

# **“The Struggle of Indigenous Peoples in Canada for Linguistic Rights and Mother-tongue Schooling”**

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February 6, 2007

Hello! My name is Andrea Bear Nicholas. My husband Darryl Nicholas and I are Maliseet, a people Indigenous to eastern United States and Canada, in what is now Maine, New Brunswick and Quebec. We bring greetings to you and all the Saami People from our people, with many thanks for this opportunity to visit your beautiful land and to meet with your beautiful people. Words cannot describe our joy for we suspect that we have far more to learn from you than you from us! Thank you Camilla, and thank you Tove!

Nevertheless, I will try to address the topic of “The Struggle of Indigenous Peoples in Canada for Linguistic Rights and Mother-tongue Schooling” since the focus of this seminar is on the rights to language. First a little about myself. I did not grow up in my community and did not learn Maliseet as a child, but have had to undertake that project only as an adult. What happened to me, however, has happened to countless others, now even within our communities, and it has become a driving factor in my life. Another has been my intense interest in our history which was not written any place easily accessible, and when written, it was not written by any of us. As a student in college I became involved in Passamaquoddy struggles for civil rights and land claims in Maine. Since my marriage to Darryl, a fluent Maliseet speaker, we have raised three children and become involved in a variety of issues—the struggle for Native women’s rights, the struggle for accurate history, culture and language in our schools, and the struggle for Aboriginal and Treaty rights.

Then, about 14 years ago I became the Chair in Native Studies at St. Thomas University in Fredericton, mostly for my work in history. The Chair itself was established by a

province-wide Native organization, the Union of New Brunswick Indians, to focus on issues of Indigenous culture in the Maritimes. A few years before my appointment at the university I had the good fortune to hear Dorothy Lazore, the founder of the Mohawk immersion program at Kanawake. It was a profound turning point in my life for it awoke me to the reality that we could do something concrete to ensure the survival of our languages, and that something was immersion. I realize that without our language our history would be erased forever. From that realization I approached Dorothy Lazore and together we began the project of developing what still seems to be the only Native language immersion teacher training program in all of North America. And it was out of our need for an instructor to teach a weekend session on theory and practice in immersion that I brashly called on Tove Skutnabb-Kangas! You see I had already come to recognize her work on linguicism and language rights as the most incisive and relevant that I had ever read. She was unable to do the course, but to my complete surprise she offered to come with her husband Robert Phillipson to speak at our university in the Fall of 2005. It was around that generous and unbelievable offer that we organized a conference totally focused on linguicide, language rights, and immersion education in First Nations. We also convinced our national political organization, The Assembly of First Nations, to co-sponsor the conference, and the rest is history. Tove and Robert lent enormous credibility to our conference and opened the eyes of even many of our own activists. Even more than that, Tove and Robert rolled up their sleeves and worked right along-side of us to ponder and articulate strategies for establishing immersion education.

Before addressing our struggles today I need to give you a quick snapshot of our history. Originally there were 60 some Indigenous languages (some say 53) in eleven completely different language families across Canada. Our language, Maliseet, is just one in the large Algonquian family of languages extending from the east coast almost all the way to the Pacific coast. We call our ourselves the Wblastbkwiyik or “People of the Beautiful River”. And our land is called Wapbnahkik, the “Land of the Dawn” because it is located in eastern North America and we are among the first in North America to see the sun rise each day. We were also among the first to meet the colonizers from Europe beginning as early as 1000 years ago when the Scandinavian Norse came to establish themselves

briefly in Newfoundland, not far from our lands. From all accounts most of our first encounters with Europeans were not only unfriendly, but overwhelmingly violent. Our people were not even considered human, as our lands and resources, especially our furs, forests, and the possibility of gold, were what really interested the newcomers. By the early 1600s European colonization was well underway with both England and France setting up colonies near and on our land. Throughout most of this period our language and those of our neighbors the Abenakis, Mi'kmaq, and Innu were the languages of trade and commerce. During more than a century of war between England, France, and our various First Nations, our people experienced the first legislated genocide in the form of scalp bounties, calling for the payment of huge sums for even the scalps of children under 12. In 1760 English forces finally succeeded in driving the French from Canada. From that moment on, the assault on our languages has been unrelenting. As Robert Phillipson has described it, English has become not only the Lingua Franca, but also the Lingua Frankenstein gobbling up and spitting out every language in its path. This assault on our languages, by the way, has paralleled the massive appropriation of our lands and resources which proceeded voraciously in violation of even British law (The Royal Proclamation of 1763) which specifically outlawed the taking of our lands not ceded or sold by us. To this day we still have not sold or ceded any of the land which Canada and the United States now claim as theirs, in spite of the fact that the Royal Proclamation is still a foundation of Canadian law. And we, consequently have been left only with small postage stamps of mostly undesirable land called reserves, just a tiny fraction of what is still really ours.

Our experiences, I believe, parallel those of the Saami, and just about every other Indigenous group around the world. The assault on Indigenous languages in Canada was calculated, deliberate, and deadly, particularly after Confederation in 1867 when the British Crown surrendered its nation-to-nation relationship with us to the new Canadian Parliament. Almost immediately the Canadian government took steps to replace this relationship with a system of mandated paternalism regulating every aspect of our lives. It literally put a boot to our necks when within a year it passed the first "Indian Act" which became increasingly coercive and oppressive in the decades to follow. It expressly

outlawed even our access to our sources of life in the land and waters that were ours. It was under this law that education, instead of bounties, became the preferred tool of genocide, while theft, starvation, environmental destruction, forced dependency, and oppressive bureaucracy operated apace to make schooling look downright attractive.

Prior to Confederation major religious orders had operated some schools for “Indians”, as we were called. After Confederation they came under the oversight of the Federal government and were contracted specifically to “civilize”, Christianize, and Anglicize our people, ultimately to assimilate them into the immigrant society. The most draconian of the educational projects were the residential schools, the last of which closed only two decades ago in Canada. Indeed, it was the residential school project that constituted unequivocal genocide, particularly, but not only, under article II(e) of the International Convention on the Prevention and Punishment of the Crime of Genocide. That is the article which defines genocide simply as “*forcibly transferring children of the group to another group*”. We now know from experience, and from the meticulous scholarship of Tove Skutnabb-Kangas, that the destruction of Indigenous languages has had the indisputable consequence of “*causing serious bodily or mental harm to*” Indigenous peoples, which comprises yet another definition of Genocide under Article II(b)] of the Convention.

As well, there is an important fact not often mentioned. It is that when Canada amended its own criminal code it conveniently left out these two definitions of genocide, while explicitly retaining the other three including outright killing, sterilization and “*deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*” [Articles II(a) (c) & (d)]. How accidental do you suppose that could have been? Whether included in its Criminal code or not, Canada was clearly in violation of the UN Genocide Convention for as long as the residential schools were in operation from 1948 to 1986, yet it steadfastly continues to deny any allegation of the sort. Even the Human Rights Department at my university refuses to acknowledge that any form of genocide ever occurred in Canada.

It should be added here that residential schools were not the only form of education forced on First Nations. Another was the federal day school program which operated in every Indigenous community not served by a residential school. They also operated under the same imperatives to “civilize”, Christianize, and Anglicize our people, though with fewer instances of the horrendous mental, physical, and sexual abuses for which the residential schools have become infamous.

In spite of the steady assault on our languages for over a century most of the 61 Indigenous languages are still said to exist. I seriously doubt that since nearly twenty years ago in 1989 one study estimated that in 11% of our communities there were fewer than 10 fluent speakers. Perhaps we can take some hope in the fact that this study reflected the responses of only a third of the 600 First Nation communities in Canada, but then only 13% of the reporting communities had what could be called flourishing languages with 80% of people in all ages considered to be fluent in their mother-tongue. Only another 18% of communities were considered to have enduring languages with over 60% of their people fluent in all ages. Meanwhile in the bulk of our remaining communities the state of indigenous language was either declining (28%) or endangered (30%). That was 20 years ago and I would venture a guess that the 11% then with fewer than 10 speakers now has no speakers, while most of the 30% with an endangered language in 1989 would now stand in the critical category with fewer than 10 speakers. I believe it is also accepted that no languages could be considered flourishing today. I am also concerned that a heavily funded study by a Task Force on Aboriginal Languages and Cultures, conducted two years ago made no attempt to resurvey the state of indigenous languages in Canada so that useful comparisons could be made relative to the study done in 1989. All that is offered relevant to this alarming decline is that only three languages, Cree, Inuktitut, and Ojibway, will still be spoken at the end of this century unless drastic steps are taken.

In 1995 I conducted a study into the state of the Maliseet language in three of our communities closest to Fredericton. In none of these communities were there any child speakers in spite of a 20 year period prior to that in which the Maliseet language had been

offered as a subject in most schools, both on and off reserve. Only one of the three communities had any significant number of fluent speakers under 40 while virtually everyone over 60 spoke the language fluently. Now, more than a decade later, there is probably no one under the age of 40 who speaks Maliseet in these communities, while the most fluent are almost all are over the age of 70. The graphs in fact show a drastic decline between those who are now 60 and those who are now 40. It begs the question: What happened approximately 50 years ago to produce such a dramatic decline? The most obvious factor that could be correlated with this outcome was the closure of many reserve schools and the integration of our children into public schools, which began in the early 1960s. Here then was something that had been touted as our salvation (public schools) but which could now be seen to have been more effective than the day schools at linguicide and genocide. In the space of 40 some years our language has been decimated without any improvement whatsoever in our dismal social situation on reserve.

This story has been replicated across Canada. To put the situation in perspective, Canada enjoys an international ranking of one of the best three or four countries in the world in which to live, but the conditions that pertain in our communities would place us somewhere equivalent to the countries ranking around 63<sup>rd</sup> in the world, with Indonesia and North Korea. This is an enormous disparity that demonstrates the reality of linguisticism as the unequal division of power between linguistic groups. It is truly as my colleague Dr. Roland Chrisjohn has said—“when the residential schools were shut down, the people who ran them simply went home, changed their clothes and continued the project of assimilation.

It was in the context of discovering this correlation between integrated schooling and drastic language decline that I came across the works of Tove Skutnabb-Kangas and Robert Phillipson. Until that point nothing spoke to the phenomenon quite so effectively. Here at last was the analysis of what was going on in the context of integrated education—subtractive language education utilizing a whole array of techniques, both subtle and blatant, the sink or swim mentality that “neither respects the mother-tongue, nor promotes fluency in the dominant language”. Here was an incisive explanation not

only why and how our languages have experienced such a drastic decline, but also why more than half of First Nations children still drop out of public schools while only 15% of non-Aboriginal children tend to do so. And this explanation was the very opposite of the standard deficit model which faults Aboriginal genes or their culture for the failure.

This analysis, however, was not, and is still not, received very warmly, as one can imagine. Neither I nor Dr. Chrisjohn ever gets invited to advise even our own people on matters that might affect the stampede towards public school education. In fact, we have often been uninvited! To what do I attribute this resistance? First of all, there is the effectiveness of colonialism in indoctrinating us all to believe its false tenets, particularly those which assert the dangers of bilingualism and the benefits of uni-lingualism in certain dominant languages, especially English. As long as such values remain unchallenged or unexamined they will serve the forces of linguicide.

Second, there is the reality that education under the deficit and assimilation model is big business. Money is available for those who choose not to find fault in the education system, but rather in its hapless victims. Surely First Nations People must have attention deficit disorder (ADD), or criminal minds, or alcoholic genes, or brains stimulated only by colors, warranting us as fodder for legions of psychologists and criminologists. It is the reason that the government of Canada is moving wholesale into privatizing Aboriginal education and pushing, once again, the manualization of education for our people. To this end the education of Maliseet children is being turned over as we speak to private corporations to manage.

Third, there is studied avoidance and/or ignorance around the internationally recognized linguistic rights of minorities in numerous international covenants. Here even our own national Native political organization seems to have pulled away from or bask-burnered the project it began a couple of years ago to draft legislation that could protect our languages, in spite of the fact that the new conservative government recently reneged on a promise of the former liberal government to commit 170 million to Native languages.

Fourth, there is studied ignorance around the multiple benefits of bilingualism and immersion education for linguistic minorities including First Nations children, in spite of the fact that we now have some First Nations operating wonderfully successful mother-tongue medium schools across the country, and a whole crop of relatively young people both proficient in their languages and successful academically. Where are the public advocates for such programs? Why is the government of Canada silent on these successes?

Other reasons for the resistance relate back to one or another of the four preceding factors which all derive from the enormous and accelerating power and influence of the economic, social, educational, political and techno-military systems of the world. As a result of the centuries of indoctrination and the piles of money available to promote assimilation and deficit models of education, most people will look no further. In effect, the unequal division of power plays out in an unequal availability of money and resources, as was claimed by one language activist at our immersion conference in 2005. The inequality has long been known, but he pegged the disparity at 60%-- that is, First Nations schools receive on average only 60% of what non-aboriginal schools receive for basic funding. This racist inequality, in turn, means that hardly any of our communities will have the necessary resources and incentives to move in the direction of immersion education, much less maintain even existing programs. And without the wherewithal to develop curriculum materials and train teachers there will be even fewer communities willing to consider doing immersion, even if they are aware of the UN conventions and the successes of immersion to date.

The good news is that in spite of these many obstacles and inequities around Native education there are communities that are managing to mount immersion programs through extraordinary efforts. At least ten First Nations communities from 7 or 8 different language groups, in all but two provinces have schools in their languages. But this is only about 6% of all First Nations communities, which raises the question as to whether or not we will have the time to save all of our languages in all of our communities.

While I am in hearty agreement with most of the recommendations in the most recent study by the Task Force on Aboriginal Languages and Cultures, especially the recommendations calling for Legislative Recognition, Protection and Promotion, one calling for funding of Immersion Programs, one calling for Equitable resources for language Support “at the same level as that provided for the French and English languages”, and one calling for equitable support for First Nations schools. As one speaker recently pointed out, this support ought rather to be equivalent to what has been spent over the past centuries to destroy our languages! Just these four recommendations, alone, would go a long way towards addressing the most serious issues in our struggle for language survival, including the critical need for curriculum development and training, and the critical need for people to be educated about their rights to language, and the benefits of bilingualism and immersion education.

But I have serious concerns about the study, too, which speak more to the systemic roots of the problem. I am concerned that it does not take a bolder and more honest position concerning the rampant linguicide and assimilation in the education of our people today, even on reserve. I am convinced that unless people understand what is wrong with education as it is, there will be no rush to make the fundamental and radical change that immersion represents. Saving our languages is an important goal, but in my opinion it is not enough of a reason for most people to change what they are doing. People need more incentive. They need to understand the educational, social, economic and political benefits that can also result from immersion in every sphere, especially education. In order to do this they need to understand how colonialism still functions in our daily lives, as well as how it distracts us from the work of saving our languages. How can we be involved in the struggles to preserve the environment when we are not even allowed to have access to the land and water we never surrendered? How can we maintain our languages which are so connected to the land if we cannot maintain our access to the land? How can we put our full energies into language survival when we are constantly needing our resources, our energies, and time to defend our form of life and our rights to the land and its resources? To this point, we recently won in the Supreme Court a one-hundred year struggle just for the right to access wood for personal use only, on land we

never surrendered in New Brunswick! It is very possible that at the rate we are going, there may be nothing left of either our languages or our resources by the time our right to the land itself is recognized.

Another serious problem with the study is its almost wholesale disconnection between education and language. It speaks of immersion as “language education” rather than education in the language, and it says under the recommendation for funding of immersion programs (#10) only that immersion language education “*can* play an important role in language revitalization”. It seems to have forgotten a most basic fact that no one really learns a language except in immersion settings. In other words, it has fallen into the fundamental trap of thinking about language learning as something that takes place apart from the rest of life. Perhaps some of this disconnection can be explained by the structural separation through which languages and education for First Nations are supposedly supported in Canada. The Department of Indian Affairs is responsible for education (read assimilation and linguicide) while the Department of Canadian Heritage is responsible for languages. As they say “go figure!” That this study, itself, was funded by Canadian Heritage makes it pretty obvious why it did not even address this separation as perhaps the most serious problem. Had it been able to make recommendations in this direction it could have possibly suggested that monies allocated to Native education at any level be granted on a priority basis to mother-tongue medium programs first. Instead, what we have is a ready excuse for what I see as an accelerated rush to fund existing and new educational programs based on the assimilation and deficit models at all levels, from pre-school to university. All of this adds up to a knee-jerk response to recent studies demonstrating the continuing academic failure on the part of our children.

In another area the study recommends Language Support from all Federal Departments. And what has been the response there? Many departments are now calling on our dwindling numbers of speakers and teachers to involve themselves in translating federal legislation, such as the Charter of Rights, into Indigenous languages. Never mind that the Charter of rights has nothing in it to protect our languages, and never mind that the laws

the government wants translated represent Canadian power and hegemony over our lives rather than any serious support for the survival of our languages and forms of life.

The study calls for “A National Language Strategy” without providing leadership around criteria and possible strategies, except to say that the communities must be the primary place for action and decision-making. I am sorry, but the task force could have actually outlined precisely what would be needed in a national strategy, such as a plan that would link funding with such strategies as master-apprenticeship programs, teacher-training, and pre-school programs for a starter, with identifiable aims that could be measured in, say, five or ten years. It could have also specified language committees in each area or language group as the smallest legitimate vehicle for decision-making around funding in each language group. As it is now, a large part of the money for languages is split up and dispersed to each of the 600 communities without an overall plan by political entities, rather than by language group entities whose decision-making would more likely be based on the extent to which projects contribute to the survival of the language as a whole. As a result accountability at least within language groups is largely lacking. As a result the system contributes to competition and fragmentation in the struggle, rather than coordination and sharing, which become more and more essential as our resources diminish and the state of our languages deteriorates.

Under the rubric of a National language strategy the study also refers to an international Convention for the Safeguarding of Intangible Cultural Heritage. But this study makes no concrete recommendations, for example, around stemming the theft of intangible heritage which Canadian law now legalizes under its Copyright laws by awarding complete ownership (copyright) to any party which collects intangible heritage, such as stories, from Indigenous Peoples. For the past ten years over 5000 pages of Maliseet stories have been prevented from being published by one man who collected them and claims total ownership of them. Again, how can we be working for our languages if we need to put so much of our energy and resources into resisting such legalized theft?

To the point that the Canadian government was seriously in violation of the genocide convention with its residential schools, and is seriously in violation of many international covenants surrounding the protection of linguistic diversity, etc., the study says nothing. To the point that government policy is now increasingly focused on turning over education to private, corporate interests, the study says nothing. It's as if it has failed to recognize the elephant in the language room.

The study also calls for a Baseline Language Survey", if you can consider the state of our languages now as a baseline. Indeed, the study should have actually conducted the survey, more accurately defined as the state of our languages, if only to measure how much has been destroyed, how fast it is happening, and why. If this is such an urgent task why leave it to another task force?

I apologize if this presentation sounds ill-tempered, but thinking through what I needed to say in this presentation has forced me to take a hard look at the reasons we still seem to be losing ground in Canada. As you can see, I am not terribly impressed by what is happening, either with the struggle for linguistic rights or the struggle for mother-tongue schooling in Canada. This is not to discount the superhuman efforts that have gone into the establishment of immersion schools and other language programs on the part of many First Nations, or to discount the many good intentions and works of people involved at all levels. It is, hopefully, less to lament what I see as wrong directions and serious obstacles, and more to define those obstacles in order to suggest new directions if we are to come anywhere close to winning the battle to save our languages. It speaks to a point I made earlier about feeling that we have more to learn from you, the Saami People, than you from us. I am in awe of what you have done relevant to this struggle and know beyond a doubt that we in Canada need to begin looking seriously at your achievements. It has been a useful exercise for me, and hopefully, there are some small points I have made that will be useful to you. I am deeply grateful for this opportunity to speak to you, but most of all to learn from you.

Kci-wbliwbn! Thank you very much!