

SOUTHERN CHIEFS' ORGANIZATION INC. EDUCATION

MISSION STATEMENT

The Southern Chiefs' Organization is committed to the complete restoration of jurisdiction over all education matters to First Nations in Manitoba; to holding Canada accountable for not honoring their Treaty and legal obligations owed to the First Nations peoples of Manitoba; and to promoting and advocating the inherent rights of First Nations peoples to govern and have control over their own lives in all areas.

NEW RELATIONSHIP

The Southern Chiefs Organization is in the process of assisting First Nation communities in developing quality education for their citizens. Pursuant to Chiefs-in-Summit resolution No. 02, passed in June 2002, the Southern Chiefs Organization has been mandated to develop a new fiscal relationship between Canada and the First Nations. This relationship will address the needs of First Nation communities and treaty obligations owed by Canada for education. The Southern Chiefs' Organization has been working with education officials from the member First Nations to develop a strategy and political campaign to improve the quality of education. In addition, the strategy will also address the funding gap between First Nation and provincial schools, which is currently at least \$3,000 less per student annually.

As well, since January 2002, the Southern Chiefs Organization has assumed the Lead Role of the development of an Education Agreement under the Framework Agreement Initiative (FAI).

EARLY FIRST NATIONS EDUCATION PRACTICES

Prior to colonization and the imposition of the Canadian/European education system on First Nations peoples, the First Nations peoples of this land had their own complete education systems. These systems included many similarities to modern education systems such as structure, consistency, portability and longevity.

Prior to the arrival of the Europeans, First Nations education systems involved the whole community contributing in teaching children to be self-sufficient and to be contributing members of their community. The values and skills that were instilled in the children were taught from the time they were born and continued until they passed from this earth. Teaching First Nations values and skills was done by example and by allowing children to practice developing their skills for their ways of life. The responsibility for teaching children was shared amongst Elders, parents, extended family and all others within the community; each sharing their knowledge, values and skills through oral and practical methods.

Practical teaching and learning opportunities were available in First Nations communities, settlements, camps, and also on their hunting and gathering grounds, trap lines, and on rivers and lakes. The youth were instructed in the balances and harmony of the natural environment around them. They were taught to respect and care for the environment as this is what provided the means for survival of the community as a whole. Children were taught by oral teachings, by demonstration and example, as well as through practicing the skills they needed for their individual and collective survival.

First Nations education systems began to change with the establishment and spread of the Europeans. The arrival of representatives of the settlers and the churches onto traditional territories began to impact First Nations systems by subduing and replacing their ways of life. Because First Nations education systems were rooted in First Nations ways of life, this also became a casualty.

HISTORY OF THE EDUCATION POLICIES OF CANADA

During the early stages of colonization, the Government of Canada had used education as one of the major means to segregate and assimilate First Nations children. During this period in Canadian history, First Nations children were not afforded a good education. Where and if a First Nations child received an education, it was done through religious institutions and required that the child be removed from their home community to a monastery. At the time, Canada boasted that the education First Nations children received prepared them for servant work and the like.

In the period between 1920 and 1960, the Government of Canada built a number of residential schools to house First Nations students. The last of these only recently closed in the mid 1980's. These schools were mandated with the sole purpose of segregating and assimilating First Nations children. During this time, Canada provided just enough education whereby First Nations children began to lose their language, culture and identities. Government legislation forced children to be placed in these residential schools where they were essentially imprisoned and not allowed regular contact with their families and communities. During this period, many children spent their childhood separated from their parents. All of these children were denied the familiar, safe and supporting environment their family life and community had offered.

In addition to the above segregation, many First Nations children suffered great cruelties and inhumanities in the residential schools. Many children were punished when they spoke their language or practiced any aspect of their culture. A number of students were also emotionally and sexually abused by officials in the residential schools. Many did not develop basic and essential life skills, including cooking, sewing, hunting, fishing, gathering, communicating, social, and most importantly raising and caring for children and themselves. When a child reached the age of sixteen they were released from the residential school and Canada expected him/her to live a good and "productive life" based on this education.

MODERN ERA

Public opinion regarding the treatment of minority groups began to change after World War II with civil liberty movements occurring around the world. Canada was forced to change its practice related to the residential schools and the education of First Nations children. On the positive side, First Nations students were no longer prohibited from attending higher learning institutions.

The Government of Canada began closing the residential schools and initiated the process of sending First Nations children to integrated provincial schools in nearby towns and municipalities. Canada was now of the opinion that provincial schools would be more effective in providing First Nations people with an education. Canada paid local school boards a fee for each First Nations student that was registered. However, once the fee was paid, the school had little interest in the First Nations students. Discriminatory treatment by officials, teachers and non-native students towards First Nations students was a regular practice that was allowed to foster and persist with very little action being taken to stop such treatment. Many First Nations students dropped out of school as a result of these kinds of practices and First Nations graduates were rare. One report indicates that during this period, 94% of First Nations students did not graduate from high school.

Due to the ongoing difficulties and failures with Canada's attempts to provide effective education programs to First Nations students, some First Nation communities began to demand their own schools. In 1970, "Local Control" of First Nations education began with a number of First Nations communities insisting and pressuring the federal government for schools in their own communities. First Nations leaders and governments lobbied the federal government and boycotted provincial schools. Eventually Canada bowed to the pressure of the First Nations leaders and governments and began to provide education in First Nations communities with schools built by the Department of Indian Affairs. However, in practice, the Department of Indian Affairs controlled these schools and the education provided was not that different from the provincially mandated and operated schools. The curriculum continued to be controlled by the province and teaching materials continued to be very mainstream based. In most cases, courses were taught in English by non-Native teachers. The success rate of this federal practice

was again negligible. In one particular First Nations community, the federal school did not produce one single graduate.

In addition, First Nation community schools receive significantly less funding than provincial schools and in many areas, the funding rates and formulas have been frozen since the 1970s.

In 1985, the Department of Indian Affairs commenced transferring responsibility over the delivery of education to First Nation governments, again with negligible results. To date, First Nation communities now control the delivery and administration of education for its students. This has resulted in a greater number of First Nations teachers and teacher assistants and some First Nations languages and traditions being taught and recognized.

With the local delivery of education, there are more First Nation high school graduates, however the difficulties encountered by these First Nations graduates when leaving their First Nations to attend higher learning institutions is considerable. Many of these students have difficulty in maintaining pace or keeping up with mainstream students in these programs and many do not complete their studies or take a considerable amount of time to do so.

Despite this “gap” in higher education preparedness, there are more First Nations people receiving university degrees and professional accreditation than in any other period. Nevertheless, the Department of Indian Affairs continues to control the funding of First Nation schools and does not fund post-secondary, college or vocational programs adequately.

Effects of Canada’s Control Over First Nations Education

Although the Quality of education has improved in the recent past, the fact remains that Canada’s track record of educating First Nations people is not very good. Canada’s ongoing difficulties with providing education to First Nations people has had the effect of delivering a substandard education compared to that being delivered to mainstream Canadians. This was confirmed by a recent Auditors General Report conducted by the Government of Canada which indicated that the quality of education nationally for First Nations people is substandard and that it may take twenty years to bring the standards up to the mainstream society.

In Manitoba, the most recent Auditor General Report is even more critical when reporting on First Nations education. This report indicates the average grade level of the First Nations person is at a grade eight level and that it will take at least twenty-eight years for the First Nations students to catch up to mainstream Canadians. While the Department of Indian Affairs initially tried to put most of this blame on First Nation governments, the Government of Canada has acknowledged its detrimental role in First Nation education. First Nation governments and Canada are now negotiating and working together to build mechanisms to close the education gap between First Nations people and mainstream Canadians.

CHALLENGES – OPPORTUNITIES

With the limited successes of First Nations students in the Canadian/European education system since its introduction from “colonization”, both the federal and provincial governments must realize they are not the authorities that will be able to address the education crisis facing First Nations people. This has been proven repeatedly during the one hundred and thirty plus years period since this systems introduction. As a basis for a system of education, forced assimilation and segregation will simply not work.

At the same time, the First Nations of this land must be prepared to reinstate the values, processes, structures and practices of their cultural and traditional education system as a foundational base for redeveloping their own ‘First Nations Education System’. These are the challenges of all levels of government involved in First Nations education.

The opportunity for addressing and making real changes in the ways education is delivered to First Nations people is now. Both sides recognize the failures, it is now up to all parties to recognize and work toward creating a new First Nations system that will work. The federal government must be prepared to adequately fund a system that will work and the both the federal and provincial governments must be willing to surrender complete jurisdictional control of this system to First Nations authorities.

FRAMEWORK AGREEMENT INITIATIVE

On December 7, 1994 the Minister of Indian Affairs (Canada) and the Grand Chief of the Assembly of Manitoba Chiefs (Manitoba First Nations) signed a historic agreement on behalf of their respective constituencies and peoples. This agreement is entitled the Framework Agreement Initiative (FAI), the "Objectives" of this agreement are as follows:

"To establish a formal, binding process (hereinafter sometimes referred to as "the Project") between the Minister and the Assembly in order to:

- 1.1 Dismantle the existing departmental structures of the Department of Indian Affairs and Northern Development (hereinafter sometimes referred to as "DIAND") as they affect First Nations in Manitoba;
- 1.2 Develop and recognize First Nations governments in Manitoba legally empowered to exercise the authorities required to meet the needs of the peoples of the First Nations; and
- 1.3 Restore to First Nations governments the jurisdictions (including those of the other federal departments); consistent with the inherent right of self-government, all of which is hereinafter referred to as the "Objectives".

BACKGROUND

On November 27th, 2001, the Assembly of Manitoba Chiefs (AMC) General Assembly passed a resolution to transfer the lead role and negotiating powers for the Framework Agreement Initiative (FAI) in Education from the AMC to the Southern Chiefs' Organization. Subsequent to the resolution, the AMC and the Southern Chiefs' Organization developed a transition plan transferring all responsibility over education to the Southern Chiefs' Organization. Southern Chiefs' Organization assumed full control over education in January of 2002.

INTERNAL EDUCATION WORKING GROUP

The FAI Education Table is comprised of the following members representing all parties involved in this process:

Robert Bunn, Director Education Table Lead (SCO)
Myrna Bushie, Education Policy Analyst (SCO)
Sherri Daniels, Education Administrative Assistant (SCO)
Joe Guy Wood, FAI Education Director (MKIO)
Virginia Arthurson, Education Policy Analyst (MKIO)
Shirley Fontaine, Manager of Education Institutional Development (AMC)
Alan Letandre, (IRTC Education)
Rod Young (Elder)
Chrissy Courchene, Youth Representative (AMC)
Canada Representatives
Province of Manitoba Representatives

The objective of the FAI Internal Education Working Group is to ensure that all negotiations and activities with Canada related to education will continue to be administered in a manner consistent with the

objectives agreed to in the Agreement executed between Canada and the Assembly of Manitoba Chiefs. In this respect, the Southern Chiefs' Organization is performing all activities in education in the following manner:

- Compel the governments of Canada and Manitoba to recognize First Nations Governments and First Nation jurisdictions.
- To protect First Nation cultural and spiritual knowledge from outside exploitation while enabling First Nations to freely teach such knowledge to their members.
- To redevelop the nation-to-nation relationship between First Nations and Canada.
- To enforce the Treaty Right to Education
- To protect all First Nation Treaty, Aboriginal and Inherent Rights from erosion.

NEGOTIATIONS

The Southern Chiefs' Organization has been actively advancing First Nations interests in education. With direction and support of First Nation communities, the Southern Chiefs' Organization has been asserting and negotiating First Nation interests into the rolling drafts of the Agreement-in-Principal in its discussions with Canada. In June 2004, the Southern Chiefs Organization and allied political organizations (AMC & MKIO) recently released the twentieth (20th) draft of the Education Agreement-in-Principal it negotiated with Canada.

EDUCATION AGREEMENT-IN-PRINCIPLE

The Education Agreement-In-Principle (AIP) is a sixteen part documented agreement between the Government of Canada and the First Nations of Manitoba, (the government of Manitoba officially joined the FAI Education process in November 2004).

The chapters of the Education AIP are entitled as follows:

1. Definitions
2. General Provisions
3. Application and Relationship of Laws
4. Governance Code
5. Jurisdiction
6. Delegation and Aggregation
7. Legal Status and Capacity
8. Transitional Provisions
9. Intergovernmental Relationships
10. Dispute Resolution
11. Amendment and Review
12. Approval Process
13. Financial Arrangement
14. Implementation
15. Liability and Indemnification
16. Fundamental Principles

The Education Agreement-in-Principle has revolved around the following issues:

- **Treaty Rights** – the recognition that Manitoba First Nations currently possess a number of rights pursuant to treaties signed between the First Nations and the Crown. These rights will remain outside the FAI process and will not be adversely affected in any way. Nevertheless, the Crowns obligations

and duty to First Nations under Treaties will continue after the coming into force of an Agreement on Education.

- **Inherent Rights** – Manitoba First Nations possess the Inherent Right to self-determination and, as such, can freely determine their social, political and economic status.
- **Indigenous Rights** – First Nations are indigenous peoples and have a number of rights pursuant to international law. Treaties between First Nations and the Crown are international agreements.
- **Sovereignty** – the political integrity of First Nations shall be protected and recognized under an Agreement on Education, the nationhood of First Nations is not dependent on any other level of government.
- **Jurisdiction** – means the Inherent Right of each sovereign First Nation to exercise its authority, develop its policies and laws, and control financial and other resources for its citizens. First Nations will practice concurrent jurisdiction over education on their lands and territories. Such jurisdiction shall apply to all citizens, residents, pupils and visitors of and on the First Nation. (The ultimate goal is to achieve exclusive jurisdiction over First Nation education both on and off reserve.)
- **Intellectual & Cultural Property** – First Nations will have and exercise jurisdiction and authority to protect their science, knowledge and intellectual property and ensure collective ownership of this knowledge.

PLAIN LANGUAGE/INTERPRETATION DOCUMENT EDUCATION AIP

The Education AIP was “conceptually agreed upon in June 2004” and submitted to Canada for further funding of the development and negotiation of a final Agreement on Education based on the Education AIP. After this date, the internal education working group began the process of providing an interpretation document of the legal text of the Education AIP. The purpose of this exercise was to assist our community members with a better understanding of the Education AIP. The interpretation document is readily available by contacting the SCO/FAI Education office.

FIRST NATIONS GOVERNMENT INVOLVEMENT

The Southern Chiefs’ Organization has been working closely with First Nations governments to ensure that all discussions with Canada reflect the wishes and aspirations of the First Nation peoples. It is the Southern Chiefs’ Organization’s belief that First Nations education officials are the best experts on education issues and, therefore, must direct the process. Education Directors and Councilor portfolio holders participated in the drafting of Drafts 8, 9 and 10 of the Education Agreement-in-Principle. The direction and amendments by the community representatives were substantive and led to an increase of 33% of issues negotiated with Canada.

In January 2005, SCO/FAI Education hosted a Manitoba First Nations Education Directors conference. The purpose of this was to explore the areas of jurisdiction contained in section 5.31 of the Education AIP, which required provincial involvement. The First Nations Education Directors were asked to assist in identifying the issues and concerns under the following areas of jurisdiction:

1. Education of adults in trades and vocational programs (non-university)
2. University and College programs (post-secondary)
3. Curriculum Development
4. Teacher Training
5. Teacher Certification
6. Other areas (Early Childhood Development & Federal Transfer Payments)

Each of the preceding areas was explored and each area generated many concerns and issues. These were summarized in a bound report, which is available from the SCO/FAO office. These opinions and positions will be used to assist in the further negotiations on the Education AIP and ultimately the Agreement on Education.

Since November 2004, the SCO/FAI Education has also been conducting information sessions with SCO member Chiefs and Councils. The purpose being to provide an information update on the FAI process and in particular on the Education Agreement-in-Principle and the FAI Education process. Feedback on the Education AIP from these member Chiefs and Councils will be used to assist in the further negotiations on the Education AIP and ultimately the Agreement on Education.

FIRST NATIONS INVOLVEMENT COMMUNITY CONSULTATIONS

The Southern Chiefs' Organization will be participating along with AMC and MKIO in a total of fifteen (15) information sessions with Tribal Councils and in some First Nations communities for the remainder of the 2004 fiscal year (March 2005). The AMC/FAI will be presenting the "Comprehensive AIP", the FAI/MKIO will be presenting the "Child and Family Matters AIP", and SCO/FAI will be presenting the "Education AIP". It is anticipated that all remaining Manitoba First Nations communities will eventually be visited. Community participation and input will be crucial in determining the likely success of a final agreement on education.

NEXT STEPS/PLANNED ACTIVITIES

- Continue community visits and Tribal Council information sessions
- Negotiate community consultations funding to enable FAI to visit all Manitoba First Nation communities.
- Analyze information and feedback received from the preceding information sessions and future community consultations to further negotiations on the Education AIP
- The Chief Negotiators (Canada & AMC) continue negotiations toward extending the FAI Project/Process to enable final agreements on all FAI Agreements-in Principle to be concluded.
- Three Grand Chiefs initial and approve Education Agreement-in-Principle
- First Nation Leadership and Membership to ratify Education AIP
- Government of Manitoba agrees and approves of Education AIP
- Education AIP enters Canada's system for Federal Approval

SUMMARY

The main objective of the FAI education process is to provide the First Nations communities of Manitoba with an agreement on education that will enable them to improve the quality and cultural relevancy of their education systems for their children. It is anticipated that this will increase the First Nations students' chances for success in their academic and personal lives. Another objective is to improve the success rate of First Nation students in post-secondary, vocational and adult education and training programs for First Nation citizens.

Two of the objectives of the Framework Agreement Initiative signed in 1994 are to "Develop and recognize First Nations Governments in Manitoba legally empowered to exercise the authorities required to meet the needs of the peoples of the First Nations; and Restore to First Nations Governments the jurisdiction (including those of the other federal departments); consistent with the inherent right of self government..."

Although the Education Agreement-in-Principle does not completely achieve either of these objectives in the FAI, it will provide a greater amount of control and development for the Manitoba First Nation communities in the area of education. The Education Agreement-in-Principle can thus be seen as a starting point to achieving these objectives.

The next step of the process is to take the Education Agreement-in-Principle to all First Nation communities for community consultation. It will be up to the First Nation community members as to whether they choose to accept the Agreement, recommend changes, or to reject the Agreement. All feedback and input will be considered and attempted to be included into a Final Education Agreement. Any Final Education Agreement will have to be approved and endorsed by the First Nation Chiefs of Manitoba.

CONTACT INFORMATION

Southern Chiefs Organization
Framework Agreement Initiative Education
200-286 Smith Street
Winnipeg, Manitoba
R3C 1K4

Telephone (204) 946-1869
Facsimile (204) 946-1871

Robert Bunn,
FAI Education Director & SCO Legal Counsel
r.bunn@scoinc.mb.ca

Myrna Bushie,
FAI Education Policy Analyst
m.bushie@scoinc.mb.ca

Sherri Daniels,
FAI Education Administrative Assistant
sdaniels@scoinc.mb.ca