
Literature Review - Language & Culture

Table of Contents

The Quest for First Nations Language Rights in Canada

International Developments

Highlights from the Literature

Recommendations

Prepared for
The Minister's National Working Group on Education
by
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Literature Review - Language & Culture

Purpose

The purpose of this review is to provide the Minister's National Working Group on Education with background information regarding existing and potential models for the exercise by First Nations of jurisdiction over education particularly pertaining to First Nations language and culture.

The Quest for First Nations Language Rights in Canada

The many reports put forward by First Nations communities clamor for the control and the self-determination of their own education systems. Without fail, every proposed educational reform recommends the inclusion of the language and culture of their community to some degree. Government reports have given voice to the same recommendations which are beginning to advance First Nations jurisdiction and control over education. But many other reports criticize the slow pace and question the commitment and will of the Canadian government to act with substance in carrying out the many recommendations repeatedly put forward. Such reports have spanned decades and include:

Indian Control of Indian Education - National Indian Brotherhood, 1972.

The major recommendation of the Committee is that Indian education reflects Indian values, and that the local Indian band and the parents of the children attending control it. This would require the following actions:

1. Responsibility - The report recognizes federal government responsibility for Native education and recommends that the federal government be responsible for transferring the authority to the local Indian band.
2. Programs - the committee recommends a greater emphasis on pre-school and kindergarten programs to teach the second language in which the curriculum will be taught or to reinforce the child's image as an Indian. Alcohol and drug programs are also suggested, as are adult programs and cultural education centres designed to help Indians apply traditional beliefs to modern society.
3. Teachers - With respect to teachers, the report recommends at a minimum, the hiring of teachers who are fluent in the local language; it is further hoped that Native people may be trained to be teachers and counselors. If Indian children must go to a local school off the reserve, the report recommends that non-Indian teachers be trained in Native values and native education and Indian people be represented on local school boards.
4. Facilities - The report suggests that education facilities be upgraded and high schools and vocational schools be established on some reserves.

The International Covenant of Political and Civil Rights

Signed in 1976, it formalized Canada's international obligation on human rights and on language rights specifically:

27. "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

This article has been one of the most important for the protection of linguistic minorities as it grants the best binding protection so far. The drawbacks are that it protects individual and not collective rights; and stops short of allowing minorities to use their languages in school.

The Constitution Act 1982

Repatriation of the Canadian Constitution and the enactment of section 35:

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

While this article grants collective rights, it has no education clause or any binding conventions.

First Ministers Conference on Aboriginal Self-Government 1984

This proposal to constitutionally recognize Aboriginal languages and culture was tabled by the federal government:

35. (2) Without altering the legislative authority of Parliament or the provincial legislature, or the rights of any of them with respect to the exercise of their legislative authority,
- a) Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to:
 - i) Preserving and enhancing the cultural heritage of the Aboriginal peoples of Canada; and
 - ii) Respecting the freedom of the Aboriginal peoples of Canada to live within their heritage and to educate their children in their own languages, as well as in either or both of the official languages of Canada.

Note this article contains a clear education clause and was tabled.

Tradition and Education: Towards a Vision of Our Future Assembly of First Nations 1988

Aboriginal Languages

Aboriginal languages deserve official status within Canada, constitutional recognition, and accompanying legislative protection. The federal government is obligated to provide adequate resources to First Nations to ensure the development of language structures; curriculum materials; First Nations language teachers; resource centres; and immersion programs. Aboriginal language instruction is necessary from pre-school to post-secondary and adult education. First Nations support and protect the status of aboriginal languages as primary languages in many First Nations communities. First Nations have developed aboriginal language policies. These policies must be acknowledged and implemented in all schools serving First Nations students.

For the Love of Learning, Report of the Royal Commission on Learning 1995

Chapter 15: Constitutional Issues

The Commission recommends:

3. That the federal government provide assistance to aboriginal peoples to develop language teaching resources co-operatively with communities that use the same languages, in other provinces and in the United States;
4. That the province, in co-operation with First Nations communities and school boards, develop guidelines for permitting the use of Native languages as languages of instruction, where teachers and teaching resources are available;
5. That the provincial and federal governments continue their programs to develop resource materials that support the teaching of Native languages and culture for teacher in-service and for classroom use in on- and off-reserve schools, providing such materials are made available to other boards and schools;
6. That the Ministry and the representatives of the First Nations review the Declaration of Political Intent proposal on Native trustee representation, taking into account possible changes in overall board structures that could follow the issue of this report, and that at the earliest opportunity the parties implement the agreement that results;
7. That the federal and provincial governments continue negotiations that lead to full self-governance of education by the First Nations;
8. That the province develop a different way of dealing with band-operated elementary and secondary schools than it now has. Such a method would:
 - a) recognize that they are publicly funded schools of a First Nation, governed by a duly constituted education authority; and

b) permit more reciprocity and co-operation with provincial school boards.

Report of the Royal Commission on Aboriginal Peoples Languages 1996 Volume 3, Gathering Strength

Aboriginal Control of Aboriginal Education: Still Waiting

Aboriginal people often say, "Our children are our future." By extension, then, the future depends on the effectiveness of education. Education shapes the pathways of thinking, transmits values as well as facts, teaches language and social skills, helps release creative potential, and determines productive capacities.

Aboriginal people are well aware of the power of education. Greater control over their children's education has been a demand for at least three decades.

Parental involvement and local control of schools are standard practice in Canada - but not for Aboriginal people. Instead, they have long been the object of attempts by state and church authorities to use education to control and assimilate them, during the residential school era, certainly, but also, more subtly, today.

By seeking greater control over schooling, Aboriginal people are asking for no more than what other communities already have: the chance to say what kind of people their children will become. In the main, Aboriginal people want two things from education:

- They want schools to help children, youth and adults learn the skills they need to participate fully in the economy.
- They want schools to help children develop as citizens of Aboriginal nations - with the knowledge of their languages and traditions necessary for cultural continuity.

The present education system does not accomplish either of these goals. The majority of Aboriginal youth do not finish high school. They leave with neither the credentials for jobs in the mainstream economy nor a grounding in their languages and cultures. They are very likely to have experienced the ignorance and hatred of racism, which leaves them profoundly demoralized or angered. Many of our proposals for change in education have been advanced before, by commissions and task forces stretching back to the 1970s. It is clear what needs to be done, and it is long past time to do it.

- Transfer of administrative responsibility for reserve schools to First Nations is a step in the right direction. But schools are still staffed primarily by non-Aboriginal teachers, and curriculums and teaching methods were designed for students with different needs and cultural backgrounds.
- Almost 70 per cent of Aboriginal children are taught in provincial or territorial schools, but the mainstream education system has few mechanisms of accountability to Aboriginal people and has made few attempts to reach out and involve Aboriginal parents.
- In all jurisdictions, spending on Aboriginal education is inadequate to reverse accumulated educational deficits.

Even so, Aboriginal people retain their conviction that education can be a positive force in the pursuit of bicultural competence and confidence for their children and themselves. They believe that education can contribute to the holistic development of Aboriginal people of all ages, from infants to elders. To this end, we recommend the development of Aboriginal-controlled education systems, recognized by all governments and able to plan and deliver lifelong learning. Further, we are recommending that provincial and territorial schools take steps to ensure that the education they provide is fully appropriate for their Aboriginal students.

- all schools, whether or not they serve mainly Aboriginal students, adopt curriculums that reflect Aboriginal cultures and realities
- governments allocate resources such that Aboriginal language instruction can be given high priority, where numbers warrant
- provincial and territorial schools make greater efforts to involve Aboriginal parents in decision making

Aboriginal education as assimilation has always, everywhere, failed and failed miserably and failed destructively...Aboriginal education for self-determination, controlled by Aboriginal people, succeeds.

Dr. Eber Hampton

President, Saskatchewan Indian Federated College

Living Languages - RCAP cont'd.

Language is one of the main instruments for transmitting culture from one generation to another and for communicating meaning and making sense of collective experience. In Canada, there are 11 Aboriginal language families and more than 50 different languages. The number of Aboriginal language speakers is only a fraction of the Aboriginal population: about one person in three over the age of five. Most are middle-aged or older. Even the languages in most frequent use - Mi'kmaq, Montagnais, Cree, Ojibwa, Inuktitut and some Dene languages - are in danger of extinction because of declining fluency in the young. Minority languages all over the world are declining in the face of culturally dominant languages - especially those used in the media and popular culture. Aboriginal languages suffered a severe blow during the era when every child was forced by school policy to speak English or French.

The threat of their languages disappearing means that Aboriginal people's distinctive world view, the wisdom of their ancestors and their ways of being human could vanish as well.

Language protection requires

- maintaining or increasing the number of fluent speakers
- using the language as a medium of communication in everyday life - especially in the family

Where languages are declining or severely threatened, school immersion programs can help-but a language will not live if it is not used in everyday life. It must be the medium of communication at work, in school, in the media, in government - and most of all, at home.

Each Aboriginal nation will have to decide how far it can go in preserving its languages and develop policies to match. In the meantime, the speakers of Aboriginal languages are aging and dying. We propose the establishment of an Aboriginal Languages Foundation to document, study and conserve Aboriginal languages and to help Aboriginal people arrest and reverse the loss of languages that has already occurred.

A Commentary on The Report of The Royal Commission on Aboriginal Peoples

Prepared by: Mary C. Hurley, Law and Government Division

Jill Wherrett, Political and Social Affairs Division

4 October 1999 Revised 2 August 2000

- The government's general approach to the RCAP report has been the subject of critical observations by national and international human rights bodies.
- In December 1998, the United Nations Committee on Economic, Social and Cultural Rights "[viewed] with concern the direct connection between Aboriginal economic marginalization and the ongoing dispossession of Aboriginal people from their lands, as recognized by RCAP," and expressed its "[great] concern that the recommendations of RCAP have not yet been implemented, in spite of the urgency of the situation."
- In April 1999, the United Nations Human Rights Committee also expressed concern that Canada had "not yet implemented the recommendations of the [RCAP]," and recommended "that decisive and urgent action be taken towards the full implementation of the RCAP recommendations on land and resource allocation."
- In its 1999 Annual Report, the Canadian Human Rights Commission "reiterated] the view expressed in previous annual reports that the government's response to the 1996 report of the [RCAP] has been slow. We would not wish to minimize the significance of steps such as the ... \$350 million Healing Fund, nor deny the good intentions underlying *Gathering Strength* ... Nonetheless, much more attention still needs to be given to pressing issues.... "

Gathering Strength - Canada's Aboriginal Action Plan

Minister of Indian Affairs and

Northern Development

Ottawa, 1997

Language, Heritage and Culture

Respect and support for Aboriginal language, heritage and culture is an important element of a renewed partnership. The Government of Canada will work to help preserve Aboriginal languages, both as a link to our collective past and as a promise for the future of Aboriginal people. We will continue to work with Aboriginal people to establish programs to preserve, protect, and teach Aboriginal languages, and to ensure that these languages are kept alive for future generations.

Public Education

Partners need to understand one another. To that end, Aboriginal people and other stakeholders will be asked to join in a public education campaign that builds on existing initiatives, programs and events. This initiative will reach out to all corners of Canada, including young Canadians, mainstream and corporate Canada, and influential leaders and organizations, in order to build more balanced, realistic and informed perspectives with respect to Aboriginal people, their cultures and their present and future needs.

Youth Strategy and Education

Too many Aboriginal youth do not complete high school. They leave the school system without the necessary skills for employment, and without the language and cultural knowledge of their people. The federal government recognizes that a strong future for Aboriginal people depends on providing a better future for Aboriginal youth.

Working with First Nations, the government will support education reform on reserves. The objective will be to improve the quality and cultural relevance of education for First Nations students; improve the classroom effectiveness of teachers; support community and parental involvement in schools; improve the management and support capacity of First Nations systems; and enhance learning by providing greater access to technology for First Nations schools. One example of the successful use of technology is the introduction of Industry Canada's SCHOOLNET and Computers for Schools Initiative into First Nations schools.

Resolution 5/89 Assembly of First Nations

Quebec City, Quebec - July 25, 1989

National Chief Georges Erasmus

SUBJECT: Aboriginal Languages Foundation

WHEREAS the recommendations derived from the recently completed Aboriginal Languages Policy Study is to activate the Phase II Implementation Mechanism of the Aboriginal Languages Policy and Foundation; and

WHEREAS it is necessary to pursue and investigate the feasibility of ongoing mechanisms that will ensure the survival and revitalization of all aboriginal languages; and

WHEREAS the establishment of an "Aboriginal Languages Foundation" will facilitate the acquisition, retention and use of Aboriginal Languages that contribute to Canada's Aboriginal heritage; and

WHEREAS a draft of a Bill on Aboriginal Languages, has been submitted to the House of Commons as a private member's Bill; and

WHEREAS it is deemed necessary that a Bill for Aboriginal Languages be separate from the Heritage Languages Bill to be introduced by the Minister responsible.

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly hereby fully support and

endorse the establishment of an Aboriginal Languages Foundation; and

BE IT FURTHER RESOLVED THAT the Chiefs-in-Assembly hereby approve and endorse the budget proposal for the establishment of an Aboriginal Languages Foundation; and

BE IT FURTHER RESOLVED THAT the Chiefs-in-Assembly hereby mandate the Assembly of First Nations through the National Chief and the Education Secretariat to pursue and continue to lobby the government for the passage of a Bill entitled “Aboriginal Languages Foundation Act” and to take the necessary action to facilitate the political and legislative process to establish such a foundation; and

BE IT FINALLY RESOLVED THAT a committee of Chiefs to oversee the Aboriginal Languages Bill, and an interim board made-up of the existing steering committee under the direction of the committee of Chiefs, be established.

Note the private members Bill was defeated.

Resolution No.8/90 Assembly of First Nations

Special Chiefs Assembly

Ottawa, Ontario - December 11, 1990

Georges Erasmus National Chief

SUBJECT: First Nations Languages

WHEREAS the Assembly of First Nations has completed a Report entitled: “Towards Linguistic Justice for First Nations“, and

WHEREAS this report contains recommendations for a revitalization strategy to define and implement policies to ensure that the aboriginal language is used in every aspect of the activities within the community and schools; and

WHEREAS First Nations must be involved in the planning and implementation of language policies at all levels; and

WHEREAS language and literacy statistics prove that immediate action is needed to protect and promote First Nations languages through implementation of the recommendations for further action as outlined in the report; these will be discussed at the Aboriginal Languages and Literacy Conference January 20-23, 1991

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly support and endorse the report “Toward Linguistic Justice for First Nations”; and

FURTHER BE IT RESOLVED THAT the Chiefs-in-Assembly hereby mandate the Assembly of First Nations through the Chiefs Committee on Education and the Aboriginal Language Steering Committee to continue to lobby the Government of Canada to take immediate action to protect and

promote First Nations languages through implementation of the recommendations for further action and to appoint additional Chiefs to the Chief's Committee on Education to be directly responsible for Literacy and Languages; and

FURTHER BE IT RESOLVED THAT the Government of Canada make sufficient funds available to permit First Nations communities to be involved in the planning and implementation of these policies; and

FINALLY BE IT RESOLVED THAT the Government of Canada provide sufficient funds to cover costs for First Nations representatives to attend the National Conference on Aboriginal Languages and Literacy being held in Ottawa, January 20-23, Ottawa, Ontario 1991.

Resolution No. 9/90 Protection of First Nations' Languages

Special Chiefs Assembly

Ottawa, Ontario - December 11, 1990

Georges Erasmus National Chief

SUBJECT: Protection of First Nations' Languages

WHEREAS language is a direct gift from the Creator; and

WHEREAS First Nations languages are the cornerstone of who we are as a people; and

WHEREAS our culture cannot survive without our languages; and

WHEREAS the right to use and educate our children in our aboriginal languages is an inherent aboriginal and treaty right,

THEREFORE BE IT RESOLVED THAT, as aboriginal people of this country, First Nations languages must be protected and promoted as a fundamental element of aboriginal heritage and must be fully entrenched in the Constitution of Canada; and

FURTHER BE IT RESOLVED THAT the federal government has a moral and legal obligation, through (pre-Confederation) treaties and through legislation, to provide adequate resources that will enable First Nations languages to exercise this right.

Resolution 35/98 Assembly of First Nations

Annual General Assembly

Toronto, Ontario June 25, 1998

National Chief Phil Fontaine

SUBJECT: First Nation Languages

WHEREAS the survival of our languages is essential to our cultural survival as Peoples; and

WHEREAS the last thirty years have seen the most drastic decline in First Nation languages in Canada, to the point where all but three are on the point of extinction with few or no child speakers; and

WHEREAS drastic and immediate steps must be taken to begin to reverse the accelerating pace of First Nation language loss and to ensure the survival of First Nation languages facing extinction; and

WHEREAS experience has shown that immersion education, where it has been fully implemented (amongst the Mohawks, Hawaiians, Maoris, Shuswap, Blackfoot and Inuit) produces large numbers of child speakers and high rates of school completion, and is the fastest and most efficient means of reversing language loss;

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly hereby declare a State of Emergency respecting our First Nation languages, and call upon the government of Canada to act immediately to recognize, officially and legally, the First Nation languages as part of the official languages of Canada, and to make a commitment to provide the resources necessary to reverse First Nation language loss and to prevent the extinction of our languages; and

BE IT FURTHER RESOLVED THAT the Government of Canada, in partnership with the Assembly of First Nations, establish a national First Nation Languages Foundation as a vehicle for the promotion of our languages, in keeping with the recommendation of the Royal Commission on Aboriginal Peoples; and

BE IT FURTHER RESOLVED THAT the aforesaid national institution be mandated, utilizing our own First Nation educators and educational institutions, to facilitate the conduct of research and documentation of First Nations languages, the development of First Nation language immersion curricula, the training of First Nation language immersion teachers, and the promotion of First Nation languages in our communities and in mainstream education institutions; and

BE IT FINALLY RESOLVED THAT the Chiefs-in-Assembly call upon the Government of Canada to allocate sufficient resources to enable the established Chiefs' Committee on Languages to conduct its work in keeping with its mandate.

Resolution No. 21/99 Assembly of First Nations
Annual General Assembly,
Vancouver, British Columbia - July 20-23, 1999
National Chief Phil Fontaine

SUBJECT: Declaration of First Nation Languages

WHEREAS the Chiefs-in-Assembly declared a State of Emergency respecting our First Nation languages (resolution 35/98), and called upon the Government of Canada to act immediately to recognize, officially and legally, the First Nation languages as part of the official languages of Canada, and to make a commitment to provide the resources necessary to reverse First Nation

language loss to prevent the extinction of our languages; and

WHEREAS it was further resolved that the Government of Canada, in partnership with the Assembly of First Nations, establish a national First Nations Languages Foundation as a vehicle for the promotion of our languages, in keeping with the recommendations of the Royal Commission on Aboriginal Peoples; and

WHEREAS it was further resolved that the aforesaid national institution be mandated, utilizing our own First Nation educators and educational institutions, to facilitate the conduct of research and documentation of First Nation languages, the development of First Nation language immersion curricula, the training of First Nation language immersion teachers, and the promotion of First Nation languages in our communities and in mainstream education institutions;

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly officially declare the year 2000 as the “Year for First Nation language Restoration”; and

FURTHER BE IT RESOLVED THAT the Chiefs-in-Assembly mandate the National Chief and Executive Committee to negotiate with the Government of Canada to provide adequate financial resources to:

- fund First Nation communities’ efforts for the revitalization and restoration of their languages;
- establish an official First Nation Language Act to recognize the distinct right and freedom of Aboriginal Peoples of Canada as identified within the meaning of Section 35 of the Constitution of Canada 1982, to the reclamation, revitalization, protection, maintenance and use of their languages by the year 2000;
- establish the endowed Aboriginal Languages Foundation within the year 2000; and
- hold a national symposium on language within the year 2000.

Resolution No. 68/00 Assembly of First Nations

Annual General Assembly

December 13 & 14, 2000, Ottawa Ontario

Subject: National First Nations Languages Strategy

Matthew Coon Come, National Chief

WHEREAS all First Nations languages are endangered and the Chiefs in Assembly have declared a National State of Emergency, and

WHEREAS the Prime Minister of Canada has recently been quoted as deeply believing that the government has the responsibility to promote aboriginal social justice.

WHEREAS the Chiefs in Assembly passed Resolution 37/00, which mandated the National Chief and the Executive Committee to implement the National First Nations Language Strategy, and present the draft First Nations Language Act to the Government of Canada.

THEREFORE, BE IT RESOLVED THAT the Chiefs Committee on Languages (CCOL)

respectfully request the National Chief and the AFN Executive to press upon the Prime Minister of Canada regarding the State of Emergency of our languages in their meetings with the Prime Minister and Government officials, the CCOL has recommend that this window of opportunity be used to present and move the First Nations Language Act and Foundation, and

BE IT FURTHER RESOLVED THAT the National Chief and the Executive Committee be supportive of the Languages Sector in its efforts to gather data needed from the regions for a National Language Census. As well, seek appropriate resources to fund and conduct the National Languages Census that will further support the urgency to address the state of First Nation languages.

**Opening statement of Denis Desautels, Auditor General of Canada
for his meeting with the Press, following tabling of his April 2000 Report
11 April 2000, 4:00 PM,
National Press Theatre, Ottawa.**

Good afternoon. My Report tabled today in the House of Commons contains some good news about, for example, the delivery of federal services to Canadians and the government's debt management program. But this Report also points to significant problems. Immigration, RCMP services, the education of Indian children living on reserves and the management of people in the public service are all areas that require Parliament's urgent attention.

Education of Indian Children Living on Reserves

Another important issue that I draw to Parliament's urgent attention today is the education of Indian children living on reserves.

It is the responsibility of Indian and Northern Affairs Canada to ensure that Indian children receive an education that is comparable to that of other Canadian children, without neglecting their cultural needs. Unfortunately, the record of educational achievement of these children continues to lag far behind.

Indian and Northern Affairs Canada must act urgently to ensure that Indian children living on reserves receive an appropriate education. Otherwise, there will be high financial cost in social programs, a waste of human capital, and a degradation of the relationship between the government and First Nations peoples.

**Auditor General's Education Report 2000
Observations and Recommendations
Fundamental Issues That Require Attention**

Meaningful action is lacking

4.23 Education issues have been reported to the Department through numerous studies over the years. According to one First Nations organization, education for First Nations has been studied for over 20 years. This includes at least 22 studies between 1991 and 1999 in one

departmental region, done with the Department's knowledge or involvement.

4.24 Examples of issues reported in these studies relate to the need to:

- improve First Nations governance and management structures for education;
- address retention of Aboriginal languages;
- enhance the curriculum to meet First Nations needs;
- increase funding for special education, counselling and library services;
- address inadequacies in such areas as specialist services, technology, and guidance clinics; and
- improve teacher training.

4.25 Although the Department has directly or indirectly funded all of these studies, their total cost is unknown. None of the study reports that came to our attention was accompanied by a departmental implementation plan that identified how and by whom the necessary remedial action would be taken, in what time frame and what it would cost. The Department advised us that it had neither accepted nor rejected the findings of these studies, nor shared them with all regional offices. Therefore the maximum benefits of these studies may not be realized.

4.26 Although we are concerned that costs have been incurred to produce studies that have been left dormant, we believe that the costs of remedial inaction are greater.

4.29 Indian and Northern Affairs Canada should demonstrate how its initiatives, including Gathering Strength - Canada's Aboriginal Action Plan, will successfully address the long-standing issues and improve First Nations education. Action plans that identify how and by whom action will be taken, the time frames, the costs and the funding responsibilities should be implemented expeditiously.

Resolving the education gap will be a challenge

4.47 Among the major concerns reported by First Nations to the Department are those related to culture. These include chronic shortages of qualified teachers for native language instruction and native studies, lack of culturally appropriate curricula and funding shortfalls.

4.42 Education funded by the Department is intended to ensure that Aboriginal culture is not neglected while students gain an education that is portable to other jurisdictions and is acceptable to institutions of higher learning. Ultimately, Indian students so equipped would benefit from a socio-economic standpoint.

4.43 However, we found a significant gap in educational achievement between Indian students and non-Indian students, based on provincial education requirements and results. We also note that the rate of growth in the on-reserve population indicates an increasing demand for education services. With this urgency, narrowing the gap is a significant challenge to all those involved. Closing it will be a crucial test of the resolve of the Department and First Nations.

4.52 Indian and Northern Affairs Canada, together with First Nations and based on the needs and aspirations of First Nations, should develop and implement an action plan with targets to close the education gap, without delay.

Exhibit 4.4

Recommendations of the Sub-Committee on Aboriginal Education - June 1996

- The Department should make the establishment of an Aboriginal Education Institute its highest priority.
- Federal legislation should be drafted in consultation with First Nations educational authorities to, among other things, recognize such authorities as separate legal entities apart from band councils and to repeal those sections of the Indian Act dealing with education for them.
- The Department should re-evaluate its funding methods to better accommodate First Nations education needs.
- The Department should work together with First Nation new arrangements for obtaining capital for education purposes.

Source: Standing Committee on Aboriginal Affairs and Northern Development

In October 1999, the Department was unable to demonstrate that all of these recommendations had been implemented.

A STEP FORWARD FOR FIRST NATION EDUCATION - MINISTER NAULT INTRODUCES THE NATIONAL WORKING GROUP ON EDUCATION - OTTAWA, ONTARIO (June 17, 2002)

Press release statements:

- the Government of Canada says education for First Nations is a priority;
- “Investing in First Nation education is an investment in the economic future of First Nation communities. That means it is a solid investment in the future of Canada...Immediate action must be taken on a number of fronts because improving First Nation education today means a better future for all Canadians tomorrow.” says Minister Nault ;
- The working group will review issues surrounding First Nation education, such as the development of First Nation education capacity, teacher recruitment/retention and professional development, Aboriginal content in curriculum (culture and language) pedagogy and standards, increased parental involvement, and national education instruments;

- Honourable Stephen Owen, Secretary of State (Indian Affairs and Northern Development), explains “We need to enable and empower First Nation children. Education is the way to do that. This group will provide focus and bring together the invaluable information needed to reduce the unacceptable education gap between First Nation and other Canadians students.”
- The Government of Canada remains committed to the principle of “Indian control of Indian education.”

Speech from the Throne 2002

Helping children and Families out of Poverty

- The government will take additional measures to address the gap in life chances between Aboriginal and non-Aboriginal children.
- It will put in place early childhood development programs for First Nations, expanding Aboriginal Headstart, improving parental supports and providing Aboriginal communities with the tools to address fetal alcohol syndrome and its effects.
- The most enduring contribution Canada can make to First Nations is to raise the standard of education, improve educational outcomes for First Nations children, and take immediate steps to help First Nations children with special learning needs.

A New Partnership Between Government and Citizens

- The government will also work with Aboriginal people to preserve and enhance Aboriginal languages and cultures.

Differs significantly from:

- Linguistic duality is at the heart of our collective identity. The government will implement an action plan on official languages that will focus on minority-language and second-language education, including the goal of doubling within ten years the number of high school graduates with a working knowledge of both English and French. It will support the development of minority English- and French-speaking communities, and expand access to services in their language in areas such as health. It will enhance the use of our two official languages in the federal public service, both in the workplace and when communicating with Canadians.

First Nations Confederacy of Cultural Education Centres: Protective Legislation for Aboriginal Languages Initiative 2000 Recommendations

1. The Government of Canada enact legislation recognizing the rights and freedom of Aboriginal peoples of Canada to protection, revitalization, maintenance and use of their ancestral languages.

2. The definition of Aboriginal as provided in Section 35 of the Constitution Act, 1982: *“Aboriginal Peoples of Canada shall include Indian, Inuit and Metis Peoples of Canada”* be applied to the legislation.
3. The legislation include a statutory provision for the appropriation of funds to undertake the necessary action required to protect, revitalize, maintain and utilize Aboriginal languages; further, that these funds be sufficient to ensure that the actions required can be adequately addressed.
4. The urgent need for protection, revitalization, maintenance and use of Aboriginal languages be acknowledged through swift passage of the legislation.

Proposed Legislative Direction

An Aboriginal Languages Act With a Provision for An Aboriginal Languages Foundation Under Federal Law

The Act will define Aboriginal as provided in Section 35 of the Constitution Act of 1982. *“Aboriginal peoples of Canada”* shall include Indian, Inuit and Metis peoples of Canada.

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

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

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

National First Nations Language Strategy

Assembly of First Nations

Recommendations

1. The First Nations People of Canada must take full control of the revitalization of all First Nations languages. The Assembly of First Nations must develop a policy for local control of First Nations languages similar to the one used within local control of Indian Education.
2. The Assembly of First Nations recommends and supports the internal use of First Nations languages in First Nations communities.
3. The Assembly of First Nations National Chief and Executive Committee reaffirms the establishment of a First Nations Language Foundation for language planning initiatives and language retention activities. The Foundation will facilitate throughout Canada the acquisition, preservation, maintenance, retention, renewal and use of First Nations

- languages, that contribute to Canada's heritage, by responding to the needs and directions of First Nations communities at the grassroots level. Further, the Assembly of First Nations will establish an interim Language Foundation to seek funding sources for community based language retention initiatives until the Foundation is established.
4. The Assembly of First Nations recommends that human and financial resources be allocated within the fiscal negotiations with the federal government that includes funding for a national language clearinghouse, language planning, promotion and development. Furthermore, the Assembly of First Nations recommends that existing contribution and alternate funding arrangements be amended and enhanced to reflect these obligations.
 5. The Assembly of First Nations recommends the establishment of a National Clearinghouse that will strengthen our initiatives toward preserving, retaining and promoting First Nations languages until such a time as the First Nations Language Foundation is established.
 6. The Assembly of First Nations national Chief and Executive Committee meet with Prime Minister, Finance Minister and appropriate standing committees, agencies, and forums for the purpose of implementation of all First Nations languages initiatives including those recommended in the Royal Commission on Aboriginal Peoples (RCAP) as a starting point.
 7. The Chief's Committee on Languages and the Technical Committee on Languages submit a statement outlining that our First Nation languages are the basis of sovereignty for First Nations. It is recommended that all First Nations utilize the spiritual languages to outline the spirit and intent of the treaties.
 8. The Assembly of First Nations Language Secretariat hires a lobbyist/professional writer to assist in the implementation of the Lobby Strategy.
 9. The Assembly of First Nations National Chief and Executive Committee seek adequate financial resources:
 - to host an annual National First Nations Language Symposium
 - to enable the established Chiefs Committee on Languages to conduct its work in keeping with its mandate
 10. The Assembly of First Nations National Chief and Executive Committee approach Canada Heritage Minister to allocate funds to support First Nations languages and to fund the National Languages Secretariat to carry on work needed to forward First Nations languages. Further, to conduct a National Survey and evaluation of First Nations language fluency and to determine the current status of the First Nations language shift within each community.
 11. The Assembly of First Nations National Chief and Executive Committee to continue working to support a working relationship between the Assembly of First Nations and First Nations Confederacy of Cultural Education Centres and other First Nations on First Nations language initiatives within First Nations communities.
 12. The Assembly of First Nations National Chief and Executive Committee seek financial resources to establish the committee "Friends of First Nations Languages".
 13. The Assembly of First Nations National Chief and Executive Committee must be encouraged to speak their First Nations languages when addressing First Nations people, National Forums, public presentations and at all general assemblies.

14. The Assembly of First Nations National Chief and Executive Committee must encourage all First Nation communities to offer financial incentives to fluent speakers employed by First Nation Governments.

International Developments

The International Covenant of Political and Civil Rights

Signed in 1976, it formalized Canada's international obligation on human rights and on language rights specifically:

27. "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

This article remains one of the most important for the protection of linguistic minorities as it grants the best binding protection so far. The drawbacks are that it protects individual and not collective rights; and stops short of allowing minorities to use their languages in school.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Adopted by General Assembly resolution 47/135 of 18 December 1992

The General Assembly:

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion affirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious and linguistic minorities...

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities...

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States *shall protect* the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and *shall encourage* conditions for the *promotion* of that identity.
2. States *shall* adopt appropriate legislative *and other* measures to *achieve those ends*.

Article 4

1. States *shall* take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States *shall* take measures *to create* favourable conditions to *enable* persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States *should* take *appropriate* measures so that, *wherever possible*, persons belonging to minorities may have *adequate* opportunities to learn their mother tongue *or* to have instruction in their mother tongue.
4. States *should, where appropriate*, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities *should* have adequate opportunities to gain knowledge of the society as a whole.

5. States *should consider appropriate* measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 7

States *should* cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8

4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

*Where linguistic rights in education are concerned, many articles contain **opt out** formulations which are bolded and italicized in the above example. Compare these with the “obligating formulations” which are shown in italics in the above example. (Skutnabb-Kangas 2000)*

The definition of “minority” does not fully embrace the unique status of indigenous people, clearer definition of minority rights as opposed to indigenous rights is needed.

**Declaration of the Rights of Indigenous Peoples
adopted at the 36th meeting of the Subcommission on Prevention
of Discrimination and Protection of Minorities
August 26, 1994.**

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

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

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

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

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

31. Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, informations, media, health, housing,

employment, social welfare, economic activities, land and resources management, environment, and entry by non-members, as well as ways and means for financing these autonomous functions.

These are improvements - but not for linguistic human rights in education - which had a more prominent place in the draft version which was changed substantially:

9. The right to maintain and use their own languages, including for administrative, judicial and other relevant purposes.
10. The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own education systems and institutions.

There is no definition of "Indigenous Peoples" in this document nor is there a clear dutyholder identified. However, if these language rights were to be granted in the present form 60 to 80% of the world's oral languages would have decent legal support. And of course implementation is another matter...

(source: Skutnabb-Kangas 2000, pp 540- 41)

Open Letter To The United Nations Permanent Forum On Indigenous Issues

Excerpts from an Address by National Chief Matthew Coon Come New York, May 13, 2002

...There is a need for immediate action to approve the Declaration on the Rights of Indigenous Peoples. Most governments have already voiced their support for the existing text, which provides a minimum standard by which to address the rights of Indigenous Peoples.

..All over the world and almost without exception, we have been dispossessed in our own lands. Vast empires and wealthy nation states have been built upon the exploitation of our lands and resources, while we have been marginalized, pushed aside, and deprived of any say or control over the future of our peoples. The time has come for this unjust process to come to an end, and for the international community to work with us so we can be released from the burdens of colonization and mistreatment so that we can flourish as peoples.

...It must be acknowledged that Canada's official policy is that the right of self-determination applies without discrimination to all peoples, including Indigenous peoples. This is a world-leading formal position, for which Canada must be commended and which it must be encouraged to export to other states.

Likewise, it must be acknowledged that Canada has world-leading positions on international development, peacekeeping, refugees, weapons of mass destruction and other issues.

And finally, I acknowledge in this forum, as I have done many times before, that the Prime Minister of Canada, The Right Honourable Jean Chretien, has a special understanding and sensitivity regarding the plight and the rights of indigenous peoples in Canada.

We acknowledge and greatly appreciate Canada's support in getting the Permanent Forum established.

However, it must also be stated that there are still many serious differences between Indigenous Peoples and Governments in Canada, and that there are gross disparities between the "Third World" situation facing Indigenous peoples in Canada on the one hand and the enviable state of development enjoyed by most other Canadians on the other.

There has been some progress toward formal recognition of our inherent and treaty rights, but there is still a very long way to go before the sustained wrongs of the past are alleviated in the present, and our rights and status are recognized. We still have much to do to achieve our rightful place in a society where we still suffer the worst levels of poverty, landlessness, and social dispossession. Our right to our own means of subsistence and to protect and benefit from our lands and resources are still not implemented in any meaningful, broad and practical sense.

Certainly, Canada's Constitution recognizes and affirms our inherent and treaty rights. It even refers to us as "Peoples". But unfortunately, we have had to use the Canadian Courts in every instance to seek and obtain recognition and concrete implementations of our rights. After 20 years, we are still waiting for the Canadian government to respect its own supreme law and move to concretize our rights in concrete ways.

Unfortunately, as recognized in 1999 by the U.N. Human Rights Committee, the government of Canada has chosen not to implement in any serious manner on the recommendations of its own Royal Commission on Aboriginal Peoples. It intends to proceed with a unilateral legislative program based on the Indian Act instead. The Royal Commission had advised against tinkering with this colonial legislation, and stressed the urgent need to address land and resource rights, and treaty relations.

And sadly, away from the spotlight of international diplomacy, the Government of Canada has repeatedly stated to Indigenous peoples and their leaders that it is simply not interested in pursuing or addressing what it calls a "rights agenda" within Canada.

The UN Human Rights Committee and the U.N. Committee on Economic, Social and Cultural Rights have both expressed their concern that Canada is not implementing the Royal Commission's recommendations. These juridical bodies of the United Nations have recognized that the social and economic marginalization of our peoples is directly connected to the dispossession of our lands and resources. Yet, we are still struggling to get these issues on the domestic agenda. Canadian Federal policies are still based on the extinguishment of our aboriginal rights and the limiting rights of our access to land, resources and self-government.

All nation states and governments must be held accountable for the treatment of the Indigenous Peoples within their boundaries. This is so whether the problems arise from a lack of implementation of legally recognized rights or – as in some extreme cases – they involve the widespread repression and murder of Indigenous Peoples.

In these circumstances, Governments must even, when necessary, be called to account and even isolated within the international community. There are cases which might require some type of immediate multi-lateral response, where gross violations of basic human rights or mass dispossession are taking place. We hope this forum can be the place Indigenous Peoples can come for both immediate and longer-term initiatives within the wider United Nations system.

We live in an age where human rights are the yardstick by which our capacity to live together in an ever-changing world is measured.

We have a huge responsibility to protect, defend and ensure the survival of our peoples. We must be afforded the protection of the full complement of international instruments. We can no longer accept being relegated to second or third class collective status whether in the United Nations system or in our own lands.

We now have a forum to voice our concerns and grievances, and also our hopes and aspirations. Let us use it wisely and well, and ensure that the full weight of the international organization that is the United Nations is dedicated to the survival and equitable development of our peoples. We would be failing our peoples and all of humanity if we expect any less.

Draft Universal Declaration of Linguistic Rights 1996

Articles dealing with education:

25. All language communities are entitled to have at their disposal all the human and material resources necessary to ensure that their language is present to the extent they desire at all levels of education within their territory: properly trained teachers, appropriate teaching methods, text books, finance, buildings and equipment, traditional and innovative technology.
26. All language communities are entitled to an education which will enable their members to acquire a full command of their own language, including the different abilities relating to all the usual spheres of use, as well as the most extensive possible command of any other language they may wish to know.
30. The language and culture of all language communities must be the subject of study and research at university level.

This dream statement is not likely to survive the revision process given past examples which show us that education clauses do not survive. While there is no immediate prospect of this

declaration being approved, and much less likelihood of it surviving in its present form, it does formulate language rights in education in more detail, in regard to language communities. This model falls short of proposing that the right to education through the medium of the mother tongue become an inalienable personal human right, but it may serve the purposes of indigenous communities. Again there is no dutyholder identified in the document.

The entire document can be downloaded from
<<http://www.unhchr.ch/html/menu4/subres/9445.htm>>

Recommendations from the Literature

Annotated Bibliography

A review of published research is offered to survey the recommendations (as pertain to language and culture), being forwarded by noted experts in the field of Aboriginal or minority language and cultural education.

Brant-Castellano, M., Davis, L., & Laheche, L. (Eds.) (2000) *Aboriginal Education Fulfilling the Promise*. University of British Columbia Press.

The contributors to this book emphasize Aboriginal philosophies and priorities in teaching methods, program design, and institutional development. An introductory chapter on policy discourse since 1966 provides a context for considering important achievements and constraints in transforming Aboriginal education into an instrument of self-determination. A number of the chapters are drawn from reports and papers prepared for the Royal Commission on Aboriginal Peoples as background to its 1996 report. They cover a broad range of subjects: educational practice from elementary to post-secondary levels; initiatives in language conservation and communications media; the development of Aboriginal institutions; and policy discourse among Aboriginal, federal, provincial, and territorial bodies. As the authors make clear, Aboriginal education continues to be practiced on an intensely political terrain. While governments fund particular Aboriginal initiatives, the homogenizing pressures of a globalizing society are relentless. Political gains in negotiating self-government thus establish the context in which the distinctiveness of Aboriginal education and cultures is sustained.

(www.ubcpress.ubc.ca/search/title_book.asp?BookID=1827#ordering)

1. Review by Jean-Paul Restoule, Ontario Institute for Studies in Education
University of Toronto.

...the most important theme to take from this collection is the need to be respectful and responsive to local community desires and traditions in education planning.

Hampton's revisiting of RCAP's recommendation 3.5.32 to establish an Aboriginal Peoples International University was especially inspiring. In a book full of examples of the best practices in Aboriginal education, this chapter provided impetus to dream of what has yet to be done. But it is not all smiles and sunshine, to paraphrase one of the authors.

The challenges are great and throughout the book we are continually reminded of the barriers that exist in terms of funding, and institutional resistance to change as just two examples. Still, the authors allow us to glimpse what is possible. I think the editors sum it up best in their conclusion: “This collection of case studies and research reports resents a snapshot of the complex landscape in which Aboriginal education is taking place – a landscape in which hope and possibility live side by side with constraint and frustration” (p.251). It is an inspiring collection, but with a dose of reality.

Burnaby, B. (1996). *Aboriginal Language Maintenance, Development, and Enhancement: A Review of Literature*. In G. Cantoni (Ed.) *Stabilizing indigenous languages*. Flagstaff: Northern Arizona University.

Burnaby reviews the 1990 AFN Aboriginal language survey and informs the review with related research. It included the following reports of community wishes:

- to have the Aboriginal language taught through secondary school;
- for the language to have the same standing and accreditation in the school as French;
- for better and more traditional teaching methods;
- for integration with other Aboriginal cultural teaching;
- for the involvement of elders;
- for the goal to be real fluency;
- and for more materials and better trained instructors.

Findings reported were:

- Where Aboriginal language is the primary language of instruction the goal is one of transition to the official language rather than maintenance of the mother tongue.
- It was found that the school was the place the Aboriginal language was used the least, even in those communities that had flourishing Aboriginal languages.
- The fact that [Aboriginal] languages are not used in most of the communities surveyed effectively negates efforts of language personnel.

While there are a number of sources which indicate that many Aboriginal people think that the maintenance of Aboriginal languages is central to the expression of Aboriginal cultures, there are also indications that people in Aboriginal communities are torn or ambivalent about the value of Aboriginal language maintenance programs (Assembly of First Nations, 1990, p. 27; Shkilnyk, 1986, pp. 45, 77; Leap, 1981, p. 138). Policies and attitudes in the majority society have actively repressed Aboriginal languages or at least have made adults feel that their language is at best useless or at worst a deterrent to education and employment. The creation of a sense that there is a one-to-one tradeoff between English and the Aboriginal languages is greatly problematic.

On Teachers and Their Training

- the greatest problems in regard to Aboriginal language programs in schools on reserves, were seen as being lack of funding, trained instructors, and curriculum and materials.
- Paynter and Sanderson (1991) show how provincial educational authorities can work with Aboriginal organizations in training Aboriginal language teachers.
- Stairs (1988b) discusses complex issues surrounding training and support for Aboriginal teachers who will work in schools which aim to attend to both mainstream and Aboriginal values and language.

- Comprehensive surveys of Aboriginal teacher education were conducted by More (1980), who was generally optimistic, and Clarke and MacKenzie (1980b), who were more pessimistic in the view that Aboriginal language programs give only lip service to pluralist approaches and they are assimilationist in intent.
- Materials, and Evaluation
- Aboriginal language teachers, who usually cannot network among themselves, have to create most of their materials themselves and are therefore always stressed for resources.
 - Aboriginal program evaluation, More (1984) and H_ bert (1987) emphasize, among other things, the need for special methodologies and sensitivity to the goals and contexts of the community. Ahenakew (1988) and Leap (1981) specifically discuss the importance of evaluation in Aboriginal language education.
 - a number of studies commissioned by the Canadian federal and provincial governments on 'Aboriginal literacy' have dealt only with literacy in English and French among Aboriginal peoples (e.g., Rodriguez & Sawyer, 1990). The Standing Committee on Aboriginal Affairs of the House of Commons (1990) has issued a report on 'Aboriginal literacy' that addresses Aboriginal language (but not literacy) and culture as one thing and literacy in English and French among Aboriginal peoples as another with some tenuous connections between them. This kind of stance needs to be counteracted in policy development.

Conclusions

- no matter what the circumstances, the Aboriginal community must be the central decision maker in any initiative on Aboriginal language maintenance. This requirement is challenging given that it appears that there is a considerable difference of opinion on important matters in many Aboriginal communities to say nothing of the complexity of bureaucratic jurisdiction for Aboriginal education.
- there is always a complex of issues to be resolved in Aboriginal communities, the maintenance of the Aboriginal language perhaps being only one of many strongly valued priorities. The consolation is that, if programs for Aboriginal language maintenance fail, other important goals may still be achieved through the effort.
- the support of the majority culture, and particularly policy makers, is essential in making Aboriginal language policies work. Fighting institutionalized discrimination requires a major, directed effort.
- a lot of work needs to be done for each of Canada's Aboriginal languages in terms of language research, language resource development, teaching materials development, teacher training and the training of other relevant language resource people, curriculum development that really reflects the interests of the community, orthography development and implementation, community activities that support the use of the language, and other endeavours.
- If the community is willing to include them, there are useful roles for school officials and academics to play in this process, but community control is paramount.

Note the research cited by Burnaby is rather dated yet the content is as relevant now as it was over ten years ago.

Corson, D. (1995). *Discourse and power in educational organizations*. Toronto:OISE Press.

Cummins, J. (1989). *Empowering minority students*. Sacramento: California Association for Bilingual Education.

Cummins, J. (1995). Discursive power in educational policy and practice for culturally diverse students. In Corson, D. (Ed.), *Discourse and power in educational organizations* (pp.191-210). Toronto:OISE Press.

Cummins J. (1997). *Cultural and linguistic diversity in education: A mainstream issue?* Educational Review, June 105-114.

These are works on theories of linguistic disempowerment which describe the persistence of coercive power relations in education systems where the dominant group continues to define the subordinated group as being inferior, therefore automatically defining itself as being superior. Cummins believes the science and practice of pedagogy is never neutral in spite of being geared to learning outcomes and that culturally diverse groups continue to be disempowered educationally just as their communities have been disempowered historically. Education reform efforts which ignore the intercepts of pedagogy and power will reinforce coercive relations of power. Corson deals directly with the link between language and power, pointing out that language is powerless on its own it is people who create situations where they have power and use language to maintain or further a specific purpose. Corson argues that formal education tends to the interests of some social groups better than to interests of other social groups and that language is the vehicle for this routine distribution of power through education. Corson and Cummins agree that the education system does not reproduce the equitable climate needed for minority students to be heard in the classroom or in the wider society. This theory informs an understanding of the stalling and inertia tactics used by the federal government to delay acting to remedy Aboriginal education issues.

Dickason, O. (2002). The basic dilemma: Sovereignty or assimilation. In J. Bird, L. Land & M. Macadam (Eds.), *Nation to nation: Aboriginal sovereignty and the future of Canada* (pp. 34 - 43). Toronto: Public Justice Resource Centre.

Dickason identifies the power agenda of the newcomers as they came in the millions from other lands to settle. In her analysis of how Royal Proclamation came into being, she contends that the purpose of the act was to keep the peace so that British commercial interests could flourish. Today there are over 3,300 land claims in Canada based on the Royal Proclamation of 1763 and supported by the Constitution of Canada.

Elijah, M.J. (2002). *Twateyentet Onyota'a:ka: Empowering Oneida Voices*. M.Ed. thesis. University of Western Ontario.

This work points out chronic and frustrating issues rife in delivering a Native as a Second language program in schools including issues of certification and training; lack of resource materials; lack of curriculum with planned scope and sequence considerations; disrespect for NSL teachers from colleagues and students; lack of time allotted, lack of anyone in the school board who can do performance evaluation of the NSL teacher. In the analysis of why these shortcomings are so rampant, she traces the root of it back to the relationship that First Nations people have with the land and the unwillingness of the federal government to resolve this long outstanding issue. Elijah uses the work of

Dickason as the framework to establish the theory that government may intend for aboriginal languages and cultures to disappear so that we will no longer be seen and treated as unique nations. A statement by Rene Levesque and Pierre Trudeau is paraphrased, "Once (native people) no longer practice your cultures and can no longer speak your languages, you will no longer be seen as a distinct nation requiring unique treatment." She feels the solution is in our own communities, in the motivation of community to drive the renewal of languages. She also stresses the need for courses in the mainstream curriculum which teach appreciation for aboriginal knowledge, history and culture and describes such developments in Ontario.

Fishman, J. (1991) Reversing language shift: *Theoretical and empirical assistance to threatened languages*. Clevedon, UK: Multilingual Matters.

Fishman, J. (1996). What do you lose when you lose your language? In G. Cantoni (Ed.), *Stabilizing indigenous languages* (pp. 80-91). Flagstaff: Northern Arizona University. Fishman identifies the intergenerational transmission of native languages in the home as the key to native language survival. He recognizes that an English only emphasis in early childhood will separate minority children from their parents and grandparents which will lead to communication and identity problems in the teenage years. He believes this breakdown has contributed significantly to alcohol related tragedy. He states that women of childbearing age should be targeted for language learning if aboriginal languages are to survive. He cautions against relying too heavily on government action to assist this cause, urging the involvement of parents and young children in all efforts. He writes, "The road to societal death is paved by language activity that is not focussed on intergenerational continuity" (p. 91).

Hoover, M. (1992). The revival of the Mohawk language in Kahnawake. *Canadian Journal of Native Studies*, 12, 269-87.

This article describes the instrument and process used to collect language data in the Mohawk community of Kahnawake. A 16 page questionnaire was developed which investigated patterns of language use, ability, and attitudes toward the Mohawk language. Statistical factor analysis was applied to the results which showed a variation based on age of the respondents. This study was undertaken in partnership with the Cultural Centre, the Mohawk Survival School and McGill University. This is a successful research model based on resourceful planning involving community partners.

Paupanekis, K. & Westfall, D.(2001). Teaching Native language programs: Survival strategies. In Binda, K. & Caillou, S. *Aboriginal education in Canada: A study in decolonization*. Mississauga, Ontario. Canadian Educators' Press.

This chapter summarizes the complexity involved in the need to restore, teach, promote and protect a Native language. It suggests the following condition be in place to ensure success in language programming:

1. a consistent writing system will assist users and scholars to work in common
2. teachers need to have knowledge in viewing, presenting and teaching a cond language in an analytical fashion i.e., in a logical and sequential pattern.

3. professional development and collegial support for teachers where teachers are viewed as a valid part of the team
4. creative use of standard and existing programs - teachers must be creative in adapting available materials to match the goal of teaching functional language
5. language and differentiated learning - multimedia based presentation materials
6. collective language strategies must exist in the community and school to support and ensure the success of the program.

Some basic remedies geared to assist the teaching of native languages found in research include the need to:

- preserve local ecosystems through empowering indigenous people
- valuing biodiversity in languages beyond English only
- devolution of the academic curriculum to the local level
- support and encouragement for intergenerational transmission of ancestral languages
- schooling in Native language

Pierce, B.N. (1995). Social identity, investment and language learning. *TESOL Quarterly*, 25(1), 9-31.

Pierce's work concerns itself with learning a second language and builds on Schumann's theory of motivation where the 2L learner must be motivated to learn. Pierce says all the responsibility of learning and speaking a second language cannot be placed on the motivation of the learner as it becomes a form of blaming the victim. According to Pierce, the dominant group must see the value and merit of a contribution from the minority student in order to be receptive. This would support Aboriginal history/cultural education for all Canadians where they would become willing to listen when an Aboriginal person has something to say. To this point, Skutnabb-Kangas would say "persuasion is useless unless it is accompanied by overt political action".

Skutnabb-Kangas, T. (2000). *Linguistic genocide in education - or worldwide diversity and human rights?* Mahwah, New Jersey:LEA Publishers.

Skutnabb-Kangas offers the most detailed work on linguistic disempowerment theory drawing on research from around the world. She hypothesizes that languages do not disappear or die a natural agentless death but are helped along, that is languages are killed and murdered by power relations embedded in societal policies and education systems to promote globalization. Otherwise, she contends, there would be societal and economic benefit for indigenous and minority children to learn their languages in addition to English. In her analysis of the development of education for many indigenous peoples and ethnic minorities, Skutnabb-Kangas identifies a perceived need for linguistic homogenization by many nation states. Australia, Canada, Norway and Sweden all shared the common goal of "eradicating language, culture and background to educate them for future subordination to the dominant group" (p.332). She includes the education system of Canada as being an agent of covert linguistic genocide along with Sweden and the U.S. and characterizes the subtle, covert sophistication as being extremely effective. She identifies today means of preventing the use of languages:

- through structural means e.g., educating minority children in the dominant language when there are enough children to warrant mother tongue maintenance which prohibits the use

- of the minority language in daily intercourse and in schools. Thus a person is forcibly transferred from one group to another causing mental harm (UN def'n of genocide, 1948).
- through invisibilization - lose your cultural identity if you want to succeed/integrate in the dominant culture, for your own good, implying a matter of choice.
- through shame and stigmatism, and making a resource seem like a handicap - making the child feel ashamed to be what he is
- carrots, combined with sticks, threats or shame - positive reinforcement for knowledge and pronunciation in English while displayed competence in their own language is ignored. *Skutnabb believes that if indigenous people are allowed to learn and transmit their own language, they also reproduce themselves as indigenous people. Linguistic genocide effectively reduces the number of potential nations, or peoples who could demand rights to self-determination. Reducing the number of languages reduces the prerequisites for self-determination* (p, 311).

Stiles,D. (1997) Four Successful Indigenous Language Programs.In J. Reyhner (Ed.). *Teaching Indigenous Languages*. Flagstaff: Northern Arizona University.

This paper compares Cree, Hualapai, Maori and Hawaiian indigenous language programs and describes common characteristics and problems of implementation. Components shared by the four programs are identified in regard to their implications for other fledgling language programs. The author concludes that successful programs need to link language and culture, need written teaching materials, and need community support and planning and parental involvement. Stiles contends that successful language programs can reduce gang activity, alcohol and drug abuse, and a high dropout rate in indigenous communities. It is important to ground programs on bicultural and bilingual goals and on language acquisition theory through careful planning and problem-solving with the community.

Implications for Effective Action

There is no shortage of research indicating the needs in Aboriginal language, it is the same cry across Canada. Aboriginal people have been asking for the same things for 30 years and have been denied repeatedly. It was disheartening to compile this study and see the same pattern repeat year after year, decade after decade. In another 30 years are we still going to be asking for the same things? No because our speakers will be gone and there will be no Aboriginal languages left to revive. The question is how much longer can we wait for the government to act?

All of the research reviewed agreed that the initiative and drive for programming must be community based and community specific in order to be relevant, meaningful and successful. In Stiles' analysis of four successful programs, she noted they all began as grassroots movements. Fishman warns against relying too heavily on governments to save our languages. Even at the international level, the review of conventions and declarations demonstrated that articles of any real substance are significantly watered down before nation states are willing to accept them. Skutnabb-Kangas believes that colonial nation states are covertly killing indigenous languages and are therefore not likely to be the champions of their resurrection. Other theorists of linguistic disempowerment more tamely cite an imbalance in the power relationships within educational organizations that must be overcome. The problem is how do we motivate our communities, how

can we combat the stigmaticism we attach to the speaking of our own languages and to the practice of our own cultures? The researchers believe the solution is within the First Nations communities themselves (Brant-Castellano et al.2001, Burnaby 1996, Elijah 2002, Fishman 1996, Paupanekis&Westfall 2001, Stiles 1997).

It is clear that Aboriginal people must take action in their own communities and it must be immediate. It is also clear that societal attitudes have a tremendous influence on the extent to which Aboriginal people are allowed to participate in mainstream society. These are two fronts on which action for change must be taken.

Recommendations

The recommendations are not new. They have all been carefully identified and stated in earnest before. The tremendous amount of work, planning, thought and effort that has been poured into improving the situation of Aboriginal language and culture over the past two decades is astounding. It is sad that the ruling power in this country does not actively recognize or support Aboriginal languages. But it is encouraging to see the expertise of the Aboriginal people develop as evidenced by the increasing number of research papers done by Aboriginal people.

It is recommended that the Government of Canada end the linguistic genocide of Aboriginal languages in Canada by taking immediate and overt political action to restore Aboriginal languages to a thriving condition and including the following:

- i) Enact legislation which recognizes the rights and freedoms of Aboriginal peoples of Canada to protection, revitalization, maintenance, and the use of their ancestral languages (First Nations Confederacy of Cultural Education Centres)
- ii) The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own education systems and institutions.
- iii) The right to have at their disposal all the human and material resources necessary to ensure that their language is present to the extent they desire at all levels of education within their territory: properly trained teachers, appropriate teaching methods, text books, finance, buildings and equipment, traditional and innovative technology.
- iv) The language and culture of all language communities must be the subject of study and research at university level.
- v) the legislation clearly identifies the government of Canada as the dutyholder and includes a statutory provision for the appropriation of sufficient funds to undertake all necessary actions.

Notes:

Wording should contain obligating formulations and not opting-out phrases.

There should be definite time lines built into the articles.

Settle for nothing less than overt political action.

Other actions that First Nations can take include:

- concerted efforts at the community level to promote appreciation for Aboriginal

- languages and cultures where local councils take an aggressive leadership role
 - developments in curriculum such as the Ontario Native Studies Course Profiles Grades 9 to 12 which can be viewed online at the Ontario Ministry of Education website.
 - building partnerships with non-Aboriginal communities and organizations to foster goodwill
 - develop a rapport with local MPs and keep them informed
 - pray a lot
- Little things can go a long way... in changing attitudes.

Implementation of course is entirely another matter... .