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CHIEFS OF ONTARIO
ANNUAL CHIEFS ASSEMBLY
June 14-15-16, 2022

RESOLUTION 22/18A
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SUBJECT: FIRST NATION LANGUAGES – A DEFINED AND ENFORCEABLE RIGHT

MOVER: Ogimaa Duke Peltier, Wiikwemkoong Unceded Territory

SECONDER: Grand Chief Abram Benedict, Mohawk Council of Akwesasne

DECISION: CARRIED BY CONSENSUS

WHEREAS:

1. In 2019, the Parliament of Canada passed the *Indigenous Languages Act* (ILA). It purports to recognize that section 35 of the *Constitution Act, 1982* includes “rights related to Indigenous languages”. However, the ILA fails to identify any specific First Nation language rights or provide mechanisms for their enforcement. The language rights of Canada’s official language minority, on the other hand, has been clearly defined and enforceable since adopted in the same *Constitution Act, 1982*;
2. In 2021, the Parliament of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA), which commits the Government of Canada to “take all measures necessary to ensure that the laws of Canada are consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP);
3. Accordingly, the Government of Canada has now committed itself to take “effective measures” to implement Article 14 of UNDRIP which reads:

Article 14

1. *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.*
2. *Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.*

3. *States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*
4. Language rights are at the heart of almost every other right recognized by UNDRIP, whether it be self-determination, identity, culture, customs, spiritual traditions, legal systems, histories, philosophies or ways of knowing and living with land and resources;
5. The revitalization of First Nation languages in Canada depends, as it always has, on intergenerational transmission. It recognizes that, in the modern context, this requires state-supported educational systems and institutions that both teach First Nation children their own ancestral languages and that teach other subjects in those languages. Significantly for Canada, Article 14 recognizes that such systems must exist both on and off reserve;
6. The perilous state of most First Nation languages makes the need for the implementation of Article 14 pressing and urgent. The closing of residential schools, by itself, does nothing to achieve intergenerational transmission of Indigenous languages. Almost all First Nation children are still required by law to attend schools where they not only **don't** learn to speak their own languages fluently but where they learn and interact with others in English or French. This amounts to ongoing forced assimilation of these children, also contrary to Article 8 of UNDRIP;
7. The implementation of Article 14 in Canada can be achieved by amending the *Indigenous Languages Act*, thereby making the Article enforceable in Canadian courts.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Agree that work in partnership between First Nations and the Government of Canada must begin immediately to amend existing Indigenous Language legislation to incorporate Article 14 of UNDRIP, and other articles of UNDRIP, which mention Indigenous languages and ensure First Nation language rights, are defined and enforceable;

2. Request the Regional Chief to write a letter to the Department of Justice outlining this recommendation as a means to begin addressing the dire state of First Nation languages as well as a first step for Canada towards their commitment to UNDRIPA;
3. Mandate the COO Leadership Committee on Languages (LCOL), which is a subcommittee of the First Nations Education Coordination Unit (FNECU), to determine how much funding is required to engage First Nations in Ontario to provide input into the development of the legislative amendments and any subsequent policy, regulatory and/or funding requirements;
4. Require Canada to provide funding to support First Nation engagement in this process to ensure consensus is built;
5. Require the FNECU and/or LCOL to report progress on this initiative at every COO Assembly until the mandate is achieved.

Certified Copy of a Resolution dated June 15, 2022



Glen Hare, Ontario Regional Chief