just says your thoughts on other indigenous languages spoken in Inuit Nunangat. Is there only the one?

**Mr. Natan Obed:** Within the definition of Inuit Nunangat, it is the sum total of the four land claim settlement regions. So within that space, it is a dominant Inuit population. There may be individuals who are not Inuit who do speak an indigenous language and live in our communities, but as far as the way in which, say, minority francophone rights exist within the jurisdiction of Nunavut, there are no such indigenous peoples who exist within Inuit Nunangat who would make up a majority population in that way.

**Mr. Wayne Long:** Do you see Bill C-91, as it currently is, protecting minority languages? Because one of the concerns we've heard from other witnesses is just the fact that there are communities that have infrastructure—schools, systems, things in place—but other areas don't at all.

Do you see Bill C-91 reaching them, or do you have amendments that you would propose to make sure that their rights and their languages are enhanced and protected also?

**Mr. Natan Obed:** I would expect that first nations and Métis would constructively work with the government on the distinctions-based needs of their populations. I can only speak for the Inuit-specific considerations within this piece of legislation.

That being said, if you look at the legislation now, you see there are two main components. One is the creation of a language commissioner and the other, which is novel in the eyes of government and to us, is the ability for the government to make language agreements directly with representatives of indigenous peoples. We would argue that this exists without the piece of legislation. The way in which the commissioner's office will work and the roles that it is meant to play.... The ability for a commissioner to tell the Government of Canada that it continue to not implement the rights of indigenous peoples in relation to language is just a continuation of the conversation that we are having with you here today. The ability for the language commissioner to actually fix that problem and compel the Government of Canada.... I'm not sure where that power lies, but we don't see it within the powers of the commissioner.

• (1240)

**Mr. Wayne Long:** Would you care to comment, Mr. Obed, on statements from other indigenous leaders such as Perry Bellegarde, who said it was “landmark legislation”? We had him in last week. He said that no legislation is perfect, but it's a great start, and now we need to work to make that better. President Clément Chartier said it was “reconciliation in action”. Can you give me your viewpoint and your comments on what they said?

**Mr. Natan Obed:** Under section 35 of the Constitution, there are three indigenous peoples in this country: first nations, Inuit and Métis. What you're running into here is the idea that we are not homogeneous. We have different societies and different needs. I think Ontario has a very different outlook on the world, sometimes, than Alberta, but Ontario and Alberta are both Canadian jurisdictions. They're part of Canada, but have very different perspectives and underpinning ideologies about what is important and why.

I have talked extensively with the National Chief and also President Chartier. They are supportive of Inuit within this exercise, and they are supportive of an Inuit annex. Other considerations for first nations and Métis may follow, but they have been supportive throughout of the approach the Inuit have taken.

**Mr. Wayne Long:** Would you say that you are seeking official language status for Inuktitut at the federal level?

**Mr. Tim Argetsinger:** We've provided proposed amendments in our submission. In these, you will not see official language status as one of the provisions we're putting forward. We'd encourage you to focus on those 10 provisions that are within the submission we've provided.

**Mr. Wayne Long:** Thank you very much, President.

**The Chair:** We will go to Ms. McLeod. She'll be sharing her time with Mr. Shipley, I believe.

**Mrs. Cathy McLeod:** I think this would be for Mr. Obed or Mr. David. I think clause 6 has been welcomed by groups from across this country, but there was a witness who flagged concerns, saying this is the first time there has been a recognition within a piece of legislation and wondering if there would be some challenges to the constitutionality regarding not having a broader approach. They thought it would be more appropriate in the preamble. I am not a constitutional lawyer. I would love to have a constitutional expert's opinion on that.

I know it's welcome, but when you have legislation where people question whether there will be a constitutional challenge, it always raises a flag to me. Mr. David as the lawyer in the room or Mr. Obed, I'd appreciate any comments you might have.

**Mr. Natan Obed:** I will start and then hand the floor to Will. I was in the room in New York City when Minister Bennett forcefully stated that Canada was in full support, without qualification, of the United Nations Declaration on the Rights of Indigenous Peoples. In that declaration, there are specific sections on rights related to indigenous languages.

The Government of Canada has existing obligations in relation to indigenous peoples and indigenous people's languages, whether the crown recognizes them or not. We are in a positive space where the crown has recognized—and has been very forceful in stating their support for—key international instruments that link back to this issue.

I'll pass this on for further comment.

• (1245)

**Mr. William David:** I think you'd be well advised to get some further analysis on this.

The only real point I would make is that with clause 6, like much of the act, it's very difficult to see how it would operate in practice. The reason I say that is because the rights of aboriginal peoples are recognized and affirmed broadly in section 35, and then there's a framework for defining what those rights are, either through the common law or through treaty-based mechanisms.

A narrow reading of clause 6, which is likely what would be offered by the Department of Canadian Heritage, would simply state that rights related to languages are not excluded from the definition of section 35. They are already not excluded from the definitions in section 35, so it could actually be quite redundant.

On the other hand, someone like me would try to read that as broadly as I could, to suggest that where there are existing aboriginal rights, they have a linguistic element to them. I don't think that would necessarily lead to the life or death of the bill. I do think it could contribute to ongoing disputes about the scope of the interpretation of that section.

The only other thing I would point out there is that recognition does not run through the act, which is really interesting. It's almost like there's this blanket recognition of section 35 rights there, but then our organization, and Inuit broadly, are complaining that the act itself doesn't provide any vehicle to implement those rights. It's an odd provision.

It's not something that I would consider to be fatal, but I would say that the ambiguity itself is potentially concerning to some.

**Mrs. Cathy McLeod:** Thank you.

**The Chair:** Mr. Shipley, you have 45 seconds.

**Mr. Bev Shipley:** I have a quick question, and it's to follow up on an earlier one.

In terms of the education—I think it was talked about that there would be a degree or certification courses—are there enough educators? How would that actually come together across the country?

**Mr. Natan Obed:** Inuit Tapiriit Kanatami is working with various federal departments to work on improvements to our education system writ large. We have a national strategy that we're trying to implement, from early learning and child care to K to 12 to post-secondary.

**Mr. Bev Shipley:** I'm just thinking about logistics in terms of universities and colleges. How would that actually get implemented with their likely small numbers?

**Mr. Natan Obed:** I'd love to have a longer conversation with you on that. I cannot do that in 15 seconds.

I will say that the ability to implement a piece of legislation is a very different thing from the rights and the implementation of rights that we are looking for.

**The Chair:** I wish we had more time so that we could try to get that answer.

I appreciate your brevity. Thank you for providing us with an answer.

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

**Mr. Gordie Hogg:** We're at the disadvantage of not seeing the submission you've made. Apparently that's going through translation and we will be getting that at some point.

I feel that I'm not as well equipped or well informed as I would like to be. I find that you're trying to interpret some of that, which I'm assuming we're going to see when we get your submission.

I'm trying to articulate for myself the differences that you're saying are not represented for you but are represented for the other two indigenous groups. Can you articulate that a little more for me in terms of the two changes or one change that would have to be done so there would be equity?

Am I interpreting that correctly?

**Mr. Natan Obed:** I'm trying to understand the question, but I don't think it is a case that this bill does something for first nations or Métis that it does not do for Inuit. That is not the conversation that we're having here. I think what we are looking for are fundamentally

Inuit-specific provisions of a different nature than what first nations and Métis are saying they are comfortable with.

Tim, do you want to add to that?

• (1250)

**Mr. Tim Argetsinger:** Sure, I can try to clarify. I apologize that you don't have the submission that was shared with the clerk on Thursday of last week.

What we're proposing, as far as amendments to the bill are concerned, is that a provision be included after clause 11 of Bill C-91, which would state: "The Minister must pursue, in close consultation with relevant Indigenous governing bodies, the development of a separate Annex to this Act in relation to Inuktitut."

We've included a draft annex that we have drafted, and it imagines what those specific provisions in that annex could be. Those provisions fall under a few different categories: status of Inuktitut, principles, definitions, funding, education, health, justice and language of work in the federal departments and agencies.

A question came up earlier in relation to education, and I think there may be a misunderstanding of what the rationale is for our comments on education. The specific provision we'd be imagining including in the annex itself would state, or could state: "The Government of Canada must take effective measures to support the advancement and implementation of education in Inuktitut within Inuit Nunangat."

Currently, there is a significant disparity in funding that is provided by the Department of Canadian Heritage to the two territories through the territorial language accords, which the Department of Canadian Heritage negotiates bilaterally with the Northwest Territories and Nunavut. Such a provision could create the opportunity for trilateral agreements being negotiated with the department and the provincial and territorial governments in whose jurisdiction Inuit live, to ensure that adequate funding for education initiatives and activities are provided. Currently, through those existing agreements, those funds, for example, that are provided to the Government of Nunavut for Inuktitut are not eligible for use by the public government's department of education; however, the funding for French language instruction is included in that particular agreement.

I'm just providing some background about our comments earlier about the need for equitable support for education throughout Inuit Nunangat.

**Mr. Gordie Hogg:** If that annex were contained within this, would there be some equity in terms of the legislation as it applies to all indigenous people, or would we be looking at an annex similar to that for other groups as well?

**Mr. Natan Obed:** We have challenges with this legislation and C-91 specifically, based on the codevelopment that was promised to us by the Government of Canada and our expectation of an Inuktitut-specific section within the bill.

What happens with first nations or Métis is not within our purview or jurisdiction. I would argue that is more within the Government of Canada's concern.

**Mr. Gordie Hogg:** Thank you.



I wish we'd had that before, so we could be asking other witnesses about that. That's probably an important allocation or understanding within this. In our discussion—

**The Chair:** That would bring you to the end of your five minutes.

• (1255)

**Mr. Gordie Hogg:** I had a really good question.

**The Chair:** I feel like the comic strip that ended in “That's all, folks”.

Thank you very much. That was very helpful.

I would like to explain that the reason it hasn't been distributed is that it needs to go through translation. We received it last week, but it has to be fully translated before it can be distributed to the committee. Everybody will be getting all of the materials you provided to us.

Thank you very much for your assistance today.

That will bring this meeting to an end.

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