

**Dialogue on Language Diversity, Sustainability and Peace**  
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**Workshop 4. Language law and language rights**

Overview of the development of language legislation in different parts of the world and its repercussions on emerging regional blocs such as the European Union, NAFTA, Mercosur and others. Analysis of significant documents: European Charter of Regional or Minority Languages, the Universal Declaration of Linguistic Rights, etc.

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Panelists: **Susana Cuevas** (National Institute of Anthropology and History, Mexico)  
**Niamh Nic Shuibhne** (University of Edinburgh).

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**Self-governance VS Linguistic Peace among the Canadian Inuit**

L'autonomie gouvernementale est-elle un obstacle à la paix linguistique  
chez les peuples inuit du Canada?

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Durée: 20 minutes + 10 discussion

## **Introduction**

Ample evidence supports the generally agreed upon assessment that aboriginal language issues were, for a long time in Canada, subordinated to land and jurisdictions claims (e.g. Burnaby 1992, Trudel 1996). There are regular attempts at changing this state of affairs, but the trend remains. We will see how the language of the Inuit constitutes, to a certain extent, a counter example to this general trend. I refer to the *langscape*, the contraction of language and landscape, to describe the environment in which a language situation occurs. In using this term I include sociolinguistic features of both the microlinguistic level and the economic-political (macro) level.

## **CIRCUMPOLAR MAP**

To the Inuit, *Inuit nunangat* (or *Inuit nunaat*), is their land (Dorais 1990: 189). *Inuit nunangat* extends over different countries in the circumpolar world. *Inuit nunangat* is not a political, legal, nor administrative entity. It refers to areas the Inuit were dwelling on prior to the arrival of Europeans in the vast region they inhabit.

## **UNIVERSAL DECLARATION OF LINGUISTIC RIGHTS**

The Inuit are associated with the Universal Declaration of Linguistic Rights. On behalf of the Inuit Circumpolar Conference, it has been signed by Carl Olsen. Geographically, it is interesting to note that the person who signed the Declaration is from Nuuk, the capital of Greenland while the main office of ICC was located then in Ottawa, the capital of Canada. ICC represents all Inuit in the circumpolar world. The language of the Inuit overlaps

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international borders and can easily be conceived as an international issue (like the current situation of Catalan does).

## MAP OF CANADA

According to statistics issued in 2003, there are around 45 000 Inuit in Canada. Most of them live in the northern portion of the country.

Dorais (1990: 256) reports that « the only area of *Inuit nunangat* where [the language of the Inuit] does not enjoy some legal protection is Labrador ». However, this legal protection can take various forms. It can be as mild as stating respect towards native languages in an identified portion of a territory, or it can go as far as providing the status of official language in a given location.

Today, we will focus on two areas in Canada where the Inuit are the main population: a little over 20, 000 Inuit live in Nunavut and a little less than 10, 000 in Nunavik. Like the rest of the country both these regions are regulated by national official (English and French) bilingualism, and multiculturalism. However, multiple levels of legislations play a role in the promotion of languages in the two areas.

The comparison of the linguistic situation in Nunavut and Nunavik illustrates the distinction between languages rights on one hand, and the legal or political status of a given language, on the other hand, as clearly stipulated in the Universal Declaration of Linguistic Rights<sup>1</sup>.

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Language differences among the Canadian Inuit are more striking since 1999, when Nunavut was implemented as a separate Canadian territory with its own legislative apparatus. (In Canada there are three territories and 10 provinces.) Since then, Nunavut has three official languages: Inuktitut (the language of the Inuit), English, and French.

As for Nunavik, it is not a separate territory; it is part of the officially unilingual province of Québec. Nunavik emerged as an Inuit administrative entity in 1975 under the James Bay and Northern Québec Agreement.

#### MAP of NUNAVIK

Until now, there are no language laws pertaining specifically to Nunavik. However, a linguistic paradox has emerged (Daveluy 2003a) since the language of the Inuit is faring much better in Nunavik than in Nunavut (Daveluy 2003b, Patrick 2003, Dorais 1996).

I will discuss how language sustainability has been achieved in Northern Québec. I argue that this was accomplished through negotiated linguistic peace, almost thirty years ago. (In his opening address and his dictionary of linguistic terms, David Crystal defined linguistic peace as a phenomenon of the 1990s. The case discussed here indicates this timeframe is too restrictive for such a broad idea as linguistic peace.) I will describe how the James Bay Agreement shaped the contemporary language situation of Nunavik. The issue of language rights is highly relevant considering the current proposal to soon change the *langscape*, to implement official trilingualism in Nunavik, as it already exists in Nunavut.

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## STATISTICS of POPULATIONS

### **The apparent linguistic paradox in Nunavik**

#### JBNQA MAP

The James Bay and Northern Québec Agreement was signed by representatives of the Canadian government, the provincial government, the Crees and the Inuit. Often referred to as the first modern treaty between Aboriginal groups and governments, this agreement was negotiated with the intent of developing hydro-electricity in the northern portion of the province of Québec.

The Inuit were brought late at the negotiating table. The governments initially claimed the Crees were the only natives affected by the planned development. In fact, the Crees lent funds to the Inuit to join the negotiation process (Chris Fletcher, personal communication re: Mistassini leaders).

As a consequence of damming the La Grande river, extensive overflowing of lands occurred and the Crees first contested the legality of the agreement. However, challenges in court are not an option anymore. Through what has been labelled the peace of the Braves (la paix des Braves), the Crees have abandoned, on April 19, 2004, all pending cases opposing them to the para-governmental hydro-electric development agency, Hydro-Québec (Radio-Canada, Le téléjournal). In fact, the Crees now substantially oversee development over the James Bay area, through their own companies (like CCDC, Compagnie de construction et de

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développement crie ltée, which, according to Turcotte (2004), generates revenues of approximately 100 million dollars per year).<sup>2,3</sup>

The JBNQ agreement does not entail language specific clauses. It is rather through the implementation of health services and schooling that Cree and Inuktitut have been supported in Northern Québec<sup>4</sup>.

The Inuit and Cree school boards each oversee education in James Bay and Nunavik since 1978.<sup>5</sup> In each settlement, there is a school. From kindergarten to grade 3, Inuktitut, or Cree, is the language of instruction. In grade 4, students choose between the French or English streams, their native tongue becomes a subject of instruction. Inuktitut or Cree are then taught as a second language. In terms of health, there is a clinic in each community, with specialised interpreters on site.

#### DORAIS 1996

Despite centuries of contact and increasing pressure from English and French, almost 99% of the Inuit population in Nunavik will, it is estimated, continue to speak Inuktitut as a home language all their lives.

Those measures included funding. Language maintenance was aimed at locally. Time has proven the approach successful, even if Inuktitut and Cree remain challenged by English and French in most domains.

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## CHARTRE DE LA LANGUE FRANÇAISE

A counter example to language subordination in negotiations with Aboriginal groups in Canada, the Nunavik linguistic paradox is only apparent. In reality, the health and education provisions in the James Bay Agreement also appear in the Chartre de la langue française du Québec (which made the province unilingual). Since both laws were implemented simultaneously, in 1977, this is in fact an instance of negotiated linguistic peace (Daveluy 2003b), with positive outcomes for the Inuit (and the Cree)<sup>6</sup>.

Alternatively, it can also be understood as a case of emic rights, or context-specific rights (Paulston 2003: 478). However, early on the limits of this plan of action were noted.

DORAIS 1979 : 76

The new Provincial policy will probably do some good to the language of the Inuit: it shall be taught in all Northern Quebec schools. Its status, however, will be strictly local. Both levels of government discourage the emergence of a pan-Inuit or pan-aboriginal nationalism. Northern Quebec people are forced to become either English Canadian or French Québécois Inuit.<sup>7</sup>

### **Official status in Nunavut**

NUNAVUT 3 official languages

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In Nunavut, language sustainability is not as clearly established (Tulloch 2003) as it is the case in Nunavik. The Nunavut Official Languages Act was inherited from the previous, larger, Northwest territory. Of the 9 languages which held official status, three remained relevant from the federal government perspective. However, for years, the Inuit Circumpolar Conference has lobbied for bilingualism, rather than trilingualism, for Nunavut specifically, and as an international stand (Dorais 1990: 256).<sup>8</sup>

Accordingly, the Nunavut government currently promotes Inuktitut and English as the languages of work and administration, as stated in the Bathurst mandate in 2000.

#### PINASUAQTUVUT (BATHURST MANDATE)

Meanwhile, associations of French speakers in Nunavut are contemplating relying on the judicial system to preserve their linguistic rights, which are warranted by both national and territorial legislations. In this sense, Nunavut illustrates exactly Whiteley's (2003: 713) point regarding how language rights discourse mainly targets large-scale, literate language minorities. The relationship of the Inuit majority with the French component of the Nunavut population also illustrates the dynamic between language groups within language communities as described in article 1.5 of the Universal Declaration of Linguistic Rights<sup>9</sup>, even if the cases listed in the Declaration seem to exclude the type of situation under discussion here. In Nunavut, the French minority is strengthened, collectively, by its status at the national level, and there is expertise at the individual level, to lead French language files through the legal maze.

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## NUNATSIAQ NEWS: EDUCATION

A more extensive model for schooling in Inuktitut than the one in place in Nunavik is promoted in Nunavut. However, training staff able to implement this model remains the priority. As things stand, Nunavut can not currently sustain an equivalent to the Nunavik education system, for a lack of human resources. (A situation arising in various similar instances around the world, as Nancy Hornenberg illustrated in her keynote address.)

Health services in Inuktitut are not systematically available either. However, private enterprises offer translation services for medication in the capital.

## NUNATSIAQ NEWS: IQALUIT PHARMACY

All things considered, Nunavut is not an instance of negotiated linguistic peace ensuring language maintenance at the local nor territorial levels. To the contrary, battles for limited funds are taking precedence, as I documented elsewhere (Daveluy 2002). Clearly, this is a case where the availability of resources does condition the exercise of linguistic rights (UDLR).

### **Self-Governance**

The preamble of the Universal Declaration of Linguistic Rights makes it clear sovereignty and self-governance are key issues in language maintenance<sup>10</sup>.

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As for languages, self-governance was not negotiable when the JBNQA was signed. Self-governance is a matter dealt with differently nowadays in Canada than it was back then.

## NUNAVIK COMMISSION

Since the implementation of Nunavut, a new round of negotiation has started in Nunavik. The mandate of the Nunavik Commission was to map the road toward a government for Nunavik. In its report issued in 2001, the Nunavik Commission has recommended trilingualism in Northern Québec.

## LANGUAGE AND CULTURE

Inuktitut, French, and English would become official languages in Nunavik. Since the linguistic peace of 1977 is, admittedly, rarely discussed, it comes with no surprise this proposal remains undebated. David Crystal's remarks on the relatively low cost associated with linguistic peace, as opposed to war, while the extents of its benefits remain non evaluated are highly relevant. The Nunavik Commission proposal is even presented as a non issue by negotiators. Apparently all parties are in agreement on this matter (Savoie and Tremblay, personal communications), a claim which seems in contradiction with the Inuit international lobby, language wise.

It seems to me this approach to language planning belongs to the continuing trend of subordinating language issues to recognitions of another nature in aboriginal affairs, in this case establishing a governing body wins priority. To my knowledge, a risk analysis of

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jeopardizing the benefits acquired through negotiated linguistic peace has not been conducted, prior to proposing changes to the Nunavik *langscape*. It remains a possibility that the outcome will be favorable to already existing power relations (as suggested by Christopher Stroud for South Africa) rather than sustaining the language of the Inuit. Drapeau & Corbeil (1992 : 394) discuss those risks and indicate the promotion of zones and domains of intensive use sometimes ensure language sustainability (*épanouissement*) more efficiently than legal recognition (1992 : 406).

Trudel (1996:122) pointed out that:

“In developing its policy toward Aboriginals, notably in the area of language, Quebec has most often acted by fits and starts, without a clear perspective or an overall plan; it has also too often acted unilaterally, without consultation and without true collaboration with those affected; finally, it has almost always done so while remaining silent about practical ways and means of putting the plan into action.”

I personally think the linguistic peace of 1977 constitutes an exception to this. At the national level, however, planning and a coherent policy for Canadian aboriginal languages policy remains inexistent.<sup>11</sup>

Certainly, Nunavut has not yet provided evidence that Inuktitut is better supported under official trilingualism. It might in the long run but the linguistic situation of the Inuit in Canada indicates that trilingual enclaves do not automatically ensure linguistic sustainability.

Negotiating linguistic peace may even prove a more efficient way to proceed.

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## Conclusion

I hope I have clearly shown Nunavik is currently a language community, as the notion is discussed in the Universal Declaration of Linguistic Rights<sup>12</sup> It seems to me the primary objective identified by Fishman in language promotion efforts, inter-generational transmission (Drapeau & Corbeil 1992 : 398), is achieved in Nunavik.

On the other hand, in Nunavut, Inuktitut appears as the language proper to the territory, an approach more typical of a minority language situation (e.g. European Charter for Regional or Minority Languages 1992). Perhaps a sense of ownership will develop in due course in Nunavut and ensure the «effective participation of language communities in growth » as suggested by the Universal Declaration of Linguistic Rights. For now, contradictory positions and policies are dividing the Nunavummiut regarding language issues.

## NUNAVUT TYPO

As far as I am concerned, the proposed changes to the Nunavik *langscape* should be debated in light of the current situation in Nunavut. Transposing the Nunavut model to Nunavik might be appropriate as far as governmental autonomy goes. I am not convinced it is linguistically sound even if I definitely remain supportive of the legal recognition of the language of the Inuit in Nunavik.

In granting official status to languages that did not previously hold this status, responsibilities toward other languages are too often also transferred to the group and language obtaining recognition. In Nunavut, the Inuit are currently legally bound to protect English and French, as much, if not more than, Inuktitut. This seems an inappropriate extension of responsibility on any given group in a similar situation. However, if only for political reasons, this matter remains undiscussed by all parties.

More lobbying would be necessary for the obtention, or even simply the proposal, of an Inuktitut enclave embedded in the already existing unilingualism of Québec. Considering the limited human resources available in Nunavik, it might however be more sustainable than a multilingual approach risking to divide resources and antagonise linguistic energies locally (as seems to be the case in Nunavut).

As Suzanne Romaine described in her address, the Inuit have survived numerous hardships and, as I have tried to show here, many of them have managed to preserve their language in the process. Respecting alternative approaches to language sustainability may then be one of the lessons the Inuit can teach me, and others.

It is also important to note the Inuit way of dealing with language issues might very well be at odds with language empowerment à la Québécoise or the Canadian way. Still I consider linguistically involved speakers are key to language sustainability and I trust the Inuit will see to their interest. Similarly to instances of purism noted by David Crystal, generational tension exists among the Inuit regarding the proper way to speak the language. Those who have lived on the land speak Inuktitut appropriately while the formally educated of the settlements speak differently. In my opinion it is unwise to plea for reducing this kind of linguistic tension, at least among the Inuit. Elders provide standards, younger generations

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renew them. Resolving these internal tensions is part of long term maintenance both culturally and linguistically.<sup>13</sup>

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## Notes

- 1 Equality of linguistic rights, without extraneous distinctions such as official / non-official, national / regional / local, minority / majority, or modern / archaic.  
**Article 5**  
This Declaration is based on the principle that the rights of all language communities are equal and independent of the legal or political status of their languages as official, regional or minority languages. Terms such as regional or minority languages are not used in this Declaration because, though in certain cases the recognition of regional or minority languages can facilitate the exercise of certain rights, these and other modifiers are frequently used to restrict the rights of language communities.
- 2 JBNQ outcome of April 19, 2004: Crees receive \$7 million dollars per year that Hydro-Québec is producing electricity from the La Grande barrage. In exchange, settlement of all pending court cases since Cree consider HQ is now fulfilling its obligations under the JBNQ
- 3 Westman (2004: 9-10) reports on a comparison of Cree sustainability in two provinces and related spin off programs in communities not necessarily regulated, but inspired, by the JBNQA.  
Cardinal contrasts her Alberta community with "Asiniy Askihk" ("rock country"), a Northern Quebec community, where she also conducted brief fieldwork. In the latter, children are immersed in Cree on a regular basis in the home and community (73). The school itself, run by Cree under a special curriculum pursuant to the James Bay and Northern Quebec Agreement (JBNQA<sup>a</sup>) is full of Creeness (74-5):

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Predominantly visible in *Asiniy Askihk* is the use of Cree syllabics. On a brief guided tour of the elementary school, I was struck by the consistent use of Cree language and syllabics. The tour group gasped in awe; language, culture and syllabics were everywhere we looked! In *Asiniy Askihk*, the students arrive at school speaking Cree and continued their immersion education in their mother tongue until grade three, at which time their form of instruction transits into (ESL). The elementary teachers are all First Nations. Our tour guide explained that the students attend a compulsory cultural camp in the bush.

The Cree language and culture is reinforced by parental and community involvement. This is evident on the street signs, reading material and on business cards. I witnessed social activities and casual conversations conducted in the Cree language. Elders, parents, teachers, children and band council members all spoke in their mother tongue. This atmosphere of hearing my language and being immersed brought me a sense of gratitude and hope. Unified as one, they were walking their talk!

- a Under the terms of this agreement, Quebec agreed to exclude the Cree from several general education policies on language instruction, allowing the emphasis of Cree (Burnaby, Mackenzie and Salt 1989, 65).

Burnaby, Barbara, J., Marguerite MacKenzie and Lucy Bobbish Salt.

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- 4 "... in exchange for the extinction of their territorial rights in Northern Quebec, they [the Inuit] would receive a sum of 125 million dollars. They would also form a regional government, with municipal powers. From 1978 on, the educational system was to be run by the Inuit themselves. The Federal and Provincial schools were to be replaced by institutions where Inuktitut would be taught as the first language and English as a foreign tongue. French would be introduced only in the communities wishing to do so." (Dorais 1979: 74)
- 5 « ... la gestion des questions linguistiques et culturelles est extrêmement décentralisée. ... Les groupes conventionnés (Cris et Inuit) et les Attikameks font exception à cette règle, chacun possédant une commission scolaire unique et des organismes centraux qui gèrent les questions linguistiques. » (Drapeau & Corbeil 1992 : 392)
- 6 "Even if the Indians and Inuit ruled by the James Bay agreement were not concerned by this law [101], in August and September 1977, after Bill 101 was formally promulgated, The Northern Quebec Inuit Association organized manifestations of protest in many villages. Inuit feared that the law would deprive them of the right to speak English. The dissident communities did not participate in the movement." (Dorais 1979:75)
- 7 However, Dorais (1979: 76): "As Lévesque's policy-makers have often declared, in such a State, aboriginal minorities would have some linguistic and cultural rights, as long as they keep their traditional language and customs"

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8 ICC also promotes a single writing system for the various ways the Inuit represent their language. In Canada, most Inuit use a syllabic writing system. ICC does not promote the maintenance of this distinctive feature of Canadian Inuitness.

Some politicians and educators of Nunavut also promote the recognition of four, rather than three, official languages in the territory. According to them, the language of the Innuinait, Innuinaqtun, in the central part of Nunavut, merits a special status. The position of the Nunavut Official Languages Commissioner Office is ambiguous on this matter. However, claims of linguistic differences are counter productive to the internationalisation of inuitness that has been actively promoted in recent years. This issues is specifically discussed in Daveluy 2003a.

9 **Article 1(5)** This Declaration considers as a language group any group of persons sharing the same language which is established in the territorial space of another language community but which does not possess historical antecedents equivalent to those of that community. Examples of such groups are immigrants, refugees, deported persons and members of diasporas.

10 Considering that the majority of the world's endangered languages belong to non-sovereign peoples and that the main factors which prevent the development of these languages and accelerate the process of language substitution include the lack of self-government and the policy of states which impose their political and administrative structures and their language

... considering that the languages of some peoples which have attained sovereignty are consequently immersed in a process of language substitution as a result of a policy which favours the language of former colonial or imperial powers; ...

11 Trudel's statement that this is still the case in 1995 remains accurate in 2004 (1996: 121).

12 Language communities which are historically established in their own territory with a view to defining a gradation, applicable to each case, of the rights of language groups with different degrees of historicity and self-identification and those of individuals living outside their community of origin.

13 I am aware I have not considered the influence of NAFTA, which remains to be assessed.

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