

FIRST NATIONS WITH SCHOOLS COLLECTIVE (FNWSC)
PARTICIPATION AGREEMENT

Dated February 8, 2018

PREAMBLE

Whereas the First Nations herein observe, learn, respect and apply member Protocols, Languages and Ceremonies as part of the development and maintenance of relationships and the application of such Protocols, Languages and Ceremonies establishes a bond witnessed by the Creator;

Whereas the First Nations herein are operating their own schools;

Whereas federal and provincial laws and policies, insufficient financial support and the lack of intergovernmental relationships have hindered the development of the education systems within our communities;

Whereas we share the goal of exercising our respective inherent right to education jurisdiction;

Whereas we share a belief that a capacity development approach will identify existing strengths in our schools, education operations and our people and will identify the challenges that require a plan to establish the path ahead in achieving our goals;

Therefore, this Participation Agreement commits the parties to work together in a unified manner in accordance with the terms below;

PARTIES

The Parties to this Participation Agreement are the First Nations that are listed below in the signature section.

PURPOSE

The purpose of this Agreement is to develop a common approach to achieve our education goals.

We believe the capacity development approach is a solid foundation upon which to identify requirements for quality education, administrative and governance requirements and intergovernmental partnerships.

We believe that achieving the shared goal means working in a unified political and technical manner to advance our goals.

PRINCIPLES

In defining our working relationship to achieve our common goals we adhere to the following principles:

- Inherent Rights are community based
- First Nations control over education means exercising jurisdiction
- The First Nations herein maintain their autonomy
- The First Nations herein are voluntary participants and will work together to Protect Our Peace
- The Collective of First Nations herein are not pursuing a political association or affiliation
- Consensus approaches to discussion and decision-making
- To be guided by the 7 Sacred Teachings (Wisdom, Love, Respect, Bravery, Honesty, Humility, Truth)/The Great Law
- Sharing experiences and opportunities to support each other's education goals
- Respect OCAP Principles (Ownership, Control, Access, Possession), the TCPS2 and/or the communities research ethical protocols and processes
- Gathering and closing meetings in peace and friendship

We agree that the most effective means of translating the above principles into meaningful action and outcomes is by way of shared responsibility and coordinated action.

STRUCTURE FOR COLLECTIVE AND UNIFIED ACTION

The basic structure for implementing the intentions and commitments of this Agreement will be based on:

- the establishment of the group as an informal coalition of like-minded First Nations pursuing a specific approach to advance our education goals;
- joint applications for funding to support the methodology and process for capacity development;
- information sharing;
- regular meetings; and
- using our own existing financial and governmental capacity on a coordinated and shared basis to achieve progress on future activity

We anticipate that success in our effort to engage Canada and Ontario in our approach as set out in Annex A may produce additional coordination and administrative requirements which will be addressed as appropriate.

SIGNED BY:

Signature
Chief Dan Miskokomon
Bkejwanong Territory –
Walpole Island First Nation

Signature
Chief Jessica Hill
Oneida Nation of the Thames

Signature
Chief Myeengun Henry
Chippewas of the Thames First Nation

Signature
Chief Paul Eshkakogan
Sagamok Anishnawbek First Nation

Signature
Chief Linda Debassige
M'Chigeeng First Nation

Signature
as Observer Status
Chief Ava Hill
Six Nations of the Grand River

Signature
Chief R. Stacey LaForme
Mississaugas of New Credit First Nation

Signature
Chief Duke Peltier
Wikwemikong Unceded Indian Reserve

ANNEX A

AN INITIATIVE TO GATHER INFORMATION AND DEVELOP STRATEGIES FOR ACHIEVING QUALITY EDUCATION AND JURISDICTION

OBJECTIVE

Implementation of article 14 of the United Nations Declaration on the Rights of Indigenous Peoples:

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.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

FOUNDATIONS

Each First Nation has their own right to create and exercise their Laws, Rights, Declarations, founding documents, and agreements as established by each First Nation to govern their own affairs.

Each First Nation in the Group have their own right to exercise their jurisdiction over education as recognized in the UNDRIP:

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

The UNDRIP states the rights in the Declaration are inherent and collective in nature:

Recognizing the urgent need to respect and promote the inherent rights of Indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

APPLICATION IN THE CANADIAN LEGAL CONTEXT

Section 35 recognizes and affirms “aboriginal and treaty rights”. In Canadian law, aboriginal rights are pre-existing rights (inherent rights). The UNDRIP elaboration of rights are recognized in Canadian constitutional and common law.

ENGAGING CANADA AND ONTARIO

The Prime Minister’s Mandate letters to the Ministers include the statement: “No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.”

The federal government also committed to implementing all of the Calls for Action of the Truth and Reconciliation Commission including implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

With respect to the Government of Ontario an approach regarding education can be pursued in accordance with the Ontario-First Nations Political Accord as an initiative: “To work together to identify and address common priorities and issues, that will include, but are not limited to, the treaty relationship, resource benefits and revenue sharing and jurisdictional matters ...”

AN AGREEMENT BASED APPROACH

The principal method of addressing the relationship between First Nations governments, Ontario and Canada should be through an intergovernmental agreement. Intergovernmental agreements are common in addressing relationships on different jurisdictional subject-matter and addresses recognition, cooperative intentions, the application of agreed upon standards, financial measures, dispute resolution and other relevant matters.

The results from the Capacity Assessment Process as contemplated below would inform Agreement requirements.

LEGISLATIVE APPROVAL AND IMPLEMENTATION OF THE AGREEMENT

Any legislative requirement should be restricted to approving the agreement, institutional requirements, if any, recognition of jurisdiction and financial transfers.

THE CAPACITY DEVELOPMENT APPROACH

Capacity development is the most sensible, practical and success oriented approach that should be employed to achieve the desired outcomes. The United Nations Development Programme Capacity Assessment approach provides a framework and step by step process that can be adapted to the First Nation situation.

According to the UNDP:

“...a capacity assessment provides a comprehensive perspective on the capacities critical to achieving a community’s development objectives. It is an analysis of desired capacities against existing capacities and offers a systematic way of gathering data & information on capacity assets and needs. A capacity assessment serves to provide an input for formulating a capacity development response that addresses those capacities that could be strengthened and that optimizes existing capacities that are already strong and well founded. It can also set the baseline for continuous monitoring and evaluation of progress against relevant indicators and help create a solid foundation for long-term planning, implementation and sustainable results. The steps below illustrate the process by which capacity development takes place and the key role that a capacity assessment plays within it.

- Step 1: Engage stakeholders on capacity development
- Step 2: Assess capacity assets and needs
- Step 3: Formulate a capacity development response
- Step 4: Implement a capacity development response
- Step 5: Evaluate capacity