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Legislation, Regulations, and Policies: Concerning the Revitalization of Indigenous Languages in Canada and Internationally

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ASSEMBLY OF FIRST NATIONS
ASSEMBLÉE DES PREMIÈRES NATIONS

Legislation, Regulations and Policies

*Concerning the Revitalization of Indigenous
Languages in Canada and Internationally*



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Report Overview

The following is a comparative report about: 1) federal, provincial and territorial legislation, regulations and policies that concern the revitalization of First Nations languages and other Indigenous languages in Canada, and, 2) legislation, regulations and policies that relevant international jurisdictions have put in place for revitalizing Indigenous languages in those places.

Goals

The primary objective of this report is to compare federal, provincial and territorial legislation, regulations and policies concerning the revitalization of Indigenous (primarily First Nations) languages in Canada. The specific aims are to: 1) have the information “all in one place”, 2) draw comparisons amongst and between legislation, regulations and policies relating to Indigenous languages in Canada.

The report focuses specifically on national, provincial and territorial legislation, regulations and policies and will serve as a backgrounder for advocacy towards: 1) the full implementation of the *Indigenous Languages Act*, and 2) provincial and territorial legislation, policies and regulations that affect or enhance the revitalization of Indigenous languages in those jurisdictions.

In addition, legislation, regulations and policies held in certain foreign jurisdictions that affect or enhance the revitalization of Indigenous languages in those jurisdictions have been included to enrich the knowledge available for guiding policy and implementation practices in Canada.

Project Actions

1. **Conduct a literature review**, and based on the information acquired therefrom,
2. **Prepare a comparative report**, which addresses: federal, provincial and territorial legislation, regulations and policies that concern the revitalization of First Nations languages in Canada; and a selection of supplementary examples from internal jurisdictions.



Literature Review

I. History of Indigenous language policy in Canada

Since inception at Confederation, the new country of Canada formed legislation and funding that effectively established English and French as its official languages (Gourd, 2007). A century later, heightened political tensions about the comparative status of the two languages led to a Royal Commission on Bilingualism and Biculturalism (often referred to as the B & B Commission) mandated to study the country's "two founding races" and "other ethnic groups" in 1963 (Innis, 1973, Foreword). Indigenous Peoples, despite their efforts to be included and to have their language rights considered, were rendered invisible (Laurendeau and Dunton, 2006). From this foundation of cultural and linguistic imperialism, the Commission recommended an *Official Languages Act*, enacted in 1969, securing English and French as the official state languages (Burnaby, 1996). The Commission did assert Canada's responsibility to do "everything that is possible... to help the native populations preserve their cultural heritage, which is an essential part of the patrimony of all Canadians" (Royal Commission on Bilingualism and Biculturalism, 1967, Vol 1: xxv). However, this statement left responsibility for language maintenance entirely in the hands of Indigenous Peoples with no resources to ensure opportunities for young people to learn their Indigenous languages.

The Assembly of First Nations has produced many reports calling for greater support for Indigenous languages (1990, 1991, 1992, 2000a, 2000b, 2007a, 2007b)¹. The Task Force on Aboriginal Languages and Cultures (2005) report also states, "First Nations people have been formally lobbying since 1972 for federal support for Indigenous languages" (p. iii). Following many years of Indigenous advocacy, the Government of Canada passed the *Indigenous Languages Act* in 2019. In addition, several encouraging provincial and territorial policies exist in Canada. One is the *Official Languages Act* of the Northwest Territories (NWT) which was first enacted to recognize Indigenous languages as co-official languages, and increase protection and access to revitalization services for the languages. This was followed by the *Languages Act* (2002) in Yukon Territory, which falls short of recognizing Indigenous languages as co-official but allows for government services to be provided in Indigenous languages (in addition to English and French). The Council of the Yukon First Nations (CYFN) entered into an *Umbrella Final Agreement (UFA)* with the territorial and federal governments as well which provides for some opportunities to develop language revitalization initiatives. In 2008, the *Nunavut Official Languages Act* (recognizing Inuktitut, Inuinnaqtun, English, and French) was passed, bringing with it much more support at both the local and the territorial level. This legislation allows for Indigenous languages to be used in judicial and government institutions, and ensures financial support for immersion education, as well as language revitalization programs and initiatives. And, most recently, the *Mi'kmaw Language Act* (2022) was enacted recognizing the Mi'kmaw language as the first language of the province now known as Nova Scotia. This Act affirms Mi'kmaw language rights, and focuses on collaboration between the Mi'kmaq and the Government of Nova Scotia towards the continuation of Mi'kmaw language.

The following literature review focuses on each province and territory across the lands now known as Canada in relation to legislation, regulation and policies that relate to Indigenous languages and their revival or maintenance.

¹ Additional evidence exists of reports and studies dating back to the 1970s and early 1980s as well.



II. Legislation, Policy, and Regulation Concerning Indigenous Languages in Canada

Overview

- A mapping of existing provincial/territorial legislation, policy and regulation can be found in Appendix A.
- The categorizations of 'Act', 'Regulation' and 'Policy' were not always used in consistent ways across various jurisdictions. At times, Act meant an official languages Act and other times it was a policy or piece of legislation created for a different purpose.
- Very few examples called 'regulations' were found and 'policies' were far more prolific, as evidenced in this section (below) and in Appendix A. A few pertinent Agreements and Reports were also noted and included below.
- Acts, regulations and policies pertaining to Indigenous languages are not nearly as common, plentiful or comprehensive as those pertaining to English and French across Canada.
- Most provinces and territories (other than Nova Scotia, NWT and Nunavut) have no Acts that recognize Indigenous languages as official (Manitoba and the Yukon recognize that Indigenous languages are spoken, but have no official status).
- Most provinces only address Indigenous languages through policies and guidelines rather than through legislation or regulations. These have been included whenever possible.
- Provinces and territories may receive both federal and provincial/territorial funding depending on the funding arrangements in place and commitments made at both levels. (Although the funding levels are most certainly much lower than what is provided for the maintenance and continued use of minority official languages in Canada, which includes English in Quebec).
- Please note Appendix A includes additional content beyond what has been summarized in this Section (II) below. These additional documents have been included in Appendix A as they may be of interest to those wanting to explore further but go beyond the scope intended here.

British Columbia

Act

- [First Peoples' Heritage, Language and Culture Act \(1996, current to 2021\)](#)

Within British Columbia (BC), the provincial government enacted the First Peoples' *Heritage, Language and Culture Act*. This act created the First Peoples' Heritage, Language and Culture Council (FPHLCC), which today services 203 First Nations in BC, across 34 language groups, and numerous First Nations, arts, culture and educational organizations. The Act gives purpose and powers to the FPHLCC to support organizations, programs and cultural centres throughout the province. They also support and advise government ministries on any initiatives, programs and services related to First Nations heritage, language, culture and arts. Funding is administered by the Minister of Finance. In this way, this "Act" is not similar to acts in other jurisdictions in that its function is more so for the purposes of establishing the FPHLCC in a suitable manner to best serve the First Nations of BC.



- [Declaration on the Rights of Indigenous Peoples Act](#)

In 2019, the government of BC passed this Act to implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). They state, “the legislation sets out a process to align B.C.’s laws with the UN Declaration. It mandates government to bring provincial laws into harmony with the UN Declaration. It requires development of an action plan to achieve this alignment over time – providing transparency and accountability. And it requires regular reporting to the Legislature to monitor progress. In addition, the legislation allows for flexibility for the Province to enter into agreements with a broader range of Indigenous governments. And it provides a framework for decision-making between Indigenous governments and the Province on matters that impact their citizens.”

The UN Declaration includes several clauses (13, 14, 16) pertaining to Indigenous Peoples’ rights to use their languages. This legislation and its implementation will be important to follow as it is undertaken.

Policy

- [Language Education policy, British Columbia Ministry of Education \(revised 2003\). *The Languages 5 to 12 Template Development Package*](#).

The Ministry of Education states in *The Languages 5 to 12 Template: Development Package* that, “the Government of British Columbia recognizes that all students, particularly those of Aboriginal ancestry, should have the opportunity to learn an Aboriginal language whenever possible and should do so with the support of the Aboriginal community” (2003, p. 3). In addition to the provincial language policy, a research team led by Wanosts’a7 Dr. Lorna Williams explains that the “Integrated Resource Package (IRP) for a second-language curriculum supports schools and teachers in developing provincially approved language programming” (BC Ministry of Education and FNESC Steering Committee, 2016, p. 4).

Agreement

- [BC Tripartite Education Agreement \(BCTEA\)](#)

The First Nations Education Steering Committee (FNESC) entered into a tripartite educational agreement with the provincial and federal government. The agreement states that the BC Tripartite Education Agreement, *Supporting First Nation Student Success* (BCTEA) sets the foundation for further growth and changes to support the growth of the BC First Nations education system. Those changes include new funding commitments, new First Nations education commitments from Canada and BC, language and culture funding for First Nation Schools, continuation of our Special Education Program, and important Nominal Roll changes. (See more at: (<http://www.fnesc.ca/bctea/>))

The agreement ensures the provision of high quality and culturally relevant elementary and secondary education programs and services. This also means that First Nations schools will be supported to provide language and culture services to students. The provincial government agrees that First Nations students receive at least the same level of services and programs generally available to all other students, while also recognizing the need for culturally relevant services and programs.



- [Nisga'a Lisims Government Agreement \(2019\)](#)

Shortly after the passing of the *Indigenous Languages Act*, the Nisga'a Nation negotiated an agreement with the Government of Canada to acquire funding to maintain and strengthen the Nisga'a language. This is one of the first instances in which a First Nation has entered into an agreement with the federal government applying mechanisms existing in the *Indigenous Languages Act*.

Yukon

Act

- [Language Act \(2002\)](#)

The Act recognizes only French and English as official languages, but also allows for Government services to be provided in Indigenous languages.

Policy

- [The Umbrella Final Agreement](#)

In 1990 the Council of the Yukon First Nations (CYFN) entered into an Umbrella Final Agreement (UFA) with the territorial and federal governments. Although it is not a legal agreement, it is viewed as a 'political' agreement among the three parties. Within its provisions lie sections pertaining to language. The objectives of these sections are to promote "the recording and preservation of languages", and oral histories of the Yukon First Nations Peoples. It also provides for the interpretation of place names and heritage resources into the First Peoples' languages.

The UFA allows for individual YFN councils to finalize their own First Nations Final Agreements. The Final Agreements contain all of the text of the Umbrella Final Agreement with the addition of specific provisions which apply to the individual First Nation.

- [Joint Education Action Plan](#)

In the Yukon Territory, the CYFN also entered into the Joint Education Action Plan with the territorial government. This action plan was a result of the 2012 Tripartite Memorandum of Understanding (MOU) between CYFN, Yukon and Canada. The focus of the MOU was to increase achievement for Yukon First Nations students. The action plan initiated from this MOU held an emphasis on strengthening language and culture. The first priority listed in the plan with respect to culture and language in K-12 education states: "Recognition of the diversity of YFN peoples, communities, languages, cultures, traditions and spiritual practices and the need for culturally appropriate education are embedded within the MOU. The MOU also states that all parties agree that the Yukon education curriculum must include the cultural and linguistic heritage of YFN people." (Yukon First Nation, 2014, p. 7)



Additionally, the Yukon Native Language Centre is administered by the CYFN, and is funded by the Yukon territorial government and states their mandate to “support YFNs with language revitalization by providing training, capacity building, technical expertise, advocacy and being a central repository for all to access and use.”

(<http://www.ynlc.ca/>)

Northwest Territories (NWT)

Act

- [Official Languages Act \(1988\)](#)

The NWT *Official Languages Act* gives legal recognition and protection to nine Indigenous languages: Chipewyan, Cree, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey and tłı̨chǫ.

- [Education Act \(1996\)](#)

The *Education Act* recognizes the importance of language and culture within the overall framework of school programs within the territory. Students may receive their education in any one of the official languages of the Territory. If a language of instruction is not English, the school must provide English language instruction as part of its programming. Equally, if English is the chosen language of instruction, one of the other official languages of the Territory must be provided as part of the education program.

Policy

- [NWT Aboriginal Languages Framework: A Shared Responsibility](#)
- [NWT Indigenous Languages Action Plan](#)
- [Indigenous Languages and Education Policy](#)

The Northwest Territories is the only jurisdiction within Canada that recognizes the Indigenous languages within the 9 territory as co-official languages. The Act gives official y recognized languages equal rights, status and privileges to be used in all government institutions. Any of the recognized Indigenous languages may be used in court legislatures recognized by the Territory. All judicial documents may also be translated into any of the recognized Indigenous languages upon request.

The Government of the Northwest Territories (GNWT) has established the [Indigenous Languages and Education Secretariat \(ILES\)](#). The secretariat’s responsibilities include overseeing the NWT Indigenous Languages Framework, which is meant to act as a blueprint for revitalizing and improving access to programs and services in all nine official Indigenous languages. Additionally, the secretariat is responsible for overseeing the implementation of the NWT Indigenous Languages Action Plan, which was developed with two overarching goals in mind: language revitalization



and language access. The secretariat is also responsible for assisting in the implementation of the Indigenous Languages Education (ILE) Policy. This policy is meant to promote and support the cultures, languages and worldviews within each school located in territories. The [ILE Policy](#) is also supported through the primary avenues of territorial financial support :

- Regional Indigenous Languages and Education Coordinators (RILE) - positions within Education bodies that provide a regional leadership role;
- Indigenous Education – for operation and maintenance of Indigenous education programs and activities in NWT schools;
- Indigenous Languages Instruction – for Indigenous language instructors' benefits and salaries
- 'Our Languages' Resource Development – for resource development activities to support the 'Our Languages' Curriculum and ILE Handbook; and,
- Community Support - to purchase on-the-land equipment and supplies, hire cultural resource experts for short term projects, and provide Indigenous language and education training within communities.

Alberta

Act

- [Languages Act](#)

The *Languages Act* (of Alberta) establishes English as the official language in Alberta. Members of the Legislative Assembly and those in courts dealing with provincial offences are granted the right to speak either French or English in the Assembly.

The research did not identify any provincial acts directly related to the revitalization of First Nations languages in Alberta.



Policy

- [Indigenous Languages in Education grant program](#)

The ILE grant program is a one-time funding initiative for First Nations communities, as well as organizations partnered with First Nations. It is focused on supporting language and culture programs for early childhood development, as well as K-12 curriculum and resource development. The program is broken into two streams: teacher/instructor development, and resource development.

- [Memorandum of Understanding for First Nations Education in Alberta](#)

The above MOU pertains only to education and is more focused on closing the achievement gap for First Nations students. Language is mentioned in passing by recognizing the diversity of First Nations within the province, and the need to have standards and culturally appropriate education pertaining to the distinctness of communities.

Saskatchewan

Act

- [Languages Act](#)

This Act provides for both English and French to be used in the Legislative Assembly and in Saskatchewan courts and that all (other) acts and regulations can be enacted, printed and published in English, or in English and French.

The research did not identify any provincial acts that relate directly to the revitalization of First Nations languages in Saskatchewan.

Policy

- [First Nations and Métis PreK-12 Education Policy Framework](#)

The education policy connected with language is the Inspiring Success Policy Framework. This Framework was created in collaboration with First Nations and provincial education stakeholders. The purpose was to assist in closing the achievement gap for First Nations students. Where language is concerned, the Framework recognizes the need to have culturally appropriate educational opportunities, and to foundationally place provincial education systems from 11 pre-K-12 within the Indigenous knowledge systems, cultures and languages of the First Nations within the province. The vision is to have these principles embedded within the structures, policies and curricula of the education system to ensure both equitable and inclusive systems for all learners. Federal funding for language work has been provided through the Saskatchewan Indigenous Cultural Centre until 2021 when communities and organizations applied directly to Canada Heritage.



Manitoba

Act

- [The Aboriginal Languages Recognition Act](#)
- [The Path to Reconciliation Act \(2016\)](#)

Though it does not recognize them as “official languages” the *Aboriginal Languages Recognition Act* recognizes the seven languages as “the Aboriginal languages spoken and used in Manitoba.” This Act led to *The Path to Reconciliation Act*, which in turn led to the government entering into partnerships with the First Nations of the province to begin implementing the Calls to Action and the principles set out in the UN Declaration.

Agreement

- [Manitoba Aboriginal Languages Strategy](#)

The Manitoba Aboriginal Languages Strategy (MALS) “was created to revitalize, retain and promote the seven Aboriginal Languages of Manitoba.” MALS is a partnership between four lead organizations (the Indigenous Inclusion Directorate, Manitoba First Nations Education Resource Centre (MFNERC), University College of the North, and the Indigenous Languages of Manitoba) “committed to sharing, developing, and promoting Aboriginal language resources throughout the province.” Together they provide “Aboriginal language education, teacher training, develop education programs and provide services in Aboriginal languages.”



Ontario

Act

- [Indigenous Institutes Act \(2017\)](#)

The *Indigenous Institutes Act* passed by the Government of Ontario was in response to the Truth and Reconciliation Commission (TRC) report's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples. It recognizes the ability of First Nations to create and administer their own post-secondary institutes. The Ministry of Advanced Education and Skills Development oversees the implementation of the Act. It recognizes that Institutions may also contain culturally relevant ways of teaching/learning for First Nations students. The Act states that in the spirit of reconciliation, it looks to "enhance educational opportunities for Indigenous students, and to promote the revitalization of Indigenous knowledge, cultures and languages." (p. 1)

Policy

- [Ontario Secondary Curriculum: Native Languages](#)

First Nations languages curriculum guidelines have been created for grades 9-12 to assist provincial secondary schools and programs to administer language classes. This curriculum is for secondary schools that have Indigenous language classes available. The document is a resource to assist teachers to offer instruction aimed at a functional command of the language. The curriculum guidelines are provided in the following documents:

- [The Ontario curriculum, Grades 9 & 10: Native languages \(1999\)](#)
- [The Ontario curriculum, Grades 11 & 12: Native Languages \(2000\)](#)
- [Additional resource documents related to the subject](#)

Reports

- [The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples \(published 2016, updated 2020\)](#)

The *Journey Together* report is an additional support that commits the province to providing funding to implement the TRC Calls to Action. Part of the commitment recognizes the need to provide additional support for language revitalization such as gathering together stakeholders for language symposiums, as well as youth summer camps.



Québec

Act

- [*Charter of the French Language*](#)

This Charter, sometimes referred to as Bill-101, establishes French as the official language of Québec, while recognizing the rights “of the Amerinds and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture.” (Preamble)

The Charter was amended in May 2022 by Québec’s National Assembly via Bill 96. This amendment requires students in English *Collège d’enseignement général et professionnel* (CEGEPs) to take French language courses, with no exemptions for Indigenous students and exacerbates existing systemic barriers to public services in Québec. This amendment has been identified by First Nations as a violation of their inherent rights, as well as linguistic rights and norms established in the Charter of Rights and Freedoms, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, and the Indigenous Languages Act.

Policy

- [*Do More Do Better: A Government Action Plan for the Social and Cultural Development of the First Nations and Inuit \(2017-2022\)*](#)

The *Do More, Do Better* report (2017) states that providing support for the education and continuation of Aboriginal Cultures and Languages is of strategic importance. It is stated that these languages and cultures make up the collective heritage of Québec and must have concrete support. No other policies, agreements or reports that are relevant for the revitalization of First Nations languages could be found.

New Brunswick/Nova Scotia

Act

- [*Official Languages Act*](#)

The *Official Languages Act* of New Brunswick establishes English and French as the official languages with status, rights and privileges in Legislature, Government, and courts, in addition to the right to distinct educational and cultural institutions necessary for the preservation and promotion of those communities.

The research did not identify any provincial acts or policies that pertain directly to the revitalization of First Nations languages in New Brunswick.



Nova Scotia

Act

- [*An Act to Recognize, Promote and Support the Revitalization and Reclamation of the Mi'kmaw Language \(2022\)*](#)

The *Mi'kmaw Language Act* acknowledges the Mi'kmaw language as the first language of the province, and commits in legislation to a formal and lasting collaborative relationship between the Mi'kmaq and the Government of Nova Scotia to work together towards the continuation of the language.

The research did not identify any provincial acts that pertain directly to the revitalization of First Nations languages in Nova Scotia.

Prince Edward Island (PEI)

Act

While there is no official languages act, the *French Language Services Act* of PEI states they “take pride [in their] role in the creation of Canada, a bilingual country”, and are “committed to supporting the Acadian and Francophone community and maintaining the French language on Prince Edward Island for future generations.”

The research did not identify any provincial acts that relate directly to the revitalization of First Nations languages in Prince Edward Island.

Policy

- [*Mi'kmaq, Prince Edward Island, and Canada Framework Agreement \(2019\)*](#)

The Framework agreement covers many subject matters. Among them are Mi'kmaq heritage, language and culture. There is no further public information pertaining to these negotiations, or as to what First Nations wish to achieve. It is also stated in the negotiation process that the Framework Agreement does not constitute a commitment by any Party to reach an agreement or to provide benefits in respect of any particular subject matter listed.

Newfoundland and Labrador

No languages Acts, regulations or policies were located for the province of Newfoundland and Labrador.

Nunavut

It is recognized that the people and languages of Nunavut are distinct from First Nations Peoples (and therefore languages) in Canada. However, this literature review is comprehensive across Canada and therefore includes the legislation, regulation and policies pertaining to language in this territory.

Act

- [Consolidation of the Official Languages Act \(2013\)](#)

The *Official Languages Act* of Nunavut recognizes the “inherent right to the use of the Inuit Language in full equality with the other Official Languages.” The Act allows for speakers of Inuktitut to acquire government services throughout the Territory in their language. The Act ensures that any new Bills be translated into Inuktitut from English and French immediately upon completion, as well as to have any Acts passed printed in Inuktitut.

The Act enables the appointments of a Language Commissioner to “exercise the powers and perform the duties set out in the Act” (s. 16) and enables the appointment of a Language Minister (by the Language Commissioner who is responsible for the administration (s. 13) of the *Official Languages Act*. Duties of the Language Commissioner are to take all actions and measures within their authority to ensure that the rights, status and privileges established by this Act with respect to the Inuit Language are recognized and performed. Responsibilities of the Minister of Languages are to coordinate, administer and advocate for the full, efficient and effective realization and exercise of the rights and privileges established under this Act. (Learn more about the Inuit Uqausinginnik Taiguusiliuqtiit language authority at: (<https://www.taiguusiliuqtiit.ca>))

- [Nunavut Education Act \(2008\)](#)

- [Bill-25: An Act to Amend the Education Act and the Inuit Language Protection Act \(2020\)](#)

The *Nunavut Education Act* governs and administers education services from K-12 in the Territory. When first adopted in 2008, the Act ensured bilingual education for all students (this included both French and Inuktitut in addition to English). The Act included Inuit cultural principles as guiding concepts. In 2020, Bill-25 amended the *Education Act* to ensure increased accountability throughout the education system. Among the amendments addressed were the need for the implementation of supports for Inuktitut speaking teachers, as well as the development and training of future Inuktitut speaking teachers to deliver quality bilingual education. Increased ministerial accountability was also included by having annual reporting on the implementation of language instruction for students.

- [The Inuit Language Protection Act \(2008\)](#)

The *Inuit Language Protection Act* (ILP Act) recognizes the effects that Canadian policies have had on Inuit Language and Culture. The ILP Act is meant to reverse the negative effects of those past policies by ensuring that the Inuit language is protected and promoted. This means that the language is supported and maintained in education, territorial public and government institutions, and used daily in services and communication with the public throughout all sectors of

Nunavut society. The ILP Act also establishes an Inuit Language Authority (Inuit Uqausinginnik Taigusiliuqtiit) whose duties are to expand the knowledge and expertise available with respect to the Inuit Language, and to consider and make decisions about Inuit Language use, development and standardization under this Act.

- [Consolidation of *Historic Resources Act* \(current to 2012\)](#)

The *Historic Resources Act* is an additional piece of legislation allowing for any historic site of prehistoric or historic significance to be identified in Inuktitut using plaques, signs or other manners suitable to commemorating the significance of that place to the Territories.

Policy

- [Culture and Heritage Grants and Contributions Policy](#)

The Culture and Heritage Grants and Contributions Policy allows transfers of grants and contributions to individuals, non-profit organizations and municipal corporations that want to undertake activities that foster the use, teaching, development, promotion or preservation of Inuktitut at the community level, and help to increase public awareness and appreciation of the history, use, status, importance and diversity of Inuktitut in Nunavut, such as during *Uqausirmut Qviasuutiqarniq*, Nunavut's Celebration of Inuktitut. The maximum amount awarded to applicants is \$15,000.

- [Archives Policy](#)

The Archives Policy ensures that all archives acquired and preserved are made accessible to the general public. It is made clear that traditional knowledge of Nunavummiut that was acquired, archived and preserved, should be made accessible to the general public.

- [Geographic Names Policy](#)

The Geographic Names Policy recognizes the importance to Inuit culture and heritage of traditional names for geographic features and supports, through official recognition, preservation and use of those names.

Agreements

- [Revitalizing and Strengthening Inuktitut in Nunavut \(2019\)](#)

Conformément à l'article 9 de la *Loi sur les langues autochtones*, le gouvernement fédéral, le gouvernement du Nunavut et la Nunavut Tunngavik Incorporated travaillent à la conclusion d'un accord qui soutiendra les langues inuktitut. Sous réserve des détails de l'accord, le gouvernement du Canada s'est engagé à verser 42 millions de dollars et le gouvernement du Nunavut, 25 millions de dollars, sur une période de cinq ans. Cette collaboration pourrait être la première de ce type depuis que la *Loi sur les langues autochtones* a obtenu la sanction royale, en 2019.



Federal

Act

- [*Official Languages Act of Canada*](#)

This national Act establishes English and French as the official languages in Canada, and ensures equal status, rights and privileges as to their use in all federal institutions, in particular in parliamentary proceedings, in legislation, in the administration of justice, and in communicating with or providing services to the public and in carrying out the work of federal institutions (such as Canada Post, Coast Guard, Correctional Services, Elections Canada, National Parks, among others). The Act also supports “the development of English and French linguistic minority communities and generally advances the equality of status and use of the English and French languages within Canadian society.”

- [*The Indigenous Languages Act*](#)

The *Indigenous Languages Act* received Royal Assent in 2019. The purposes of the Act include:

- supporting and promoting the use of Indigenous languages;
- supporting the efforts of Indigenous Peoples to reclaim, revitalize, maintain, and strengthen their languages by;
 - o assessing the status of languages;
 - o planning initiatives and activities for maintaining fluency
 - o creating technological tools, educational materials, records of Indigenous languages, etc.;
 - o supporting language learning and cultural activities;
 - o supporting entities specializing in Indigenous languages;
 - o undertaking research or studies in respect of First Nations languages;
- establishing a framework to facilitate the effective exercise of the rights of Indigenous Peoples that relate to Indigenous languages;
- establishing measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages;
- facilitating cooperation with provincial and territorial governments, Indigenous governments, Indigenous organizations and other entities;
- facilitating meaningful opportunities for Indigenous governments and Indigenous organizations to collaborate in policy development related to the implementation of this Act;
- responding to the Truth and Reconciliation Commission of Canada’s Calls to Action numbers 13 to 15; and
- contributing to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples as it relates to Indigenous languages.

The Act also establishes an Office of the Commissioner of Indigenous Languages to oversee the enactment of the *Indigenous Languages Act*.

An AFN report states, “The Act commits the Government of Canada to supporting and funding Indigenous led language reclamation, revitalization, maintenance and strengthening activities. The Act recognizes and reaffirms Indigenous language rights as inherent, Constitutional (Section 35 of the Constitution Act, 1982), and international human rights, via the United Nations Declaration on the Rights of Indigenous Peoples.... The Act builds on these foundational pieces to ensure support and adequate, sustainable and long-term funding to meet the goal of reclaiming, revitalizing, maintaining, and strengthening First Nations languages.” (AFN, *A Guide to an Act respecting Indigenous languages: A Tool for First Nations Language Revitalization*, 2020). ([AFN, A Guide to an Act respecting Indigenous languages: A Tool for First Nations Language Revitalization, 2020](#)).

Policy

- [Indigenous Languages and Cultures Program \(ILCP\) – Indigenous Languages Component \(ILC\)](#)

The ILCP is administered through the Department of Canadian Heritage (DCH), and replaces the ALI program. Budget 2019 funding for Indigenous languages is intended for preserving, promoting and revitalizing Indigenous languages. Budget 2021 funding supports the efforts of Indigenous peoples in the reclamation, revitalization, and strengthening of Indigenous languages. This funding is used for the ILCP, the Office of Commissioner of Indigenous Languages (OCIL), engagements, and to support operations needs for DCH. Other funding, not listed below, to support languages is provided through Territorial Language Accords, self-governing agreements, and Northern Aboriginal Broadcasting.

Indigenous Languages Funding – Department of Canadian Heritage

Item (\$ millions)	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Budget 2017 (Aboriginal Languages Initiative)	\$19.1	-	-	-	-	-	-
(Indigenous Languages and Cultures Program)	\$15.1	\$44.1	\$71.6	\$87.2	\$115.7	\$115.7	\$115.7 (ongoing)
Budget 2021 (Indigenous Languages and Cultures Program)	-	-	\$52.2	\$90.6	\$128.1	\$2.0	\$2.0 (ongoing)
Total	\$34.2	\$44.1	\$123.8	\$177.8	\$243.8	\$117.7	\$177.7

III. Summary: Legislation in Canada

This literature review includes language legislation, regulations and policies that relate to Indigenous languages at the provincial and territorial levels across Canada as well as an overview of the federal acts and programs (policies), and their purposes and functions. The findings are summarized here as:

1) Regions without legislation/acts pertaining to Indigenous languages: Alberta, Saskatchewan, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador

Within each of these provinces, there are several languages across various Nations. Having little recognition of Indigenous languages makes it difficult for First Nations to receive the adequate funding and protections required to revitalize their languages in conjunction with provincial support. Most First Nations are working at revitalizing their languages in spite of any existing, relevant legislation or policies. Where Indigenous languages are concerned, provinces have developed policies and guidelines to assist with funding for education institutions to implement language and culture classes. For First Nations, this is not enough as the need to have fully functioning language revitalization programs, institutions and initiatives (in the same way that the French language is supported) is required to carry out the work consistently.

First Nations have difficulty in establishing and maintaining schools and programs aimed at strengthening and saving languages (many of which are critically endangered) without the proper support or funding. Some provinces have created organizations to work with First Nations to support language revitalization efforts, and others are working on amending provincial legislation to recognize Indigenous language education. Others have entered into memorandums of understanding agreements with First Nations including negotiations for funding language revitalization efforts.

2) Regions with limited legislation/acts pertaining to Indigenous Languages:

British Columbia

This province has two acts which hold potential to support Indigenous languages. The first is the *First Peoples' Heritage, Language and Culture Act* which functions to establish a First Peoples Council (non-profit organization) to serve the language and cultural needs of the First Nations of BC. The other is the *Declaration on the Rights of Indigenous Peoples Act* passed in 2019 which holds potential to make significant impacts if the articles pertaining to language are implemented.

Manitoba

The *Aboriginal Languages Recognition Act* recognizes Indigenous languages as being spoken within the Province. This does not mean that the languages are official languages, and leaves First Nations without the same protections and supports that are given to the French language in the province. The changes and movements in Manitoba are



mainly a result of the provincial commitment to implement the TRC Calls to Action and UN Declaration, leaving cautious optimism for continued growth towards greater support and recognition for Indigenous languages within the Province.

Ontario

Most notable here is the *Indigenous Institutes Act* passed by the Government of Ontario which recognizes First Nations' ability to create and administer their own post-secondary institutes. The Act provides opportunities to "promote the revitalization of Indigenous knowledge, cultures and languages" through Indigenous-led education and training (p. 1).

Yukon

The *Yukon Languages Act* allows for Government services to be provided in Indigenous languages but perhaps more importantly the Council of the Yukon First Nations (CYFN) entered into an Umbrella Final Agreement (UFA) with the territorial and federal governments with provisions pertaining to language preservation. Further, the UFA allows for individual YFN councils to develop their own agreements.

3) Regions with significant legislation/act or policies pertaining to Indigenous Languages:

Northwest Territories and Nunavut

Within the Northwest Territories and Nunavut, Indigenous languages are receiving much more support both at the local and the territorial level. Legislation within these territories has allowed for Indigenous languages to be used in judicial and government institutions, as well as having official records translated upon request. Official recognition of Indigenous languages has ensured financial support for immersion education, as well as language revitalization programs and initiatives. Recognizing Indigenous languages as official languages has also resulted in ensuring that they are both protected and promoted throughout the territories. Such protections and supports help alleviate the burden and stress put onto Indigenous communities who may have trouble to financially support such efforts. In Nunavut, Indigenous languages have been supported in various sectors, such as education, media, government, among others.

However, even with official recognition in both territories, Indigenous Peoples are still seeing a decline in first language speakers. For many, the language is primarily used at school, or in the home, and not within other domains. More work and support are required to normalize Indigenous language use so that they will be more widely spoken in all parts of the territory.



Nova Scotia

The *Mi'kmaq Language Act* has been received largely with great optimism across various First Nations in Canada. The legislation, while not declaring the language as co-official, recognizes it as the first of the province. The Act affirms the Mi'kmaq as the 'rightful stewards and teachers of their own language' and acknowledges they are the necessary leaders of initiatives to revive and continue the language. Importantly, the Act also commits in legislation to a formal collaborative relationship between the Mi'kmaq and the Government of Nova Scotia. While unique and innovative, this process-oriented Act will require effective and sustained implementation to be effective.

Federal

The *Indigenous Languages Act* came into effect in 2019. The purposes of the Act include: supporting and promoting the use of Indigenous languages; supporting the rights of Indigenous Peoples relating to Indigenous languages; and establishing adequate, sustainable and long-term funding; amongst other important aims. This is not insignificant legislation from which policy will follow, however, its full implementation has been delayed by unexpected and lengthy pandemic-related pauses in 2020.

4) Conclusion

There is still much more work to be done to ensure that Indigenous languages survive for the next generations. Merely recognizing Indigenous languages as 'official' will not solve the impacts that years of colonialism have had on First Nations communities. It also cannot be a top-down approach where a province enacts legislation that aims to assist First Nations in a paternalistic way. First Nations must have the necessary support, and local strategies to ensure that their unique situations are recognized, as many First Nations find themselves in dramatically different scenarios depending on their context. Some have excellent pedagogies and ample speakers but inadequate financial support, others have very few speakers and bountiful funding but little educational support to carry out the work. Others still, are left quite destitute and with very little support of any kind. This has not stopped, however, First Nations from continuing the work to strengthen their languages to pass them onto the next generations. The resiliency of First Nations in the face of colonization has been a great strength, but it is now time that settler-colonial governments provide the necessary support to pair with that resilience, ensuring the impacts of past policies are reversed for the betterment of future generations.

IV. International Legislation, Policy, and Regulation concerning Indigenous languages

Organized by theme, this review discusses language policy in key international jurisdictions. These jurisdictions, by cluster, include: Single (Indigenous) Language Islands and Nations (Aotearoa/New Zealand, Hawai'i, Finland, and Israel); Latin American Countries (Mexico, Argentina, Chile, Paraguay, Ecuador, Peru, and Bolivia), and other notable examples (the Philippines, India, and Australia).

It is important to note that while the focus throughout this section is on Indigenous language reclamation and recovery via international legislation, policy and regulations, most of these languages were severely and adversely affected by the impacts of colonization. These impacts were largely due to British, Spanish and American occupation (historic and ongoing) which included policies and actions leading to the violent erasure of Indigenous languages. Indigenous languages were not “lost” by the people who spoke them nor did they simply lose interest in their use; rather, they were diminished through force – loss of land, forced relocation, separation from other speakers, and reduction of population through violent means, disease and famine.

Single (Indigenous) Language Islands and Nations

Jurisdictions such as Aotearoa/New Zealand, Hawai'i, Finland, and Israel are different from Canada in that language revitalization efforts focus on a single language (i.e. Māori, Hawaiian, Sámi, and Hebrew, respectively). Aotearoa/New Zealand and Hawai'i are islands with one Indigenous language that is an official language.

In **Aotearoa/New Zealand**, the *Māori Language Act* establishes Māori language as an official language at the national level (*Māori Language Act*, 2016). The impacts are typically seen in local initiatives and language immersion schools, notwithstanding challenges. Recent years have seen an uptake in responsibility for promoting te reo Māori (the Māori language) through cultural and linguistic rejuvenation. The capital city, Wellington, is working towards becoming 'a te reo city' by 2040 (Devlin 2018; Wellington City Council 2018), and has renamed its Civic Square 'Te Ngākau' (the heart) (Devlin, 2018). The introduction of Māori television in 2004 has expanded the visibility and use of te reo Māori in the media, and the promotion of Māori language week has increased in visibility, reach, and influence over the years (De Bres, 2011).



In the current Māori language policy and planning context, school has become one of the most critical sites for language revitalization (Trinick et al., 2020). Te reo Māori has been successfully (re-)established as a language of education since the development of Māori medium schooling in the 1980s. Most notably, Māori-total immersion language preschools, Te Kōhanga Reo, were established in 1982 to address concerns of the language becoming endangered due to declines in young speakers (Alcock and Richie, 2018). There are now over 450 Te Kōhanga Reo preschools in Aotearoa, which implement the well-respected Te Whāriki curriculum, attended by approximately 17 percent of Māori children (Alcock and Richie, 2018). Māori language education serves approximately 10 percent of the Māori K-12 school population (Trinick et al., 2020). In recent years, there has been a shift towards iwi (tribal) and whānau (family) initiatives (O'Regan, 2018; Te Paepae Motuhake, 2011). This is exemplified in the establishment of the statutory body, Te Mātāwai, which is responsible for the implementation of the latest iteration of Māori policy, developed by and for iwi, Māori and Māori language communities (Trinick et al., 2020).

Whereas Aotearoa/New Zealand is a country, **Hawai'i** is a state within the United States of America (though Native Hawaiians assert that this occupation is illegal). The state of Hawai'i recognizes Hawaiian and English as official state languages (*Hawai'i State Constitution, 1978*). This legislation has contributed to the development of the Pūnana Leo language immersion preschools, modelled after the well-established Māori-language preschools Te Kōhanga Reo in Aotearoa (New Zealand). In 1994, the Board of Education approved a long-range development plan for the Hawaiian Language Immersion Program - Ka Papahana Kaiapuni Hawai'i (Ke Ke'ena Kaiapuni, 2015). The objectives of the program were to support Hawaiian-speaking families in the revitalization and maintenance of the language, support integration into the Hawaiian speaking community, and to assist those families who wish to use Hawaiian as a second or third language in interacting with the Hawaiian-speaking community (Lucas, 2000). In June of 1999, the first Kaiapuni class graduated from high school. Funding for the sixteen Kaiapuni school sites has remained constant since 1993 at \$3.1 million dollars, despite the addition of eight schools since 1994 (Lucas, 2000). In addition, Hawaiian is supported in higher education. Passed in 2011, Senate Resolution 48 recognized and celebrated the accreditation of Ka Haka 'Ula O Ke'elikolani College of Hawaiian Language at the University of Hawai'i at Hilo. In the state, students complete undergraduate to doctoral degrees in Hawaiian language.

As a nation where multiple European languages are spoken alongside Sámi languages (a group of languages spoken by Sámi people in northern Europe), **Finland's** language policy is both similar and different to Aotearoa/New Zealand and Hawai'i. Like Aotearoa/New Zealand and Hawai'i, Finland recognizes Sámi languages as official languages, but only in certain regions. Finnish and Swedish are recognized as the national languages of Finland. The *Sámi Language Act* made Sámi the official language in the municipalities of Enontekiö, Inari, Sodankylä and Utsjok (Huss, 2016). This Act aims to strengthen Sámi language use before courts of law and other authorities and improve access to public services. In regards to Sámi education in Finland, all the recognized Sámi languages are fully standardized and schoolbooks exist in these languages. Finland permits education in the Sámi administrative area predominantly through the medium of Sámi, according to the choices of the individual schools (Rasmussen and Nolan, 2011). The

greatest possibilities of receiving Sámi-medium education are found in Utsjoki and Inari, where the proportion of Sámi among the population is high (Huss, 2016).

The case of Israel is most different from Aotearoa/New Zealand, Hawai'i, and Finland in that Hebrew is a formerly sleeping language and the Jewish people hold power in the State of Israel. In Israel, Hebrew became an official language of the State of Israel in 1923, alongside Arabic and English. In 1948, however, English was removed and Hebrew and Arabic remained (Spolsky, 2013). In 2018, Israel passed the *Nationality Bill*, which defines Israel as the nation-state of Jewish people and affirms their self-determination. The Bill affirmed Hebrew as an official language while diminishing Arabic to a "special status." Beyond specifying official languages, Israel does not have language policy documents (Shohamy, 2006). Modern Hebrew has grown into a dynamic language with a lexicon of more than 75,000 words (Spolsky, 2013). These include over 2,400 deliberately designed Hebrew alternatives for foreign words and recent terms, which the ancient language did not include (Spolsky, 2013). While Arabic was formerly an official language, it has minimal presence and lower status in terms of de facto language practices (Shohamy, 2006). Prior to the passing of the *Nationality Bill*, for example, in Jewish schools, the instruction of Modern Standard Arabic was implemented from grades seven to nine (Spolsky, 2013). In contrast, in Arab schools, the instruction of Hebrew was typically implemented in grade two (Spolsky, 2013). These approaches to teaching Arabic and Hebrew raised much debate, including, disparities among spoken Arabic or Standard Arabic, the retention of the languages, and teacher training (Spolsky, 2013).

Single Languages Summary

In learning from the examples of Aotearoa/New Zealand, Hawai'i, Finland, and Israel, it is important to recognize that language policies are the outcomes of decades-long efforts by people to revitalize their languages. These policies have very specific impacts because they are focused on the status of one Indigenous language or heritage language within a jurisdiction with one or only a few other languages. As Shohamy (2006) argues, language policy is attached to a political agenda. In this way, the case of Israel differs significantly from the other jurisdictions. Whereas Māori, Native Hawaiian, and Sámi peoples have experienced settler colonization and enduring pressure to assimilate to dominant culture, Jewish people in Israel are the group in power. Thus, Hebrew functions to create a Jewish Israeli identity and is thereby used as a tool to suppress other languages (Shohamy, 2006). While language is linked to identity for Māori, Native Hawaiian, and Sámi peoples, language recognition and policy is a means of requiring settler-colonial governments to recognize and respect the sovereignty of Indigenous Peoples to learn, teach, and speak their languages. By securing official language status, these peoples secure the right to Indigenous-language medium schools, supported by government funding, to reach the next generation.



Latin American Countries

Within Latin America, there are over 650 Indigenous Peoples and 550 Indigenous languages with different degrees of vitality (López & Sichra, 2008; Mayer et al., 2020). The total population of Indigenous persons across the 21 countries of Latin America is 30-50 million (López & Sichra, 2008), and a large percentage of this population is bi- or multi-lingual, speaking one or more Indigenous languages (Mayer et al., 2020). These languages are spoken across national borders. Some are spoken in rural areas while others are concentrated in urban centers (López & Sichra, 2008). Latin American countries have employed Intercultural Bilingual Education (IBE) (or *Educación bilingüe intercultural*) as a language-planning model for public education. IBE emerged out of a political movement to secure spaces for Indigenous languages in public education (López & Sichra, 2008). This section highlights examples of IBE and Indigenous language policy from the countries of Mexico, Argentina, Chile, Paraguay, Ecuador, Peru, and Bolivia.

There are over 60 Indigenous languages in **Mexico** and the Mexican Constitution, reformed in 1992, states that the country is multicultural (López & Sichra, 2008). Regarded as an example of top-down state-driven IBE (López & Sichra, 2008), there are two official language legislations in Mexico. Firstly, the *Ley General de Educación Indígena* (*General Law of Indigenous Education*) of 1993 sought to foster education in Indigenous languages by stipulating that teaching Spanish should not interfere with the linguistic and cultural identities of Indigenous school children (de Leon, 2017). Secondly, the *General Law of Indigenous Peoples' Linguistic Rights*, 2003 recognized the rights of the peoples who own and practice some of 60+ Indigenous languages of Mexico (de Leon, 2017). Mexico, however, does not by law recognize Indigenous languages as official but recognizes Indigenous languages alongside Spanish, as holding the same status as national languages (Mayer et al., 2020).

There are 15 Indigenous languages spoken by 30 Indigenous Peoples in **Argentina** (López & Sichra, 2008). The Argentina Constitution of 1994 recognizes Indigenous languages as co-official languages along with Spanish at the level of regional, but not national, legislation. Indigenous languages are thus only recognized as official in the provinces of Chaco and Corrientes (Mayer et al., 2020).

Similarly, **Chile** recognizes 6 Indigenous languages spoken by 9 distinct Indigenous peoples (López & Sichra, 2008), and recognizes Indigenous languages as co-official languages along with Spanish at the regional level, but not the national level (Mayer et al., 2020). IBE has been public policy in Chile since the 1990s, when the UNICEF Convention on the Rights of the Child (1990) was ratified and Indigenous Law 19.253 was passed (1993). As a result of these policies and legislation, Indigenous children were guaranteed the right to speak their Indigenous language(s). In 2008, Chile ratified the Indigenous and Tribal Peoples Convention to protect Indigenous languages and rights (ILO, 1989). Despite these legal initiatives, Indigenous languages and cultures were not taught until 2010 following the implementation of Decree 280 in 2009 by the Chilean Ministry of Education (Becerra-Lubies, Bolomey Córdova, & Meli Fernández, 2019). Decree 280 created an Indigenous Languages Class, co-taught by an Indigenous Traditional



Educator, understood “as a respected member of the local indigenous community with cultural and linguistic knowledge,” and one of the school’s teachers. This applies to schools with an Indigenous student population of 20% or more (Becerra-Lubies et al., 2019, p. 1).

There are, however, countries in **Latin America** that recognize Indigenous languages as official languages with, in cases, some territorial restrictions. These include Paraguay, Ecuador, Peru, and Bolivia. **Paraguay** is a unique case because it is the only country in the Americas where the majority of the population (~90%) are mestizos and speak an Indigenous language, Guaraní, along with Spanish (López & Sichra, 2008; Gynan, 2010). However, only about 1.6% of the population identifies as Indigenous (López & Sichra, 2008). There are a number of reasons for the non-threatened status of Guaraní, including its status as a national language and symbol of patriotism under the Stroessner (1954-1989) dictatorship (Ito, 2012). After the fall of the dictatorship, Guaraní was declared an official language in the 1992 *New National Constitution, alongside Spanish* (Ito, 2012). The language’s status was reaffirmed by the Plan de Educación Bilingüe (Bilingual Education Plan) in 1994 and the *Ley General de Educación (General Education Law)* in 1998 (Ito, 2012). Though Guaraní is widely used, Spanish is still the dominant language in government, education, and business (Ito, 2012). Paraguayan families may also favor Spanish in the home because they view it as a language with more instrumental value for their children, given that it is the language of written documents, jobs, and other Latin American countries (Ito, 2012). Still, Indigenous Peoples themselves continue to advocate for their languages. As a result of Indigenous and international pressure, in the early 2000s, the Ministry of Education of Paraguay began to implement IBE projects to support Indigenous minorities (López & Sichra, 2008). In addition to Guaraní, Quechua and Aymara, among other Indigenous languages, have gained status among Indigenous populations (Ito, 2012).

In **Ecuador**, Spanish is the official language; Spanish, Kichwa and Shuar are official languages for intercultural ties. Article 347 in the *Constitution of the Republic of Ecuador* (2008) guarantees the intercultural bilingual education system. The most-spoken Indigenous languages in Peru are Quechua and Aymara; the current Constitution establishes Quechua and Aymara as official languages along with Spanish (Haboud & Limerick, 2016). **Peru** also recognizes 68 Indigenous languages, stipulating the need to apply them in educational settings (*General Law of Education 19326* and *National Policy of Bilingual Education*). While Peru appears progressive on paper, scholars of language policy in Latin America argue that in practice challenges remain as existing language ideologies do not associate Indigenous languages with modernity (Freeland, 1996; Haboud & Limerick, 2016).

Bolivia, often cited as one of the most linguistically diverse nation states in the Americas, recognizes 36 Indigenous languages, as well as Spanish, as official languages (Haboud and Limerick, 2016). The 2009 Constitution institutionalizes Plurilingual Intercultural Intracultural Education as a means to reinforce multilingual relations, cultural identities and linguistic diversity; however, Spanish remains the main language of instruction nationwide (Haboud & Limerick, 2016). In several Latin American countries, Spanish-only language-in-education policies have contributed to a damaging image of Indigenous students as being silent, passive, and fearful (Howard, 2007; López & Sichra, 2008).



Latin American Summary

Compared to Canada, in Latin America, Indigenous languages are spoken by a larger percentage of the population; however, just as elsewhere in the world, these languages often remain minoritized and subject to negative attitudes, which can lead to discrimination of their speakers (Mayer et al., 2020). Though the Latin American countries discussed have employed Intercultural Bilingual Education (IBE) models, there are conflicting visions of what IBE looks like. Countries like Mexico have taken a top-down approach, while countries like Bolivia work from the bottom up (López & Sichra, 2008). Though assimilatory policies which promote Spanish continue to threaten Indigenous languages, there is hope. Examples demonstrate that IBE is not effective as a methodology for language education but is effective when it affirms Indigenous Peoples' rights as citizens (López & Sichra, 2008). As López (2008) argues, it is Indigenous involvement in education--as opposed to policy alone--that has created meaningful change. Paraguay provides an excellent example because while Guaraní is not currently a threatened language, the majority non-Indigenous population that speaks it holds language ideologies which esteem Spanish over Guaraní. This leads to a lack of buy-in from Paraguayan families when it comes to bilingual education. As Ito's (2012) study of language ideologies reveals, "despite the official recognition of Guaraní at the policy level, bilingual education has not been adequately implemented at the operational level as Spanish is preferred to Guaraní by parents and teachers due to the instrumental value of Spanish over Guaraní and Spanish remains the dominant language of instruction" (p. 8-9). Because "autonomous EIB [IBE] models regard education mainly as political, while ministries of education consider them [IBE models] mostly as technical and as a compensatory practice" (p. 30), Indigenous organizations have begun to create their own education models. These include "the Guatemalan Mayan schools, the Mexican Chiapas autonomous municipal schools or of what in Colombia is known as *educación propia* (their own education)" (p. 30).

Other Notable Examples

Around the world, additional multilingual countries offer examples of approaches to language policy and legislation. Of focus in this section are the Philippines, India, and Australia.

There are more than 180 languages spoken in the **Philippines** (Lewis et al. 2016), which has 7,641 individual islands. The country's rich and diverse linguistic and cultural heritage raises challenges in terms of national language policy. The current legal basis for language policies in the Philippines is found in the 1987 Constitution. Filipino is declared the national language, meaning that it is the lingua franca, and a co-official language along with English. The official status of English is a remnant of the Philippines status as a former US territory (1898-1946). Filipino is used in schools and media; English is a language of law and commerce that is also used in schools. Given the linguistic diversity of the Philippines, language policy, especially concerning language-in-education, is a challenge, as minority languages diminish as a result of the dominance of Filipino and English (Young and Igalinos, 2019). The Department 28

of Education (2009), institutionalized mother tongue-based multilingual education in all public and private schools, from preschool to high school (Young and Igalinos, 2019). This legislation has been pivotal as currently 19 languages are promoted through the Department of Education, while ethnolinguistic communities are continuing to develop and apply multilingual provisions within regional levels (Young and Igalinos, 2019).

India is one of the most linguistically diverse nations in the world, with over 700 spoken languages (Mohanty, 2019). The Constitution of India recognizes that the official language of the Union of India is Hindi in Devanagari script. English is not technically an official language, but is commonly referred to as an additional official language and is used for official purposes alongside Hindi (Mohanty, 2019). The Constitution of India further recognizes 22 official state languages, which are part of the eighth schedule of the Constitution listing official languages for communication between states and the Union of India (Mohanty, 2019). Forty-eight minority languages are also recognized (Pandharipande, 2002). In 2013, India instituted the Scheme for Protection and Preservation of Endangered Languages of India (SPPEL), which places the Central Institute of Indian Languages (CIIL), a government research and teaching institute, responsible for the documentation of India's so-called endangered languages (Dash, 2020). There is however no comprehensive language education policy in India, which has a detrimental impact on the maintenance of the Indigenous languages (Mohanty, 2019). At a regional level, there are some provisions in place to implement a mother tongue-based multilingual education, however without the appropriate language policy Indigenous languages remain relatively abandoned in education (Pandharipande, 2002; Mohanty, 2019). Since 1956, India has used a "three-language formula" as an attempt to address inequities in language education. According to the formula, students should learn the regional language, the official language, and an additional language (Mohanty, 2019). While this policy is meant to support mother tongue education, it is a guideline for states and educational institutions rather than a national mandate. This policy was affirmed and continued in the National Education Policy 2020.

According to the Australian Institute of Aboriginal and Torres Strait Islander Studies, there are over 200 Indigenous languages and 800 dialects in **Australia**. State and territorial governments fund Indigenous language initiatives within educational policies as a means to revive Indigenous languages (House of Representatives, 2012). New South Wales is, however, the only jurisdiction that has established legislation to recognize first languages. The *Aboriginal Languages Act* (2017) includes a 5-year plan to attend to investment and activities in language revitalization, which are mobilized through Aboriginal Language and Culture Nests. These initiatives guide local communities with implementing their goals to revitalise, reclaim and maintain their traditional languages through the teaching of Aboriginal languages in schools (Aboriginal Affairs). There are currently five Aboriginal Language and Culture Nests: Bundjalung, Gamilaraay/Yuwaalaraay/Yuwaalayaay, Gumbaynggirr, North West Wiradjur, and Paakantji/Baakantji schools (Aboriginal Affairs, n.d.).



Other Examples Summary

The Philippines, India, and Australia are similar in that they are linguistically diverse countries; however, the efficacy of policy and legislation to support language revitalization varies. In all three countries, there is a dominance of English due to colonization by the British or occupation by the US later sustained by a desire to participate in an increasingly-global economy. This fundamental need to participate and engage in the world's economy moves the minority, Indigenous languages to lower levels of the language hierarchy, as established by these countries. Dash (2020) argues that highly multilingual countries should have robust language policies. At the same time, Dash points out that countries like India are “conspicuously silent on endangered languages” (p. 14). With a focus on India, Dash critiques language policies, such as SPPEL, as lacking an “action plan to study and counter the causes of language endangerment” and to “involve the marginalized linguistic communit[ies]” (p. 15). These critiques are applicable to other similar jurisdictions. Dash recommends that such jurisdictions engage in “effective language planning, reform in language policy, training and development of language resource persons, establishment of sophisticated state of the art language revitalization labs, and innovative frameworks like PPPs [Public-Private Partnerships] as integration and execution centres, media sensitization, and incentives for language ambassadors” (p. 28).



Report Conclusion

This report offers a comprehensive review of Canadian federal, provincial and territorial legislation, regulations and policies that concern the revitalization of First Nations languages and other Indigenous languages in Canada. In addition, a shorter subset of relevant international legislation, regulations and policies related to revitalizing Indigenous languages was also included to enrich the knowledge available for guiding policy and implementation practices in Canada.

The goals of the research were to draw comparisons amongst and between legislation, regulations and policies relating to Indigenous languages in Canada and better understand the impacts and implications of these policies are having for Indigenous languages.

This report is intended to serve as a backgrounder for advocacy towards:

- 1) the full implementation of the *Indigenous Languages Act*, and
- 2) further development or implementation of provincial and territorial legislation, policies and regulations that affect or enhance the revitalization of Indigenous languages in those jurisdictions.

Outcomes

The following outcomes were drawn from the research conducted:

- Several provinces and territories have useful and promising legislation and policies that others can draw from (namely NWT and Nunavut). Others could use assistance with further implementation and oversight (such as the *Declaration on the Rights of Indigenous Peoples Act* in BC, and the *Aboriginal Languages Recognition Act* of Manitoba, among others). However, the majority of provinces and territories overtly privilege English and French and require much more encouragement and advocacy work to create stronger legislation and policies to promote and support the Indigenous languages within.
- Different international examples hold promise and provide useful examples for consideration in the Canadian context, and, caution should be held for countries with one language. Those with many Indigenous languages (such as India and Australia) have more similar contexts than places like Hawai'i or Aotearoa, despite the strengths and successes that they have had.



Appendix A: Canadian Language Legislation and Policies

Please note Appendix A includes additional content beyond what has been highlighted and summarized in Section (II). These additional documents have been included when they are connected to Acts or may be of interest to those wanting to explore further within a particular region. Additional content pertains to French language services and recognition within Provinces and Territories, analysis of these policies goes beyond the scope intended here.

Prov/ Territory	A: Acts, Policies, & Regulations related to Indigenous Languages	B: Other agreements and Reports	C: Acts, Legislation and Regulations without direct mention of but impact Indigenous Languages
British Columbia	First Peoples' Heritage, Language and Culture Act (1996, current to 2021) Language Education Policy	<ul style="list-style-type: none">• BC Tripartite Education Agreement (2018)• Nisga'a Lisims Government language agreement announcement (2019)• A Global Perspective on Costing Indigenous Language Revitalization (2018)• Predictive Factors for High-Resource Funding in Indigenous Language Legislation (2019)• Framing the Discussion: A Proposal for a National Strategy for the Implementation of Bill C-91	Declaration on the Rights of Indigenous Peoples Act
Yukon	Languages Act (2002)	<ul style="list-style-type: none">• The Umbrella Final Agreement (1993)• Joint Education Action Plan (2014-2024)• Yukon Native Language Centre	<ul style="list-style-type: none">• Languages Act• French Language Services Act• General Regulations

Prov/ Territory	A: Acts, Policies, & Regulations related to Indigenous Languages	B: Other agreements and Reports	C: Acts, Legislation and Regulations without direct mention of but impact Indigenous Languages
Northwest Territories	Official Languages Act (1988) Education Act (1996)	<ul style="list-style-type: none"> • Official Languages Policy (1998) • NWT Aboriginal Languages Framework • NWT Indigenous Languages Action Plan • Indigenous Languages and Education Policy 	<ul style="list-style-type: none"> • Indigenous Languages and Education Secretariat (ILES) • Official Languages Board Regulations (2004)
Alberta	Languages Act	<ul style="list-style-type: none"> • Indigenous Language in Education grant program • MOU for First Nations Education in Alberta 	<ul style="list-style-type: none"> • Languages in the Courts Regulation
Saskatchewan	Languages Act	<ul style="list-style-type: none"> • First Nations and Métis PreK-12 Education Policy Framework 	
Manitoba	The Aboriginal Languages Recognition Act (2010) The Path to Reconciliation Act (2016)	<ul style="list-style-type: none"> • Manitoba Aboriginal Languages Strategy 	<ul style="list-style-type: none"> • The Bilingual Service Centres Act • French Language Services Policy
Ontario	Indigenous Institutes Act (2017)	<ul style="list-style-type: none"> • Ontario Secondary Curriculum: Native Languages • The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples (2020) 	<ul style="list-style-type: none"> • French Language Services Act • Ontario Regulation: Designation of Additional Areas
Quebec		<ul style="list-style-type: none"> • Do More, Do Better: Government action plan for the social and cultural development of the First Nations and Inuit (2017) 	<ul style="list-style-type: none"> • Charter of the French Language • Language Laws and Doing Business in Quebec



Prov/ Territory	A: Acts, Policies, & Regulations related to Indigenous Languages	B: Other agreements and Reports	C: Acts, Legislation and Regulations without direct mention of but impact Indigenous Languages
New Brunswick		<ul style="list-style-type: none"> • Education MOU (2008) 	<ul style="list-style-type: none"> • Official Languages Act • An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick • New Brunswick regulations under the Official Languages Act • Official Languages – Language of Work and Policy Guidelines • Official Languages – Language of Service Policy Guidelines
Nova Scotia			<ul style="list-style-type: none"> • French Language Services Act • French Language Services Regulations
Prince Edward Island		<ul style="list-style-type: none"> • Mi'kmaq, Prince Edward Island, and Canada Framework Agreement (2019) 	<ul style="list-style-type: none"> • French Language Services Act • French Language Services Act Regulations
Newfoundland and Labrador	No Act, legislations or regulations were located.		
Nunavut	<p>Consolidation of the Official Languages Act (2013)</p> <p>Nunavut Education Act (2008)</p> <p>Bill-25: An Act to Amend the Education Act and the Inuit Language Protection Act (2020)</p> <p>The Inuit Language Protection Act (2008)</p> <p>Consolidation of Historic Resources Act (current to 2012)</p>	<ul style="list-style-type: none"> • Culture and Heritage Grants and Contributions Policy (2015) • Archives Policy (2020) • Geographic Names Policy (2010) • Revitalizing and Strengthening Inuktitut in Nunavut (2019) 	



Prov/ Territory	A: Acts, Policies, & Regulations related to Indigenous Languages	B: Other agreements and Reports	C: Acts, Legislation and Regulations without direct mention of but impact Indigenous Languages
Federal	Indigenous Languages Act (2019)	<ul style="list-style-type: none"> Legislative Summary of Bill C-91: An Act Respecting Indigenous Languages (2019) Truth and Reconciliation Commission of Canada: Calls to Action (2015) Indigenous Languages and Cultures Program 	<ul style="list-style-type: none"> Official Languages Act of Canada

Appendix B: International Language Legislation

Jurisdiction	Official language legislation	Other
Aotearoa/ New Zealand	Te Ture mō Te Reo Māori 2016/ Māori Language Act 2016 <ul style="list-style-type: none"> recognizes Māori language as an official language of NZ 	
Hawai'i	Official Languages <ul style="list-style-type: none"> recognizes Hawaiian and English as official state languages 	Senate Resolution 48 <ul style="list-style-type: none"> recognizes and celebrates the accreditation of Ka Haka 'Ula O Ke'elikolani College of Hawaiian Language at the University of Hawai'i at Hilo
Finland (Sami)	The Sami Language Act of 2003 <ul style="list-style-type: none"> recognizes Sámi as an official language in the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki 	
Israel	The Nationality Bill <ul style="list-style-type: none"> recognizes Hebrew as an official language and gives special status to Arabic 	



Jurisdiction	Official language legislation	Other
Mexico	<p>General Law of Indigenous Peoples' Linguistic Rights 2003</p> <ul style="list-style-type: none"> • recognizes the rights of Indigenous peoples to their languages • indicates that teaching Spanish in schools should not interfere with linguistic and cultural identities of Indigenous students 	General Law of Indigenous Education
Argentina	<p>The Argentina Constitution 1994</p> <ul style="list-style-type: none"> • recognizes Indigenous languages as co-official languages along with Spanish at the regional, but not national level 	
Chile	<p>ILO convention 169</p> <ul style="list-style-type: none"> • enacted the passing of legislation to protect Indigenous languages and rights 	<ul style="list-style-type: none"> • Convention on the Rights of the Child (1989) • Chilean Indigenous Law (1993) • Decree 280 (2009) • A full list is available in Becerra-Lubies et al. (2019)
Paraguay	<p>1992 New National Constitution</p> <ul style="list-style-type: none"> • recognizes Guaraní and Spanish as official languages <p>1994 <i>Plan de Educación Bilingüe</i> (Bilingual Education Plan): reaffirmed language's status</p> <p>1998 <i>Ley General de Educación</i> (General Education Law): reaffirmed language's status</p>	<ul style="list-style-type: none"> • 2000s IBE programs implemented to support Indigenous language minorities
Ecuador	<p>Constitution of the Republic of Ecuador</p> <ul style="list-style-type: none"> • Spanish is Ecuador's official language; Spanish, Kichwa and Shuar are official languages for intercultural ties. • Article 347 guarantees the intercultural bilingual education system 	
Peru	<p>2003 Law of Education (28044)</p> <ul style="list-style-type: none"> • recognizes Quechua and Aymara as official languages alongside Spanish • Peru also recognizes 68 Indigenous languages 	



Jurisdiction	Official language legislation	Other
Bolivia	<p>The 2009 Constitution</p> <ul style="list-style-type: none">• recognizes Spanish and Indigenous languages as official languages.• Institutionalizes Plurilingual Intercultural Intracultural Education <p>Avelino Siñani-Elizardo Pérez Law of Education (No. 070)</p> <ul style="list-style-type: none">• states that education should be in Indigenous languages and Spanish in monolingual communities, as opposed to emphasizing a shift to Spanish	
Philippines	<p>1987 Constitution</p> <ul style="list-style-type: none">• recognizes Filipino as national language and English official language	
India	<p>The Constitution of India</p> <ul style="list-style-type: none">• recognizes the official language is Hindi in Devanagari script, no national language	<ul style="list-style-type: none">• Three Language Formula (1968)• National Education Policy (2020)
Australia	<p>The Aboriginal Languages Act 2017</p> <ul style="list-style-type: none">• the first legislation in Australia to acknowledge the significance of Indigenous languages	



Appendix C: Research Team

Biographies

Kanen'tó:kon Hemlock, M.Ed is Kanien'kehá:ka (Mohawk) Nation from Kahnawà:ke, Bear Clan. He is a graduate of the Masters in Indigenous Language Revitalization program at the University of Victoria. Kanen'tó:kon has spent his life committed to the revitalization and continuation of the Mohawk language, culture and way of life. He has taught the Haudenosaunee Peoples' Studies course at Concordia University and is currently pursuing a PhD in Indigenous Language and Culture Revitalization at the University of Hilo.

Dr. Kari A. B. Chew is a Chikashsha (Chickasaw) scholar of Indigenous language revitalization and education, Chikashshanompa' (Chickasaw language) learner, and Indigenous language advocate. She is currently an Assistant Professor of Indigenous Education in the Department of Educational Leadership and Policy Studies at the University of Oklahoma.

Dr. Chew earned her doctorate in Indigenous Language Revitalization and Linguistics from the University of Arizona in 2016. Her dissertation, titled "Chikashshanompa' Ilanompohóli B'iyi'ka'chi [We will always speak the Chickasaw language]: Considering the vitality and efficacy of Chickasaw language reclamation", focused on motivations of all generations of Chickasaw people to speak their language. Dr. Chew completed a postdoctoral fellowship with the NE'OL'EW' "one mind, one people" Indigenous Language Partnership at the University of Victoria from 2018-2020. Through this fellowship, she continued work to support adult Indigenous language learners in both Canada and the US. Dr. Chew has also worked to support communities and organizations focused on language revitalization and education by increasing capacity in Indigenous communities, exchanging ideas across communities, and mobilizing the knowledge generated.

Dr. Onowa Mclvor is maskéow-ininiw (Swampy Cree) and Scottish-Canadian from Treaty 5 territory. Her maternal family is from kinosao sipi (Norway House First Nation), Pimicikamak (Cross Lake) in northern Manitoba, and her paternal family were southern Saskatchewan settlers. Onowa currently resides in SENĆOŦEN and Lekwungen speaking territories on southern Vancouver Island in British Columbia. Dr. Mclvor is a lifelong adult learner of her mother tongue nehinaw/ nehiyaw/nehithaw. She is an Associate Professor in the Department of Indigenous Education at the University of Victoria and co-leads the NE'OL'EW' Research Partnership Grant, a seven-year SSHRC project focused on Indigenous adults' contributions to reviving Indigenous languages in Canada. Her research areas also include language policy.

Dr. Mclvor has increasingly contributed at the international and national levels of language revitalization work over the past number of years. These included: Moderator & Discussant, North American and Arctic Regional Meeting for the UNESCO International Year of Indigenous Languages, UNESCO and Government of Canada; Developer, Guide to Indigenous language in Canada for CCUNESO, a plain language guide for supporting public awareness of how to support Indigenous language efforts; and as Expert witness to the House of Commons Standing Committee on Canadian Heritage studying [Bill C-91, An Act respecting Indigenous Languages](#).



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