
Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 10/2021

TITLE: Support for the co-development of a new distinctions-based Indigenous Languages Funding Model

SUBJECT: Languages

MOVED BY: Ogimaa Duke Peltier, Wiikwemkoong, ON

SECONDED BY: Kukpi7 Wayne Christian, Splatsin, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. 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.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. Assembly of First Nations (AFN) Resolution 77/2017, *Support for continued co-development work on the Indigenous Languages Act*, adopted a set of principles to inform the framework and approach for co-developing legislation, regulations and policies regarding the protection, promotion, preservation, revitalization, recovery and maintenance of First Nations languages, including a principle about the "articulation of specific federal obligations, duties and authorities to protect and support Indigenous languages including funding".

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- C. Through AFN Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*, the Chiefs-in-Assembly fully supported the report's 94 Calls to Action including specific calls (13, 14, 15, 16, 17, 84, and 85) about Indigenous Peoples' languages.
- D. AFN Resolution 06/2015, *Revitalization of Indigenous Languages: Concrete Actions to Support Indigenous Languages Teachers and Cultural Centres*, calls for policy and legislative changes at the federal, provincial and territorial levels to appropriately support Indigenous language revitalization as part of the reconciliation process flowing from the Truth and Reconciliation Commission of Canada's Final Report and Calls to Action.
- E. The *Indigenous Languages Act* (the Act) was co-developed by the Assembly of First Nations (AFN) and the Department of Canadian Heritage (DCH), along with Inuit and Métis representative organizations, and received Royal Assent in 2019.
- F. The purposes of the Act include, among other things:
 - i. 5(c) establishing a framework to facilitate the effective exercise of the rights of Indigenous peoples that relate to Indigenous languages, including by way of agreements or arrangements referred to in sections 8 and 9 (of the Act); and
 - ii. 5(d) establishing measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.
- G. The Indigenous Languages Funding Model (Funding Model) would be a measure for facilitating the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance, strengthening, and normalization of First Nations languages, referred to in paragraph 5(d) of the Act.
- H. In recent years and decades, there have been numerous consultations and engagements on a variety of topics that are relevant for a new Funding Model. The Minister of Canadian Heritage, however, has not consulted specifically about procedures for the negotiation of agreements or arrangements under sections 8 and 9 of the Act, despite contemplating section 8 or 9 agreements.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly

1. Reaffirm that jurisdiction over First Nations languages remains with individual First Nations.
2. Affirm that First Nations' jurisdictions in respect of their languages apply in connection with their citizens residing off-reserve or off settlement lands as well as with citizens residing on reserve or on settlement lands.
3. Reaffirm the principles and direction set out in the *Indigenous Languages Initiative Report* and affirmed through Assembly of First Nations (AFN) Resolution 77/2017.

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4. Direct the Chiefs Committee on Languages (CCOL), the Technical Committee on Languages (TCOL), and the AFN to be guided by those principles in the work that they undertake with Canada to develop a new Funding Model for revitalizing First Nations languages.
5. Direct the CCOL, TCOL and AFN to continue collaborating with regions, First Nations, First Nations educators, First Nations language experts, the Government of Canada, other Indigenous organizations, and other organizations as required, in developing a new Funding Model, including a framework or regulations for agreements or arrangements under sections 8 or 9 of the Indigenous Languages Act (the Act).
6. Direct the CCOL, TCOL, and the AFN to ensure that any Funding Model developed further to the parties' collaborative work, including any related framework or regulations for agreements or arrangements:
 - a. does not detract or hinder First Nations from advancing their own processes towards language revitalization;
 - b. does not define, limit, prejudice, abrogate or derogate from any of the rights, interests or jurisdiction of individual First Nations, or from advancing their own processes towards language revitalization;
 - c. supports First Nations, regional groups, Treaty groups, or language groups that want to independently engage in processes relating to First Nations languages; and,
 - d. includes an agreed upon process to ensure that there is an equitable and sustainable distribution of funds across the regions.
7. Direct the AFN to return to the First Nations-in-Assembly when the Funding Model is complete to seek ratification.
8. Direct the AFN to seek periodic involvement of central agencies of the Government of Canada in discussions about the Funding Model, including frameworks or regulations for funding agreements.
9. Call on the Government of Canada to include First Nations partners in these discussions to advance First Nations interests.
10. Call upon the Government of Canada to ensure that funding distributed through the funding model will be protected so that there will not be a decrease or loss in this funding in future years.
11. Call on the Government of Canada to give effect to paragraph 5(e.1) of the Act by facilitating meaningful opportunities for First Nations governments, First Nations governing bodies and First Nations-led organizations to collaborate in policy development related to the implementation of the Act.
12. Call on the Minister of Canadian Heritage to comply with paragraph 45(1)(a.1) and section 45.1 of the Act by:
 - a. consulting with First Nations governments, First Nations governing bodies and First Nations-led organizations before the Governor in Council makes regulations respecting procedures for

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consultations required under the Act, as well as for the negotiation of agreements or arrangements under sections 8 and 9 of the Act; and

- b. ensuring that First Nations governments, First Nations governing bodies and First Nations-led organizations are afforded a meaningful opportunity to collaborate in policy development leading to the making of regulations under section 45 of the Act.

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