

## International Association of Language Commissioners

Ottawa, 2015

Presentation by Sandra Inutiq

### Introduction

- Nunavut:
  - Population 36,700
  - 1/5 Geographic Canada
  - 83% Inuit
  - 71% speak Inuit language
  - Inuit has been declining in use continuously
    - Between 1996-2006 Use in the home decreased by 12%
- S.35 states: “Existing Aboriginal & Treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed”. This is broad and has no closed list
- S. 35 leaves you with two big questions → Do aboriginal rights include language rights and (right to self-government?). → Those 2 questions are related, at least in the case of Nunavut
- We have 2 options with broadness → it means there is no right – we continue going along damaging consequences → it means there is a right or at least potential for it.
- These options:
  - reflect our relationship as Canadians, our attitudes, and our need to reconcile as a people issues (between Aboriginal and non-Aboriginals).
  - Issues still lingering which translates into policy also funding.
  - With the challenge of when Aboriginal people assert themselves, perception of Agitator/Provocateur
  - For Aboriginal People wanting some say in how law and policy relating to us in interpreted.
- Arguments as to why s.35 includes language rights – seeing it as a “full basket” rather than an empty one

### Languages Acts in Nunavut

- Preamble of:
  - Official Languages Act (which needed federal Parliamentary concurrence):
    - Determined to advocate for and to achieve the national recognition and constitutional entrenchment of the Inuit Language as a founding and official language of Canada within Nunavut;

→ and Inuit Languages Protection act:

- Understanding, because of the fundamental character of the values expressed and the important objectives of this Act, and on legal authority including sections 15, 25 to 27 and 35 of the Constitution Act, 1982, that the Inuit Language Protection Act shall enjoy quasi-constitutional status in law
- Nunavut “just did it”, applying s.35 as Aboriginal right including language rights

### Historical Overview

- Late 1960's Aboriginal groups start organizing to determine their own lives/destiny
- 1969 “The White Paper” is issued
- 1970 post Royal Commission on bilingualism and bi-culturalism (question of whether the territories are bound by language acts is asked and remains)
- 1974 federal Government grant language funding to GNWT (along with other jurisdictions)
- 1976 Proposal for Land Claim by Inuit in Eastern Arctic. Two notable Items → Creation of a Territory (dividing NWT) → Inuktitut as a working Language. As the majority Inuit would achieve indirect self-government. No appetite by federal government for a non-Anglophone majority jurisdiction with autonomist movement in Quebec.
- 1979 NWT Majority Aboriginal legislatures
- 1979 Buchan – Commissioner of Official Languages asking Dept. of Indian & Northern Affairs re: Official Languages and whether they apply to ordinances of Territory Legislative Assembly.
- 1982 Constitution Act is proclaimed
- 1982 NWT referendum to divide NWT (says yes)
- 1983 Court case in Yukon French Language case
- 1984 Federal Government try to unilaterally amend NWT and Yukon Act to entrench bilingualism of English and French by amending NWT and Yukon Act Federal Government wanted to eliminate uncertainty around bilingualism in Territory
- Territorial and Provincial differences, Provincial and federal powers are listed in Constitution whereas Territory's powers are delegated through an act of Parliament.
- Political backlash from GNWT re: question of whether infringed Territories Jurisdiction and question of Aboriginal Languages.
- Agreement was entered by GNWT & Federal Government. “Federal Government assumed year after year in perpetuity all costs relating to provisions of French Language Services in addition federal agreed to provide funding for preservation and promotion of

Aboriginal languages.” This has been in practice since, an argument can be made about convention or practice of recognizing Aboriginal languages as positive rights

- 1984 Study is done in language funding requirements
- 1993 NLCA signed (proposes Nunavut) Nunavut Act is passed to create new Territory
- Negotiations start on how Territory will be financed including having Inuktitut as a working language - this major item is dropped last minute (June 1998)
- Amounts from language funds in NWT are transferred to Nunavut to provide services in French and Inuktitut language
- 1999 Nunavut Territory is created
- 2001 Committee is struck to create language laws
- 2008 two acts are passed – outline how Nunavut wants languages protected and revitalized, biggest challenge: Federal Government’s role to redress language situation (the continual decline).

### Conclusion

- This challenge is part of lack of clear position nationally of Aboriginal languages as part of language landscape of Canada – makes it ad hoc agenda driven by government of the today
- Language has been central to Inuit of Nunavut negotiation in their relationship with Canada – as a means to govern (intellectual self-determination)
- This negotiations is not concluded until positive obligations are acknowledged by Federal Government
- Especially given our language is continuing to decline due to historical attempts to eradicate it
- The current funding arrangements create inequality or hierarchy of Official Languages
- It affects Francophone community, as it makes it clear the Inuit language is worse off and creates hesitance to lobby when you are better off than the original inhabitants even when there is inequality treatment of French language speakers
- Natural evolution of language debate is to make a clear statement and investment in Aboriginal Languages as a gesture of reconciliation.