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## **Standing Committee on Canadian Heritage**

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**EVIDENCE**

**Wednesday, February 27, 2019**

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**Chair**

**Ms. Julie Dabrusin**



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• (1550)

[English]

**The Chair (Ms. Julie Dabrusin (Toronto—Danforth, Lib.)):** I call the meeting to order.

This is the 147th meeting of the Standing Committee on Canadian Heritage. We're continuing our study today of Bill C-91, an act respecting indigenous languages.

We have with us today as witnesses Ellen Gabriel, cultural consultant, Kontinóhstats Mohawk Language Custodian Association. We also have Amos Key Jr., director of the first nations language program at the Woodland Cultural Centre, and from the First Nations Confederacy of Cultural Education Centres, we have Claudette Commanda, executive director.

If I may take just one quick bit of business before we get started, I spoke to all parties about the day for our clause-by-clause consideration of this bill. I was wondering if someone could bring a motion so that we could formalize that.

Thank you, Mr. Long.

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Good afternoon, Madam Chair.

I'd like to move that this committee commence clause-by-clause consideration of Bill C-91 on Monday, March 18.

**The Chair:** All right. I believe we can go straight to a vote.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Is there a time?

**The Chair:** We hadn't set a time on that, but I believe that we were going to be aiming for the afternoon slot of 3:30 p.m., which was what the parties had agreed to.

I don't know, Mr. Long, if you would like to put that into your motion.

**Mr. Wayne Long:** I'll read it again.

Madam Chair, I would like to move that this committee commence clause-by-clause consideration of Bill C-91 on Monday, March 18 at 3:30 p.m.

(Motion agreed to)

**The Chair:** We will now begin with our witnesses. I want to thank you for your patience while we had our votes.

Why don't we jump in right away with Ms. Gabriel? Ms. Gabriel, you may begin your presentation.

**Ms. Ellen Gabriel (Cultural Consultant, Kontinóhstats Mohawk Language Custodian Association, As an Individual) (Interpretation):**

[Witness spoke in Mohawk]

Greetings, and thank you.

My name is Katsi'tsakwas. I am Turtle Clan and I am from Kanesatake.

It took over 100 years to get us to this point. It is going to take at least 100 years to bring back our languages to life. These are the words of Hilda Nicholas, director of the Language and Cultural Centre.

[English]

After the Indian residential school apology, an elder said that it took us over 100 years to get us to this point. It may take another 100 to get our languages back to our lives the way it should be.

During my presentation, I want to use intermittently "*onkwehón:we*" for the term "indigenous people", because for us it best describes the people of Turtle Island.

I want to say that we are very happy to be able to have this opportunity to discuss Bill C-91 with you.

I want to state for the record that each *onkwehón:we* language is distinct and that a first nations language does not exist. There is a wide diversity of indigenous languages and peoples across Canada, and therefore each language should be treated as distinct and unique among the world's languages.

In order to find solutions, we need to contextualize realities we face under ongoing colonization and assimilation. Therefore, Bill C-91 must be amended and the vague statements must be revised to strengthen its intent of protecting and respecting *onkwehón:we* languages. It must remind Canada of its international human rights obligations and uphold the highest standards of human rights.

I want to describe the preciousness of our language. It is the very essence of *onkwehón:we* peoples, and it is deeper than a form of expression or communication. It contains our cosmology, our constitution, our value system and our history, and traditional knowledge systems are woven into our languages. Our ceremonies follow the natural rhythms of the natural life cycles found in our ancestral languages.

I am part of the *Kanien'kehá:ka*—People of the Flint—and the language I speak is *Kanien'kéha*. It is a language that is composed of 80% verbs, is action-oriented and is descriptive. It is a complex language that not only links us to our ancestral teachings but also strengthens our relationships with the environment and natural cycles.

For far too long, the importance of *onkwehón:we* languages has languished in the dark, as important problems like social problems rooted in colonization remain the priority of the day. Language is a key in the healing of our nations from the genocidal acts of colonization.

As such, since Bill C-91 mentions “reconciliation”, then acts of reparation and restitution must occur. Our languages are intricately and closely tied to the land, our relationship to Mother Earth, and all our relations.

As we all know, one of the tools used to destroy indigenous languages and cultures was *lontiontákhkwa lonteriwaienstakhwa*, the Indian residential school system, whose scope, purpose and depravity are well documented in the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission.

Revitalization, maintenance and perpetuation of *onkwehón:we* languages are best done by *onkwehón:we* people themselves. We feel the urgency of the state of *onkwehón:we* languages more profoundly in our community.

We can no longer waste any time tolerating the imposition of colonial languages and the ongoing assimilation policies and programs. With each passing year we lose elders who have carried traditional knowledge—the first language speakers. We cannot afford to waste any more time from political posturing either.

The United Nations Permanent Forum on Indigenous Issues expressed in an expert language meeting on January 19 in 2016 an important message regarding the growing “crisis” and the loss of indigenous languages as being “urgent”, and while statistics help government create policies and programs, they cannot convey the level of urgency felt in communities that are resisting assimilation. They cannot paint a portrait of the grief of our elders as they witness the slow obliteration of our ancestral languages through colonial assimilation.

We need to strengthen some of the wording in the preamble. I'll go directly to some of the words.

In general, instead of just “recognition”, there should be “respect and affirmation of our human rights”.

In paragraph 5, it ignores the Indian reserve system, the ongoing land dispossession from institutionalized racism, a structure that is more akin to an authoritarian state than a democratic society. The colonial agenda and doctrines of superiority have been used as foundations of oppression to justify genocidal acts in *lontiontákhkwa lonteriwaienstakhwa*, or the Indian residential school system.

• (1555)

In the 18th paragraph, the preamble should be more in line with article 22 of the UN declaration, which says, “Particular attention...

shall be paid to the rights and special needs of indigenous elders, women, youth...children and persons with disabilities”.

The bill must take into account the multi-generational impacts of the Indian residential school system and the genocidal laws and policies. Hence, it should be a trauma-informed lens to get back our languages.

I'm not sure how I'm doing for time, but I'm going to go directly to the impacts of Canada's Official Languages Act and Bill 101.

**The Chair:** You have about three minutes.

**Ms. Ellen Gabriel:** Okay. Thank you very much.

Bill 101 and the Official Languages Act have affected us in the schools and have marginalized our indigenous, ancestral languages in our communities. The bill has to take into account the various levels of racism, societal indifference, racist attitudes and institutionalized racism from colonial laws, policies and programs that contribute to the opposite of enjoying our rights or participating in Canadian society.

Linguistic rights scholar Tove Skutnabb-Kangas coined the term “subtractive language education” in which she explains how it “subtracts from the child's linguistic repertoire, instead of adding to it”.

UNESCO has estimated that more than half of the world's 6,000 to 7,000 languages that are spoken today will become extinct by 2100. A great majority of these languages under threat are indigenous languages. Statistics can only describe the loss abstractly; the real loss is felt by indigenous peoples themselves.

I'm going to skip to funding now, for the sake of the translators.

We can no longer tolerate project funding. Imagine if your languages were at the sense of urgency that we feel today and that you had to do exhaustive reporting measures and write project proposals for your language when you have very limited human resources.

We have to provide for activities, but not for human resources. That's project funding. We have to provide for classes, but not for curriculum and development. That's project funding. While project funding has changed and while we do appreciate it, nevertheless the urgency consists of the challenges of continuity in indigenous languages revitalization remaining in project funding.

We emphasize the necessity for core, long-term, sustainable funding for experienced—I emphasize experienced—indigenous organizations that have led the way in indigenous languages preservation and revitalization, etc. Core funding must be provided for all levels of immersion classes.

I have a written presentation. I want to emphasize that *onkwehón:we* peoples have preserved their languages up to this point pretty much on their own. While the Constitution Act of 1982 is mentioned quite often, it has never been implemented. No province, nor even the federal government, has respected our inherent rights, and it's time to change that. If there's reconciliation, then reparation and restitution have to happen.

Our rights are consistently violated; they are not protected and they're not respected. Therefore, it is the duty of Canada and its provinces and territories to respect and not interfere any longer in our enjoyment of our rights. As the UN Office of the High Commissioner for Human Rights explains, all human rights are universal, interrelated, indivisible and interdependent, and the denial of one right affects the enjoyment of another.

Do I have any more time left?

• (1600)

**The Chair:** I can give you another minute if you'd like.

**Ms. Ellen Gabriel:** Okay.

I'll just go through some of the recommendations.

We recommend core funding, of course, for all levels of immersion, and to eliminate silo funding models. Adult immersion must be funded as a stipend, similar to that of post-secondary students, so we can get every level of our community speaking.

In 1996 RCAP, the Royal Commission on Aboriginal Peoples, mentioned a \$100-million endowment fund to create a language foundation. A national entity already exists in Canada, which is the First Nations Confederacy of Cultural Education Centres. We recommend that this be the entity to provide funds to indigenous communities, although this would require an infusion of both human and financial resources.

I'll end it at that.

Thank you very much for your time.

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

We will now go to Amos Key, Jr., please.

**Mr. Amos Key Jr. (Director of First Nations Language Program, Woodland Cultural Centre, As an Individual):**

*[Witness spoke in Cayuga]*

*[English]*

I just wanted to thank the Creator in my language as well, who brought us here today to talk about our intellect and our languages. I want to thank the Creator for that.

*[Witness spoke in Cayuga]*

*[English]*

My real name is Taehowehs. My English name is Amos Key Jr. My clan is Turtle. I am from the Mohawk Nation, but my parents were polyglots and they raised us in the Cayuga language. They were multilingual *onkwehón:we* speakers.

*[Witness spoke in Cayuga]*

*[English]*

I am also a faithkeeper of the longhouse in my community among the Haudenosaunee.

That's where I come from. That's my place in this world. I wanted to start my presentation in giving salutations to the Creator and to us.

I am pleased that I was invited to come and speak to you today. I know that I am on a time limit, so I'm going to go ahead. I have 14 points to ponder, as I call them. I'll go to those that I can get into my eight minutes or so.

I want to say that for the bill as it stands, because I'm a teacher, an educator, I give it a C+ at this point. As an educator, I give it a C+. I wanted to share that with you right now so that I can talk about my points to ponder.

My number one point to ponder is decolonizing the preamble. You might want to ask me a question about that later. We need to do that.

My second one is to decolonize the civil service and justice.

My third point is on the "Whereas" section of the bill on page 2. We might want to talk about that. It leaves out the impacts of our colonization, and our conversion to Christianity and the church are not acknowledged in the preamble, but we acknowledge other things. I think we need to talk about that as well: the impact of conversion among indigenous people in this country.

My point to ponder number 4 is that there is no detail that I could see significantly in the material about supporting the development of community language archives.

My number 5 point to ponder is that there is no mention of e-learning for indigenous languages.

Number 6 is indigenous language literacy and literary arts. There's no mention of it or supporting it.

Point to ponder number 7, on which I want to speak more in depth, is on the office of indigenous language commissioners.

Number 8 is on the parliamentary office of language commissioners, from our position paper that we submitted last July.

The number 9 point to ponder is implementing a framework that supports Bill C-91, which again is from our position paper on the office of commissioners.

Point number 10 is on the immersion education funding anomaly that exists right now for immersion education.

In number 11, I want to look at funding to support the intent and implementation of Bill C-91.

Number 13 is about supports to urban friendship centres in their delivery of language instruction or initiatives.

Number 14, of course, with my colleague, is about the support for the cultural education centres of Canada.

Those are my points to ponder that I have in my remarks. You'll be getting a translation of those.

I wanted to go back to a point. Once the bill is established and approved at some level, hopefully before this session of government is over... We submitted a position paper called "*Tseh ni: dwai: ho' de: Our Civilization's Sacred Thoughts*". The tradition in Canada is for language commissioners to be officers or agents of Parliament, so we propose that there be parliamentary offices of the indigenous language commissioners, similar to the parliamentary office of official languages supporting the Official Languages Act, especially for French language minorities outside of Quebec. This would also give Bill C-91, an act respecting Indigenous languages, a needed profile and teeth.

•(1605)

Why reinvent the wheel when a model already exists? It already exists in Parliament. That is a serious point to ponder.

In number 9, on implementing a framework that supports Bill C-91, again from our position paper, we recommend the office of the Inuit language commissioner, the office of the Métis language commissioner and the office of the first nations languages commissioner should be in place in order to carry out their various roles and responsibilities, each having the structure and framework that I will now describe.

To begin, there should be a central national parliamentary office of languages commissioners in Parliament.

Next is having 13 regional offices in the provinces and territories, national civilization-specific offices, with titles of regional commissioners or regional directors: one for the Métis, one for the Inuit and one for the first nations. These offices would work in co-operation with the local language commissions to ensure that they have adequate funding and provide suggestions and oversight for the reports and audits of the community language commissions on first nations communities.

The third aspect is to re-establish local commission offices on first nations communities. They will liaise with the provincial ones and other institutions such as indigenous cultural centres, friendship centres, the provinces, the Canadian military, the RCMP, the Senate and the House of Commons, where specific liaison arrangements may be required within the provinces and territories. These local language commissions would be responsible for community language planning and for developing annual and multi-year strategies and annual budget estimates to implement annual and multi-year strategic plans. In sum, it would be a three-tiered process or infrastructure that will support our languages from the grassroots up to the parliamentary offices in Ottawa here.

That's what we have suggested.

The Commissioner of Official Languages is an officer of Parliament, as you know, and is at arm's length from the government of the day, with a full set of responsibilities to report on the implementation of specific rights. The office has regional offices across Canada and operates with a staff of some 200 federal civil servants working to ensure that the linguistic vitality of French and English in minority settings is maintained and that the two official languages are not in danger. There's already a model here that we should mirror.

I have time, so I'm going to talk about the anomaly of immersion education funding.

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

**Mr. Amos Key Jr.:** I have a minute.

I've had the privilege of organizing an immersion K-12 education system at Six Nations. Our graduates get an OSSD, an Ontario Secondary School Diploma. It's been going for some 30-plus years. It still functions at the back of a lacrosse arena.

It's a funding anomaly, we're told by civil servants, because they're proactive in English education within the Department of Indian Affairs. That's what they told us. With his grin, the civil servant said, "We are doing you a favour." This was in the eighties. How uncivilized we were then. "We are doing you a favour." I remember that day.

I'll stop there.

**The Chair:** Thank you.

We will now go to Claudette Commanda of the First Nations Confederacy of Cultural Education Centres, please.

**Ms. Claudette Commanda (Executive Director, First Nations Confederacy of Cultural Education Centres):**

*[Witness spoke in Ojibwa]*

*[English]*

I've been with the confederacy since 2000. Established in 1972, the First Nations Confederacy of Cultural Education Centres is a non-profit, first nations-controlled national organization. We have a membership of 50 cultural centres across Canada. We represent 400 first nations communities, and we represent the language and cultural diversity among first nations. Our mandate is protection, promotion, revitalization and maintenance of first nation languages, cultures and traditions.

Our organization supports the indigenous languages legislation; however, we have concerns with Bill C-91. FNCCEC were not co-developers in the drafting of the language legislation, but we contributed by way of a national engagement session. Our organization collectively put forward key recommendations as necessary elements of the language legislation.

The legislation must be indigenous, distinction-based and implemented according to first nations protocols, perspectives and practices. Funding must not be by proposal or project-driven; funding must be legally protected on a permanent basis. First nations communities must have ownership, control, access and possession of the implementation of the legislation, its regulations and its language funding. FNCCEC must be given full participation in the implementation of the legislation and have a vital role in the language commission.

It becomes apparent that Bill C-91 bears little resemblance to the recommendations that we put forward.

The concerns with Bill C-91 are what is and what is not contained in the bill. The bill does not contain a provision that recognizes first nation languages as the first or original languages, but addresses languages as a pan-indigenous approach.

There is no provision outlining the amount of funding to be invested into languages. There is no provision that states that the Government of Canada commits to protect and safeguard indigenous languages. There is no provision stating firm commitment to adequate, sustainable, long-term funding. In essence, the bill does not contain a provision to compel the government to permanently fund indigenous languages.

We have concerns with what is in the bill. Let's begin with the preamble.

There are 18 paragraphs in the preamble that speak about the importance of indigenous languages and indigenous peoples. The preamble is the best part of the bill, but we know that it doesn't have the same authority as the substantive parts of the bill. Actually, there's only one section that speaks about the commitment to funding.

Then there are the must-haves. Five of these paragraphs in the preamble need to be removed and placed in the purposes of the act. These paragraphs are numbers 10, 11, 12, 13 and 14, and I begin by emphasizing the most important paragraph, number 14, which says:

Whereas the Government of Canada is committed to providing adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages;

This text must be the opening of clause 5. Paragraphs 10, 11, 12 and 13 also need to be in clause 5.

Paragraph 5(d) states:

Establish measures to facilitate the provision of...funding.

However, the problem with this section is that establishing measures is not a commitment to funding, and it is unclear who will be eligible for funding and how will it be divided and distributed among the first nations, the Inuit and the Métis.

The bill contains vague wording and uncertainties. For example, in the definitions in clause 2, there are two words, "other entity," and it goes on to say, "that is authorized." What is the definition of "other entity"? Who determines what is and who is "other entity"? Does this open the door for anyone to self-identify as an entity? What does "authorized" mean? Who determines "authorized"?

Another example is the word "diverse" in reference to indigenous governments, used in clauses 7, 13, 15 and 16. What is meant by "diverse"? It is unclear who these diverse indigenous organizations or governments are. Here again, the question is whether this is open for self-identifiers posing as indigenous organizations or governments.

•(1610)

The bill makes reference to "minister must" or "may" consult. Consultation is not consent. It may simply mean a discussion, and then government does what it wants. Clauses should be amended to require the consent of first nations for the long-term funding for their languages and the appointments of a commissioner and directors.

The bill also contains inconsistencies, such as clause 25, "Support offered by Office". It does not include indigenous organizations, yet previous clauses do, such as clauses 5, 7, 8, 13, 15 and 23. Clause 26 now includes indigenous organizations. Why does clause 25 not include indigenous organizations?

The bill should be distinction-based, but it lumps all indigenous peoples together, without distinction. First nations have over 633 communities, with over 60 languages and dialects. First nations have a nation-to-nation agreement with the Crown dating to Confederation, and even before that.

Paragraph 5(c) speaks of establishing a framework to facilitate the effective exercise of rights relating to languages. However, first nations have the right of self-determination and self-governance. Therefore, neither the federal government nor any other body can impose a framework on how first nations can exercise their language rights. It lies with first nations to determine our own language laws and the exercise of rights.

In addition to the FNCCEC's engagement recommendations, we further recommend no duplication of existing structures and that no new bureaucracy be established. It is vital that language legislation support the enhancement of existing organizations and structures and that these existing organizations can access adequate funding. It is critical that funding must not go to political organizations. The funding must flow directly to the communities.

The terminology of the bill must be strengthened to give it legal teeth. There should be indigenous distinct commissioners: first nation, Inuit and Métis. The mandate and the priorities of the office of the commission should come from first nations, not through federal legislation.

Further amendments are required, including an amendment that clearly identifies funding amounts, affirms and guarantees funding, and protects permanent, sustainable funding; an amendment that addresses the disbursement and the distribution of funding to first nations, Inuit and Métis, and the mechanisms on how to flow the funding to communities; an amendment that clearly acknowledges the rights of first nations to pass their own language laws through their own inherent authority; an amendment to include treaties, whereby the honouring and protection of treaties will be in the purposes of the act; an amendment that guarantees the funding is not proposal-driven but is core programming for first nations communities and well-established first nations language and cultural organizations.

In closing, cultural centre expertise is integral to language protection, language development, cultural health and in building strong cultural identities for our children and our youth. The enrichment of community health and self-esteem for first nations youth depends on the transmission of knowledge from elders to youth. This is the paramount reason that the survival of languages and culture is critical.

As stated by an Ojibwa elder, the late Elmer Courchene, "If we do not revitalize our languages, we lose the spirit of the people. We want to save our languages for the future survival of our next generations." This is why our organization and our work remain steadfast.

*Meegwetch.* Thank you.

•(1615)

**The Chair:** Thank you to all three of you.

We will now go to our question-and-answer period.

[Translation]

We'll start with Mr. Miller.

[English]

**Mr. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.):** [Member spoke in Mohawk].

[English]

I want to acknowledge our presence on traditional Algonquin territories.

Thanks for coming.

I want to focus on one specific issue that I want to take up with people working in grassroots organizations.

Katsi'tsakwas, I know your work: I know you fought tooth and nail in Kanesatake to revitalize the language. I want to focus on the funding repercussions and the issues surrounding the scope of the ILA funding, the criticisms you have with it, and the necessity for persistent, consistent and wide-scope funding, and then focus on some of the challenges that students, particularly in the immersion stream, have with getting from non-fluency to a stage of fluency that allows them to start perpetuating or at least self-learning. Can you touch on those specific aspects as they touch on the financing and the flaws with the current ILA funding?

**Ms. Ellen Gabriel:** I'll try.

The problems and the challenges we've been having concern project funding. At the end of March, my project will be over. We have teachers who are 65 and older who are teaching. They're the first language speakers in my community. It's a small community that speaks the oldest dialect of *Kanien'-kéha*. You cannot have continuity in your language programs if you have project proposals with exhaustive reporting, both financial and activity reports.

The other thing I wanted to address is the challenges among our own people, who feel that French and English are much better for youth to have, because that way they'll have a job. It's been marginalized even further, therefore, by our own people. That mentality has to change. We have over 400 words in *Kanien'-kéha* that talk about and describe the state of the mind. When we talk about a trauma-informed lens, we are seeing where we've come from and why we're the way we are today.

The challenge is not just funding, although that is a major one; in order to have a language program you need human resources. You need your human resources to be paid, so that they can pay their bills and buy their food at the grocery store, because we don't live like our ancestors. We need to be able to provide children with the language mentorship and apprenticeship programs that they need. It's really difficult if you don't have the money for it.

One recommendation I didn't mention was that we want a guarantee that the provinces and territories will not use the notwithstanding clause, if this bill passes and there are amendments, as we've all said today, and that they will not try to shirk their obligations to help us protect our languages.

The challenges we have are enormous in a very small community, but I think the heart and the passion of the people who have been

revitalizing the language and trying to maintain it are so great that we're at the point—a critical juncture, I would say—that it's going to be second language speakers who will be teaching the children and youth, when we really need them to be first language speakers, as you know.

We need the experts. If we were talking about economics, you would have economic experts. We're talking about languages, and the first language speakers and the experts on language are not the ones leading the way. They should be leading the way throughout this whole bill. It should be the ones with the expertise. Whether it's the language commissioner, the program, the establishment of a framework or of measures to facilitate the provision of adequate sustainable funding, those should go to the people on the ground, but they're not going to them.

As for political will, our programs have been contingent upon whether or not the government feels that it's a priority or even whether the band council feels that it's a priority. In our community we don't have that kind of support, so we are struggling constantly. That's why we have been saying that we don't want any political bodies to have anything to do with it. It needs to be the experienced first language speakers and teachers.

• (1620)

**The Chair:** You have two minutes.

**Mr. Marc Miller:** Amos, Cayuga is a language that is in a much more threatened state, even compared with *Kanien'kéha*. How would the question I posed to Ellen apply to Cayuga, particularly in its current state of vitality? What do you think the additional measures would be to even begin to close a gap, if that's even the proper comparison?

**Mr. Amos Key Jr.:** For our community, Oshweken Six Nations, as I said, we have an immersion school called *Gaweni:yo*. If you want to say it's faith-based, it's faith-based, but it incorporates all the sensibilities of a civilization.

I try to debunk the term “culture” even in my university courses, and I manage to do it. That's why I say we need to decolonize the preamble and get rid of the term “culture”.

Hockey is a culture. Figure skating is a culture. When we identify first peoples, they say that's their culture. We need to understand the essence of civilizations here. That's what we do within *Gaweni:yo*.

Now when I hear my young people speaking—after 30 years—they're bilingual. They have the essence of the language and they sound like seasoned speakers. It took one generation to do that, after the civil servants saying, “We're going to do you all a favour.”

I got to see that in my lifetime. Those people are leading our ceremonies. Some of them are educators. Most of them are self-employed, employed or in post-secondary education.



The last time I did a report on our school, just 2% were on social assistance. These are graduates of an immersion bilingual school system. That's what you want for your society. I don't know what the push and tug is about when we know what we need for our communities. That's the relevance of that for our community.

However, we need more funding. We need a school. We need a plant, a safe and healthy plant for our students, not something in the back of an arena.

In the meantime, we've built four brand new English-streamed schools in our community. The poor immersion cousin has to make do in an arena. That's what I'm saying here today. Can you imagine if we had a gymnasium for them? Who knows? Still we do our best.

With our Cayuga language, we have hundreds of speakers who are basically bilingual. That reflects the efforts of the community, of families, in making sure that they want this as part of their life, and looking at civilization in a healthy way, as *onkwehón:we* civilization rather than *onkwehón:we* culture. I debunk that term.

I'm glad, folks, that I can do a whole lecture at the university without using the term "indigenous culture". My students get it. They understand what I'm saying when I talk about, in our province, the Mushkegowuk, Anishinaabe and *onkwehón:we* civilizations.

It conjures up another self-image: that we have intellect, intelligences, our own health and social determinants, all of our own ethics, our virtues. All of that is incorporated in our languages

• (1625)

**The Chair:** Unfortunately, I'm going to have to cut you off there. I let you go a couple of minutes over. I need to make sure that we have time for other questions.

We'll be going to Mr. Shields, please.

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

In Blackfoot, I say "excellent".

The three of you, as speakers, are sort of a breath of fresh air today. You've laid out three mindsets that could be in this legislation but aren't.

I informed my colleagues when I spoke about this in the House that one of the things is that it's rushed. The consultation hasn't been there.

You stated the obvious today when you talked about adequate.... These people have heard me talk about that, and my definition of adequate is C. You were a little better than that; you gave it a C+. That's where I think it is; it's just adequate. It's a C, an average. It's rushed.

It doesn't have what you three witnesses have said to us today. You've identified the pieces that are missing and so necessary. You've said it a number of times.

I brought up the word "diverse". What does it mean? There are so many words like that in here that just aren't good enough, because it does just exactly what you said.

When you talk about the points to ponder, some of those are dissertations in themselves. You've laid out what, to me, is a critical piece: identifying those organizations and moving that money to those organizations. The structures are there. You have figured out in the worst of circumstances how to do things on the worst of budgets. Why can't we translate this legislation to do what you understand?

I've talked too much. I usually ask a lot of questions.

You've been very enlightening to me today, in the sense of expressing those things that are so important to what this legislation could be, and it's not.

If you have any last words in the three minutes I have left, I would appreciate your expressing anything you didn't get to say.

**The Chair:** You actually have five minutes.

**Mr. Martin Shields:** We have five minutes: Let's start right there. Is there anything you didn't get to say?

**Ms. Claudette Commanda:** What I'd like to stress is that our national organization is community-driven. Our cultural centres are community-based, and they have been doing this work since 1972.

We operate on very limited funding, which comes from Indigenous Services Canada. It's proposal-driven funding, but we make do. We're not a political entity. We are grassroots. We know the issues. We know the people. We're directed and guided by our elders. Our culture centres are actually the hub of communities.

In the case of this Bill C-91—and I agree with you that it was rushed—if you want to do something, do it right, because this is important. This is critical. We're talking about our lives here. We're talking about our people. We're talking about our ancestors. We're talking about our generations that will come. It's important to get it right.

Work with those existing organizations that have been well established. We have the solutions. We have the ways, and we can do it. If we've been doing it with \$1.50 per person, we certainly can do it. We need to have the resources so we can enhance our capacity.

• (1630)

**Mr. Martin Shields:** As you said, though, the definition isn't there to allow it to move into where it's needed. It's not there.

**Ms. Claudette Commanda:** You're right. It's not there, and we keep asking "What do you mean by 'diverse'?" That could be anyone. Anyone off the streets could say, "Now today, our mandate is going to change. We're going to work on indigenous languages." That is what's happening right now. I'm witnessing it. Ever since the announcement that they were going to move forward with the legislation on indigenous languages was made, and just recently when the bill was tabled, organizations have popped up. Groups have popped up. They're saying, "There's money in it. Let's change our mandate and let's include indigenous languages in our mandate", because they're going after funding, funding, funding. Where is that going to put us?

If they put other entities before us, if they put diverse entities before us, guess what happens. We, the grassroots people, will be forgotten once again, and everybody else is going to become rich off the back of our languages and our spirituality and our civilizations.

**Mr. Martin Shields:** As well, Mr. Key, what you envision happening won't happen, will it?

**Mr. Amos Key Jr.:** No.

**Mr. Martin Shields:** It will be a sad day.

**Mr. Amos Key Jr.:** Yes.

**Mr. Martin Shields:** You understand it so well. I can understand it only so little, but you understand it. To listen to you and how you express that and how you understand.... The words we use don't describe what we need to understand. That is so missing for us.

Politicians have to make decisions, and you understand that as well, but the problem is that the consultation that I see, which could have occurred with people who are sitting here in this room, didn't happen. It didn't happen. We're missing that passion. We're missing those key parts of understanding the situation. That's sad to me. You're much sadder than I am because you know the results.

**Mr. Amos Key Jr.:** I think all of us sitting here as well have had some great teachers. Our own elders and our wisdom keepers, our knowledge keepers, have encouraged us to move forward and to keep the faith and keep going, regardless of what happens.

I'm a professor at the University of Toronto. I tell my students that it's our resilience. Despite all the odds, that's our resilience in play. I still can stand here in one of the richest universities in Canada and speak to you. I never aspired to be a professor, but here I am now talking to you about how we ran off the rails 150 years ago, and now we have to try to get back on.

One thing is to debunk the term "culture" when we engage indigenous peoples, because all of that is sewn together. All of those traits and characteristics, including our moral compass and our moral characters and our theologies and our spiritualities, are sewn together by our languages.

**Mr. Martin Shields:** How did we go so far off the track with this piece of legislation?

**Mr. Amos Key Jr.:** I don't know.

**Ms. Ellen Gabriel:** You were never on the right track to begin with. That's because you didn't have the indigenous language experts who were there to help guide you and tell you what you need.

It takes five to seven years to become a fluent speaker of my language, and that's if you hear it every single day. If you're trying to bring children to start speaking it in this globalized society.... For us, in Quebec, we're challenged by Bill 101. All those things come together, and they push down all the things that have been pushed down for the last 150-plus years.

As Amos and Claudette have eloquently stated, we have so much richness in our culture that we want to bring to the children and youth so that they will still be able to speak it 100 years from now, speaking in the way that our elders understand. They can break down the words, and say this root comes from here and this comes from our creation story.

I think it has good intentions, and I really would hate to see any kind of political partisanship get involved in this. We need the money yesterday for us to be able to take the lead, because we know what we need. We will be accountable. We will have our audits and

we will give you the receipts, if you want, but give us the money we need today, because our human resources are dwindling.

If this had been a predominantly male activity, I think it would have been well funded, but the majority of people who have been working in language revitalization, nickel-and-diming it all these years, have been women. There have been exceptions like Amos. I think that says a lot about how indigenous women are still looked at.

It's our nations. We are peoples with the right to self-determination, and our language is one of the richest parts of who we are.

•(1635)

**The Chair:** Thank you.

[*Translation*]

We'll continue with Mr. Nantel for seven minutes.

[*English*]

**Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP):** First, thank you very much for being here.

It's always an adventure. Listening to Mr. Shields getting so passionate about it is reassuring me, as a regular Canadian, about the importance of meeting these TRC recommendations.

First and foremost, I have to tell you that I hope we will get your written submissions. I guess we didn't have them because they were not in French, but we need to have them translated and receive them as quickly as possible, because things are rolling fast.

I noticed how troubled you are by the fact there is no funding at all. Let's make it clear. There's no dollar sign in the bill, so let's stop talking about the fact that there's funding. There's no dollar sign in the bill.

If I'm not mistaken, Ms. Commanda, to you it is the most important thing. Ms. Gabriel, you just said you don't want the baby to be thrown out with the water. Some may discuss whether consultations have been done in the proper way, but what would you say is reasonable funding for a first step for the first year?

We can imagine that we will make it grow, because this pays off. I still remember going on the other side of the river in Kahnawake and meeting with.... I don't know how it is at your place, but in Kahnawake the relearning of the original Mohawk was a process that has been long attempted and tried. I remember it was at the time when *Hochelaga* came out. That comedian was actually a real master and teacher of their language.

They were telling me it's a super-big choice to get involved in relearning the language. There is money for the teachers, but I guess there should also be money for the people. I don't know if it was specific to there, but it was like a full-time job to relearn. However, it also created amazing results. I remember buying a DVD of a kids' show, locally produced, if I'm not mistaken.

What would be the first money to be awarded for that?

**Ms. Claudette Commanda:** May I respond to the question, Madam Chair?

**The Chair:** Yes.

**Ms. Claudette Commanda:** Our cultural centres spoke about funding. We said \$250 million, as a start, should be put into a language institute, which would then go right into the communities to help them rebuild their languages.

We have another recommendation that \$1 million, as a start, should go into first nations communities as core funding for their languages. This funding would be start-up money and would increase on an annual basis.

That's a start. We know it's so important. The cultural centres are supporting 400 first nations communities and languages, so \$5 million is not a whole lot of money at all, and we've been operating with the same level of funding since the 1980s.

It's proposal-driven; it cannot be proposal-driven. It must be core programming.

Overall, it would be \$250 million as a base to start from and \$1 million to each first nations community for their core funding for languages.

**Mr. Pierre Nantel:** Mr. Key, would you comment?.

**Mr. Amos Key Jr.:** I had the opportunity to look at the action plan for official languages for 2018-23, a five-year plan, and noted that the Government of Canada is going to share \$2.7 billion with the francophone community outside of Quebec. That's for one language. Do the math. It's a point to ponder.

I had the audacity to suggest that we look for at least \$1 billion annually for 60 languages in this country. We would ramp up to that, with increases based on need after that.

I'm looking at my brothers and sisters from our francophone communities, and how rich they are. I look at their action plan. It's so beautifully written. It supports the arts in French and music in French. It's so beautiful.

•(1640)

**Mr. Pierre Nantel:** Well, this is why I was referring to that television show I saw in Kahnawake. Language is culture; it is the resilience of that culture.

You spoke, Ms. Commanda, about the commissioner's office. Could you expand on your thoughts on that?

**Ms. Claudette Commanda:** From our perspective, the commissioner has to be indigenous, or has to be first nation. I'm speaking from a first nations perspective. It should be our people who appoint the commissioner—not the minister or the government, but our people—and that individual has to meet criteria. For example, that individual should be a language speaker and should be community-raised, having that strong knowledge of tradition and of the protocols. The commissioner should have strong public relations skills and the ability to build partnerships among first nations, government and society. We need to have some very critical, strong, cultural language criteria.

It needs to be our people. After all, this commissioner is going to be the one overseeing any funding or whatever that is born out of the legislation. Our people understand. Our people understand the community, the languages, the needs and how to work with systems.

**Mr. Pierre Nantel:** Thank you very much.

You're very practical in the way you approach it—all three of you, actually. It's like a bizarre coordination. You're very direct and to the point.

I have to ask you one thing that is a little further up. It's the global view. How do you think it should relate to UNDRIP?

**The Chair:** You don't actually have the time for that, although generally, I've tried to let everyone have a bit more time.

You have the ability to put in extra submissions in writing, and we will circulate them, if there is something else you wanted to say.

I want to thank you very much for your testimony today. It was very helpful.

We are going to suspend briefly so that we can move to the next panel.

Thank you.

•(1640)

(Pause)

•(1650)

**The Chair:** We're going to start back up.

For the second hour, we have with us Bridget Fanta, who is an aboriginal language consultant; Paul Joffe, who is a lawyer; and Dorothy Anderson, the elected secretary for the Métis Settlements General Council.

We will go in the order in which you appear on the agenda, beginning with Bridget Fanta, please.

**Ms. Bridget Fanta (Aboriginal Language Consultant, As an Individual):**

*[Member spoke in Cree]*

*[English]*

I thank everybody for this honour today of being here, being invited to Ottawa to speak on behalf of my nation, my culture and my Woodland Cree people, whom I represent, in northern Alberta and in Alberta.

I come from the community of Fort Vermilion, Alberta. I was born and raised there. My parents were fluent in my Cree language. My father was fluent in Cree and English, and part French.

I come from a Métis background; however, I consider myself a first nations person. I honour my culture and heritage as a first nations teacher, and now aboriginal language consultant.

I come to you today with great honour to be part of this indigenous languages act that's being presented by our government at this time.

I did have a short bit of time to go through it, but not in as much detail as I would have liked. However, there was one thing that jumped out at me when I was going through it. It was that there seems to be a land-based component that's not part of the bill at all.

Land-based learning is huge. It's a new concept that's very important. The students, the young people, learn hands-on our traditions of trapping and hunting and fishing and so on. Those are parts of who we are as aboriginal people, as indigenous people. Those are from the heart, and we need to honour that with our students and our people.

Also, in terms of our traditions, our languages are orally based. We didn't learn our languages through anything written. They all came from our minds, from our speaking, from our listening. As a child growing up, I remember sitting in front of the stove, listening to my father speak with his friend about his hunting stories. That was my own television, being able to understand my culture and understand his stories. I grew up in an era when, as a small child growing up in the north, I didn't have running water, power or any of those modern facilities. I had a rich upbringing, and I honour that. I'm able to attest to the fact and stress how important language is, how oral language is, in our world and in our country.

With this indigenous languages bill, I'll make a strong point about orality. Orality is where it's at. When we start to write the language with a standard Roman orthography, it is no longer unique. Anyone can decipher it.

• (1655)

Those are the teachings of our elders. This is not me speaking; these are my elders. I'm speaking through them. I've been honoured enough to listen to them. *Kakeesimowin* or praying, healing, teaching—those are important things that are really huge, and passing on the tradition orally is really critical, because when we start to write down our language, that is not inherently who we are: That is somebody's text.

We did not have text. My mother could not speak a word of English. However, to me she was a brilliant woman. She taught me a lot about life and how to survive and how to be resilient.

That's who we are as aboriginal people. We're resilient. We have a lot of resolve to carry on, to carry on forward, to carry on to bring our culture and our language forth for our children, our grandchildren, our great-grandchildren and our great-great-grandchildren, who our ancestors have brought on for us, to bring us here today.

I honour our ancestors, our people, who have been through so much in our history in this country. We don't need to go into details about how we've been through the mill, and yet we're here. We're still here. We're still forging ahead. We're still going. We're still here fighting for our rights as individual indigenous people, as aboriginal people, as first nations people, to honour our language.

I think this is a great bill that is being proposed. I'm honoured to be a part of it. There are probably a lot of critical things that need to be addressed. There were some good points in the presentation prior to mine. I'm not that prepared in the sense that I don't have any logistics of how things can be proposed in a more positive way, other than the fact that it's important to honour our culture and our traditions and to make sure that "oral-based" is put into the bill. I did not see the oral tradition included as part of the bill.

Again I'd stress the land-based learning as well. I've been a teacher for five years. I taught Cree for 10 years; prior to my teaching degree, I was a language teacher. The minute you have children,

students, young people doing hands-on work, going out to a trapline and helping an elder snare something as simple as a rabbit, that really brings so much more to life for them in terms of who they are as aboriginal people. That brings them some pride. It gives them the resilience to carry on, the hope and the pride. I think pride is really what's missing in a lot of our young people. A lot of things are going wrong with them, and they don't feel good about who they are.

Language is the crux to feeling good about who you are. I grew up in a society where I felt good about who I was, because as a child, I grew up in two languages, Cree and English, which is really critical. If we can bring those back to the drawing board for our young people in our country, with every language.... It's not just Cree; it's every indigenous language in our country. We're a vast country, a huge country, and we have many languages. We have many languages that are dying. We have many languages that are thriving, but if we don't keep going, they will start dying off more.

Every time we lose an elder, there goes a whole lot of culture. A whole lot of knowledge is gone. That has to keep going. The only way it can truly go forth is through orality, through listening, through observing, through speaking, because that is who we are. We are an oral-based people.

• (1700)

**The Chair:** Ms. Fanta, I just wanted to let you know you have gone a couple of minutes over your time already.

**Ms. Bridget Fanta:** I'm done.

**The Chair:** Thank you.

We will go to Mr. Joffe now, please.

**Mr. Paul Joffe (Lawyer, As an Individual):** Good afternoon, Madam Chair and honourable committee members. I would like to begin by acknowledging that we are on the traditional territory of the Algonquin people. I would also like to thank you for inviting me to appear before this distinguished committee and for your support of Bill C-91, an act respecting indigenous languages. I welcome this initiative to reclaim, revitalize and safeguard indigenous peoples' language rights.

I just want to make clear that I'm not here to speak at a profound level in terms of indigenous cultures. That's not my point here. It's more to discuss some of the legal aspects. The rich dialogue that we all heard before this is not my level.

In my opening statement, I would like to divide my presentation into two distinct parts.

In part one, I will propose some amendments to Bill C-91 that would serve to make the legislation more consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

In part two, I will briefly clarify the important relationship between Bill C-91 and Bill C-262, the United Nations Declaration on the Rights of Indigenous Peoples Act. It is crucial that both bills be enacted as federal law, hopefully prior to the upcoming election.

Let's begin with some proposed amendments.

The ninth preambular paragraph describes “a history of discriminatory government policies and practices, in respect of, among other things, assimilation, forced relocation and residential schools were detrimental to Indigenous languages”. This preambular paragraph should be strengthened by adding that the assimilation was also forced.

We should also highlight the 1960s scoop, and not solely residential schools. Destruction of culture should also be added. This paragraph would then be consistent with article 8(1) of the UN declaration, which affirms, “the right not to be subjected to forced assimilation or destruction of their culture”.

The last preambular paragraph highlights “the need to take into account the unique circumstances and needs of Indigenous elders, youth, children, persons with disabilities, women, men and gender-diverse persons and two-spirit persons”. This provision falls significantly short of article 22(1) of the UN declaration, which stipulates that “Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities”.

Rather than simply “take into account the unique circumstances and needs”, it would be much more appropriate to include the phrase “Particular attention shall be paid to the rights and special needs” in the last preambular paragraph.

In addition, the term “men” does not belong in this essential paragraph focused on discrimination, nor is the term “men” included in article 22(1) of the UN Declaration.

Under the heading “Rights of Indigenous peoples”, it would be important to add, at the very least, a new provision after clause 3, namely that aboriginal language rights are reinforced by the treaties. This would reflect the Truth and Reconciliation Commission’s call to action number 14.

● (1705)

Clause 5 begins, “The purposes of this Act are to:”, and then paragraph 5(g) continues:

advance the achievement of the objectives of the United Nations Declaration on the Rights of Indigenous Peoples as it relates to Indigenous languages.

In my respectful view, it is not sufficient to simply advance the achievement of the objectives of the UN declaration. The urgency of maintaining, reclaiming, revitalizing, etc., is emphasized twice in the preamble of Bill C-91. Therefore, the purpose in paragraph 5(g) should be no less than to “achieve the objectives”—not “advance the achievement”—of the declaration, consistent with article 38 of the UN declaration.

Now, the preamble of Bill C-91 states that “Indigenous languages were the first languages spoken in the lands that are now in Canada”. Therefore, it is contradictory for the bill to claim in clause 6 that the Government of Canada “recognizes”, rather than “affirms”, that “section 35 of the Constitution Act, 1982 include[s] rights related to Indigenous languages.”

I’d like to turn quickly to part two of my presentation. The main point is that Bill C-91 and Bill C-262 are interrelated, and both bills must be adopted and implemented.

There’s no doubt that indigenous peoples’ language rights constitute human rights. For example, the Canadian Charter of Rights and Freedoms in part 1 of the Constitution Act, 1982, addresses human rights, including language rights. The UN Declaration on the Rights of Indigenous Peoples is an international human rights instrument that also includes indigenous peoples’ language rights.

At the World Conference on Human Rights in June 1993, the Vienna Declaration and Programme of Action was adopted as a human rights instrument. This declaration affirms that:

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner... While...various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights...

According—

**The Chair:** I’m just going to give you the heads-up that you’ve already gone over your time, so if you could try to wrap it up, that would be great.

**Mr. Paul Joffe:** Okay.

According to their own world views, indigenous peoples also embrace, interpret and express their rights in a holistic manner. All of their inherent, pre-existing rights are interrelated and interdependent.

I won’t read the seventh preambular paragraph in the UN declaration, but there it makes clear that indigenous peoples’ rights are inherent.

Just to finish here, I should mention that the same provision that is in the seventh preambular paragraph is entrenched in the American Declaration on the Rights of Indigenous Peoples, which was adopted by the Organization of American States in June 2016.

To date, the UN declaration has been reaffirmed by the UN General Assembly 10 times by consensus. Therefore, I respectfully urge every honourable member in both houses of Parliament to support the adoption of both Bill C-91 and Bill C-262.

Thank you.

● (1710)

**The Chair:** Thank you.

We will now go to Ms. Dorothy Anderson from the Metis Settlements General Council.

**Ms. Dorothy Anderson (Elected-Secretary, Metis Settlements General Council):**

Thank you.

My name is Dorothy Anderson. As mentioned, I am the elected secretary for the Metis Settlements General Council.

Most people don't know that the Metis Settlements General Council is the government of the only legislated landholding Métis in Canada. We are governed by the Metis Settlements Act, enacted in 1990. We have a 44-member general council that is solely responsible for governing the Metis Settlements, in collaboration, in many ways, with the provincial ministry of indigenous relations, but the Metis Settlements General Council itself is the government for the Metis Settlements.

*[Witness spoke in indigenous language]*

*[English]*

I was born with my language, which I can't call Michif, because it's Cree-influenced. I can't call it Cree, because it's Michif-influenced. What I call it is the Metis Settlements language, and it really is a hybrid of the cultures in the regions.

That was my first language. I remember starting to learn English when I was about four years old. I specifically and clearly remember the day I was dropped off at a preschool. I think it was a preschool of sorts. I had two ladies looking over me and hovering over me, and they were saying something. I didn't know what that something was, and they didn't know what my response was. I was asking them what they were saying.

It was a 100% communication breakdown on day one. At probably four years old, I ended up walking out the back door of that school and going home, because it was not my language. It was something that I didn't know.

*[Witness spoke in indigenous language]*

*[English]*

I come from Gift Lake, one of the eight Metis Settlements in Alberta. Our little corner of the world is somewhere in the Lesser Slave Lake area, if you're familiar with it.

It was not that long ago that people in Gift Lake started learning English. The first language of everybody my age is the Metis Settlements language. Everybody up to about 25 years old, in the present day, speaks it or understands it to varying degrees.

I noticed in the news release issued by Heritage Canada that there are statistics about the Metis Settlements that are false. In our exclusively Métis communities, speaking our Metis Settlements languages, our stats are actually higher. About 50% of our 8,000 people speak or understand it to varying degrees, and about 25% of our people are fluent.

● (1715)

I do need to shore up the comment that was made by Bridget. I have always been really confounded by the notion of writing our language in English. It's a very baffling notion, and it has contributed to the destruction of the language, because we don't spell out our language; we have syllabics. I think they're really almost extinct. I think I counted about eight people who can read syllabics in our areas.

What has happened, and what I've noticed very clearly, very predominantly, is that when children learn the language in the classroom, they come home and say a word you actually don't

understand; they're not saying it the way it's supposed to be orally said, because there is an error in the notion of spelling it out and sounding it out—pronunciation and so on. I could go on for days on that subject.

I wholeheartedly agree, then, that the act does not say enough about oral learning and does not say enough about the importance of interconnecting the way of life with the language.

The Metis Settlements General Council conducted the first community health assessment that has ever been done in these hundred-year-old communities. That was in 2016. What our community members told us loud and clear is that they recognize that our culture and our health are dependent on our knowledge of the language. They didn't say they are intertwined; they said that our way of life and our health are dependent on the ability of our people to speak their language, because it's in our DNA. Our language is a living thing; it has adapted.

I said earlier that it's not Michif and it's not Cree; it's the Metis Settlements indigenous language. I would be concerned about a broad national effort being more of an imposition on what we already know, because we have practised our language. Many of us are practitioners. Many of us knew that language first, before we learned anything else.

When I see a bill that speaks, in my opinion, to what looks like a looming bureaucracy, it doesn't make sense to me. The answers are in our communities. If our language is going to be revitalized; if we're going to enjoy a reconciliation and, dare I say, a repatriation of our language, it's going to happen on the ground. We know that, and our community members actually said that in the community health assessment.

I was really debating mentioning this here at this table, but the Metis Settlements almost weren't here today. We had not been part of everything that led up to this. A couple of years ago I heard there was going to be a languages act. I think that's pretty much it. I haven't heard about what I know now to have been consultations or engagement sessions—some high-level coordination—going on. The Metis Settlements did not speak to the issue, and they did not inform the bill.

I think that the parties would be remiss in proceeding without making it about the community. I think it needs to be a little bit less about bureaucracy and a little more about people. It needs to be a little bit more about the resources that we need on the ground to rescue our language.

● (1720)

In the Metis Settlements, as I said, about 50% of the people know the language to some extent. What's tragic at the moment is that we are losing the language. We're watching our language dissipate. It's happening in real time. It's not something that happened a long time ago that shows a statistic of 2% knowledge today. It's something that's rapidly happening right now.

**The Chair:** I'm only nodding at you because I've also let you go over your time. Perhaps you can try to wrap it up.

**Ms. Dorothy Anderson:** Okay, sorry.

Can I just say that I have to apologize? If we go beyond 5:30, I actually have to take off, because I'm on a flight to head back home.

**The Chair:** Okay. Yes, you can absolutely say that. We'll try to keep it moving along.

I'm just looking at my watch, and it is 5:22.

Go ahead, Ms. McLeod.

**Mrs. Cathy McLeod:** Madam Chair, I propose that we do three five-minute rounds over 15 minutes. That would just take us a few minutes over, if that would work.

**The Chair:** That is fine with me if I have the consent of people around the table, and with the understanding that Ms. Anderson may have to leave. I apologize for that. I'll try to keep it rolling.

Why don't I jump right into it? We'll go to Mr. Hogg for five minutes, and I'll be strict.

**Mr. Gordie Hogg (South Surrey—White Rock, Lib.):** Thank you.

I'm sharing two and a half of my five minutes with Mr. Miller. We'll move as quickly as we can.

Thank you very much to all of the people providing testimony today. It has brought new concepts and new ways of understanding and feeling to the submissions and testimony we've had up till this day. I think that as Mr. Shields and Mr. Nantel reflected, there's a much more visceral, connected-to-the-ground reality to what you're providing us, with the answers in the communities and the challenges we have. I think Ms. Gabriel said there are 400 words to describe "state of mind". I think I've gone through 350 of them while listening to the testimony today and the conflicts I'm seeing.

Most of the testimony so far has been fairly consistent. There's a sense of urgency from everyone that we have to get something done. There's a concern that if we don't get it passed quickly, then it may be lost for a while, so there's that sense of urgency.

I want to go quickly. Focusing on the legislation that's here, recognizing that there are a lot of problems with it, as you have expressed, do you feel that if in the introductory part of it, the preamble, the values you stated were reflected and we could pass legislation around those values, then we could reflect the actual operationalization through orders in council and through referring things to the commissioner?

I think there have been clear statements that the commissioner, if we follow this model, would be indigenous, with directors around that. Is that a way of getting through this? Is that a way of us being able to deal with a myriad of issues and conflicts that we're hearing from so many groups?

Okay, I brought on a really good silence with that.

**Voices:** Oh, oh!

**Mr. Gordie Hogg:** Paul, with respect to your submissions around UNDRIP, Grand Chief Ed John, our representative at the United Nations, has clarified some of those issues and has proposed some changes that I think address the issues that you brought forward. My question is whether there is something we can salvage out of this.

I'll go to Dorothy and then I'll turn it over to Marc quickly.

• (1725)

**Ms. Dorothy Anderson:** I couldn't tell you if there's a fix that would be that easy. I think, very importantly, I would emphasize that the Metis Settlements General Council was recently recognized by the Crown. They always have been, since 1938, in the Metis Population Betterment Act of Alberta and, in 1990, in the Metis Settlements Accord of Alberta, but more recently we also signed a bilateral MOU and a bilateral framework with the Crown. I would implore that there be some very decisive and clear wording about organizations and communities that are not otherwise represented by the national bodies that took the helm here in the drafting of this case.

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

Marc, I'll turn it over to you.

**Mr. Marc Miller:** Okay. I'd like to note that Gordie is colour-blind, which explains the pink jacket. Actually, it is an initiative to underline efforts against bullying. There is a reason for the colour.

What's always confounded me in this legislation is the imperfect attempt to try to encapsulate the diversity and richness of 60 or 70 languages into a piece of legislation, with imperfect consulting. Money may be attached in a budget conferred to people who know best how to do it, who are outside legislators in Parliament. By the nature of the legislation itself, it's always been an imperfect endeavour, while important symbolically and important in terms of real rights.

Mr. Joffe, you have much more experience in this field as a lawyer than I have. In a vacuum, absent money and cognizant of the fact that governments are catching up with courts and there is much work to do, what is the value in and of itself of the rights recognized under this piece of legislation—all in a minute?

**Mr. Paul Joffe:** Indigenous peoples have gone through history not having their rights recognized—actually it's not "recognized", but "affirmed". If one does not begin by recognizing that these rights pre-exist, if one doesn't recognize that the rights are attached to the land, as some speakers have mentioned, then what one gets is a very narrow focus, and it could be very much a non-indigenous focus.

If everyone else has human rights that are recognized or affirmed, it is extremely important now that indigenous peoples be put at the same level.

**The Chair:** We will now go to Mr. Yurdiga, please, for five minutes.

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

I'd like to thank the witnesses for making the journey to testify to us.

During one of the first meetings, we had the bureaucracy in, and they referred to it extensive consultation. Some of the questions we asked were on who was consulted.

I come from the Lac La Biche area, where we have the Kikino and Buffalo Lake Métis settlements, so I knew that wasn't true. That was a challenge for me.

Another thing is it's opportunity. This municipality in Alberta is over 80% indigenous, whether first nations or Métis. There is a whole group of people who missed an opportunity to describe their uniqueness. I know Buffalo Lake very well, and in their language they have some Ukrainian words, because that's a Ukrainian settlement. Every settlement has a slightly different twist. We can't really say we did a good job of consulting, because we didn't do any, at least in my opinion.

From your perspective, what would you like to see in this legislation? Obviously I prefer the grassroots. The bureaucracy will just spend money consulting too many others, and the people who actually need it will not get anything, or very little.

How would you like the government to proceed as far as the funding model goes, with grassroots-driven funding or the bureaucracy telling you what you're going to get?

**Ms. Dorothy Anderson:** That would be 100% grassroots-driven. That's where the answers lie. Everything else would be a possible waste of time and a possible inefficient use of funding.

**Mr. David Yurdiga:** The Metis Settlements are unique in themselves, because they have their own infrastructure in place to actually provide programming.

• (1730)

**Ms. Dorothy Anderson:** Absolutely.

**Mr. David Yurdiga:** You can't have one policy that fits everyone, so we have to go back to the drawing board and ask about what they need. One community may need something different from another. I think it should go back to the various communities across Canada from coast to coast to coast. As well, we should get a proposal: "This is what we need, and we need  $x$  dollars to accomplish this", and then the discussion could go from there.

It's like building a house and making blueprints and not knowing how much money you have. You're not going to accomplish much because you don't have a budget.

What is your perspective?

**Ms. Dorothy Anderson:** I didn't mention that all of the Métis settlements have schools ranging from K to 6, all the way up to one settlement that has K to 12, and that's the one that's far up north by High Level.

We all have settlement offices. We all have local councils and chairpersons. We have a Metis Settlements census that takes place every three years. When I throw numbers out, they are very reliable, because our census is not a population sample census; we strive to knock on literally every single door. We have the infrastructure, the human resources and the programming in place. We are empowered by a lot of homework and research that we have done, and it would be a matter of resourcing and then leaving the program development to the communities themselves.

One of the things that I like to mention as well is that the Metis Settlements General Council also endorsed UNDRIP, not only to say that we want to be treated with an UNDRIP hand, but that we too, as a collective government, will practice proper consultation and grassroots-driven programming.

I think the Metis Settlements General Council would appreciate a return to the drawing board and some inclusion of the general council and the Métis settlements in the legislation, with more of an emphasis on oral learning and land-based learning.

I think I would leave it at that for now.

**The Chair:** That brings you to the end, unless you have a 10-second comment.

**Mr. David Yurdiga:** I would like to thank Bridget for coming up.

As an educator, what challenges do you face?

**The Chair:** No. That was a 10-second comment.

**Mr. David Yurdiga:** I thought I could—

**The Chair:** You're out of time. I was just giving you your last 10 seconds there.

Go ahead, Monsieur Nantel.

[*Translation*]

**Mr. Pierre Nantel:** Thank you, Madam Chair.

Mr. Joffe, you referred a number of times to the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP.

Shouldn't it be referred to more clearly? Time flies. Ideally, this bill will be perfect and properly amended, but that's unlikely. Wouldn't it be a good guarantee if the bill referred to certain articles of the UNDRIP, such as articles 11 to 16? Wouldn't it be useful?

[*English*]

**Mr. Paul Joffe:** May I respond in English?

**Mr. Pierre Nantel:** Of course you may.

**Mr. Paul Joffe:** The UN declaration is supported worldwide. We don't have a big dissension anywhere in the whole world on it. If some instrument is supported very strongly by indigenous peoples, and if the world community has also accepted it by reaffirming it 10 times, then that instrument has legitimacy as a human rights instrument.

I think it's very useful to refer to it with the understanding that each different indigenous people will interpret it from their own world view, from their own priorities.

[*Translation*]

**Mr. Pierre Nantel:** Ms. Fanta and Ms. Anderson, thank you for coming to speak about your experience.

I have in mind the image of Ms. Anderson who, at the age of 4, went to school and then ran out, since it wasn't her language and she didn't understand what people were talking about. It's an eloquent image.

I know that you need to leave. You asked us to stop at 5:30 p.m., and it's 5:37 p.m.

I'll take this opportunity to mention that cultural diversity is at stake. I would even quote Jean Larose, from the Aboriginal Peoples Television Network, or APTN, who recently asked the government to take action with regard to the broadcasting and telecommunications system.



I'll let you go since I know you need to leave, Ms. Anderson, and I invite you very clearly—

• (1735)

**The Chair:** If you want to move your motion now, I would like to ask permission to allow all the witnesses to leave.

**Mr. Pierre Nantel:** Absolutely.

Ms. Anderson needs to leave anyway.

[English]

**The Chair:** I believe that we are now moving to a motion that is not part of this study, if I'm correct. If so, I would like to thank all of you for providing us with your testimony today. You can all leave so that you don't have to sit through it.

Go ahead, Monsieur Nantel.

[Translation]

**Mr. Pierre Nantel:** I want to thank everyone.

All the committee members received an email yesterday from the Coalition for Culture and Media asking that the committee undertake the comparative study on similar legislation concerning broadcasting and telecommunications in other jurisdictions and on recent reforms in those areas, and that the committee make recommendations and report its findings to the House.

The coalition is very clearly referring here to all the changes we're experiencing with regard to the web giants, Canadian and Quebec content, or even the programming of various networks such as the APTN. This diversity is at risk because funding is scarce, market shares are declining and the regulations aren't consistent. We want to ensure that everyone can contribute. The motion, which was introduced over a year ago, seeks to reaffirm that one of the most effective ways to form an opinion on the issue is to look at what's happening in other countries. I've given you a written copy of the motion.

I think that you also have a copy of the email sent by Mr. Clark and Ms. Blais on behalf of the coalition, which represents a huge number of people who have a strong interest in preserving our cultural diversity. On that note, the wording of the motion is very clear and is intended to be as inclusive as possible, while taking into account the fact that the Senate is conducting a study on this issue and that we expect interim measures as soon as possible.

Here is the motion again:

That the Committee, in view of the upcoming review of the Broadcasting Act and the Telecommunications Act, undertake a comparative study on similar legislation concerning broadcasting and telecommunications in other jurisdictions, and on recent reforms in those areas; and that the Committee make recommendations and report its findings to the House.

I want us to vote on this issue, because the study is important. We have a few weeks ahead of us. We should dedicate those weeks to this issue, which was raised by a broad coalition of people who recently met in Toronto and Montreal.

[English]

**The Chair:** I will let everyone know that this has had the two-night sleep. It's been around for a little bit.

Go ahead, Mr. Long.

**Mr. Wayne Long:** Thank you, Madam Chair.

I move that the debate be now adjourned.

**The Chair:** That's non-debatable.

[Translation]

**Mr. Pierre Nantel:** Pardon me?

**The Chair:** I was simply asking the clerk whether this motion is debatable.

[English]

It's not debatable.

[Translation]

**Mr. Pierre Nantel:** Okay.

So it's not necessary to vote on Mr. Long's motion?

**The Chair:** We'll do so immediately.

[English]

I'm just trying to confirm that I've got the procedure correct.

All those in favour of—

**Mr. Pierre Nantel:** Of what?

**The Chair:** Of adjourning debate.

**Mr. Pierre Nantel:** Of adjourning?

That's terrible, Mr. Long. Really. Everybody knows.

**The Chair:** I get that there is no debate on it, so I have to—

**Mr. Pierre Nantel:** There will be debate, because it's a total emergency. You can see it in all your papers.

[Translation]

**Mr. Pierre Nantel:** The journalist Mylène Crête will lose her job as a result of our inaction.

**The Chair:** Mr. Nantel, I understand, except that we can't debate the motion.

[English]

It's a non-debatable motion.

[Translation]

**Mr. Pierre Nantel:** People from the culture sector are watching you, Mr. Long.

[English]

**The Chair:** All in favour of Mr. Long's motion—

[Translation]

**Mr. Pierre Nantel:** People from the information sector as well.

[English]

**The Chair:** —please show your hand.

[Translation]

We'll proceed with a recorded division on Mr. Long's motion.

**Mr. Pierre Nantel:** I warmly welcome this recorded division, which will show each person's name and refusal to take interest in what's happening around the world with regard to information and cultural diversity.

[*English*]

**The Chair:** Debate is adjourned, and the meeting is adjourned.

**The Chair:** We'll have a recorded vote.

(Motion agreed to: [*See Minutes of Proceedings*])

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