SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7 & 8, 2011, OTTAWA, ON

Resolution no.48/2011

TITLE:	Indian and Northern Affairs Canada's Education Information System
SUBJECT:	Information Management / Education
MOVED BY:	Chief Gilbert Whiteduck, Kitigan Zibi Anishnabeg First Nation, QC
SECONDED BY:	Tyrone McNeil, Proxy, Union Bar First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

A. First Nations leaders have stressed that all initiatives undertaken by the Government of Canada must be consistent with our inherent and treaty rights.

B. The Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on November 12, 2010.

C. Article 14 of the UNDRIP states that 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 and calls upon state governments to take effective measures to implement this right.

D. Articles 18 and 19 of the UNDRIP state that free, prior and informed consent must be obtained on any legislative or administrative measures that may impact Indigenous peoples and that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights through representatives chosen by themselves.

E. The National Indian Brotherhood adopted the national policy paper *"Indian Control of Indian Education"* (ICIE) in 1972 which was affirmed by the Minister of Indian Affairs in 1973.

F. The "*First Nations Control of First Nations Education"* policy which reaffirms ICIE 1972, was adopted at the July 20-22 Annual General Assembly in 2010, wherein the Chiefs in Assembly stated their commitment to

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support communities in the development of regional First Nations' education policies that inform and strengthen the First Nations Control of First Nations Education. (Resolution no. 12/2010)

G. The full spirit and intent of the policy of Indian Control of Indian Education has never been implemented in a meaningful manner by the Government of Canada.

H. For the past three years, Indian and Northern Affairs Canada (INAC) has led a process to discuss issues and changes to current reporting mechanisms and implementation of the new Education Information System (EIS) through a joint First Nations – INAC technical committee. However, genuine engagement in this process has been limited given the short timeframes for technicians to meet and provide feedback.

I. INAC will be implementing changes that will significantly impact issues surrounding First Nations control of First Nations education. Changes will be made to First Nations education forms and reporting structures, contribution agreements, setting of targets and performance indicators, as well as to the collection and storage of data, all the while ignoring its responsibility to provide for adequate capacity and resourcing.

J. Notwithstanding First Nations' assertion that the principles of Ownership, Control, Access, and Possession (OCAP) of data must be the underlying factors of all First Nations information management and reporting systems, INAC is insistent upon moving forward with the above-listed changes without regard to OCAP principles.

   a. The First Nations Principles of OCAP recognize and articulate the decision-making authority of First Nations over data collection processes in their communities. The OCAP principles support First Nations ownership and possession of their respective data and, support First Nations' authority to make decisions in regard to providing access to, and usage of, their respective data as determined by mandates and protocols established by themselves.

   b. Despite First Nations insistence that mutually agreed upon third party data collection protocols in relation to reporting and other potential uses of data (e.g. research) must be in place prior to implementation of the EIS, INAC is not engaging in discussion with First Nations to do so.

   c. INAC is expediting the unilateral definition of performance indicators and setting targets without agreement from First Nations or regard to the need for clearly defined context in specific cases where qualitative data is essential in order to produce truly representative reports.

   d. INAC's changes to First Nations education forms for the reporting of data go beyond the national and regional administrative authorities of INAC.

   e. INAC has failed to provide evidence to the effect that the EIS would inform decision-making regarding improvements for programs designed to increase success rates among First Nations learners.

   f. INAC will be investing a total of $27M over 5 years toward the implementation of the EIS system including support for building and developing capacity at the government level but, INAC fails to commit any funds to support First Nations in building their capacity, connectivity and, infrastructure to report into the system.

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K. INAC has failed to honor its duty to consult and accommodate directly with each and every First Nation. Meetings and discussions with Technicians do not absolve INAC of the duty to consult with First Nations.

L. First Nations Technicians who participate in the EIS committee process have many serious concerns about the EIS and are bringing these concerns to the attention of the Chiefs-in-Assembly.

M. The Auditor General of Canada has consistently expressed concern regarding INAC's need to identify their roles and responsibilities in First Nations education.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Affirm the right of First Nations Peoples to establish and control their educational systems and institutions; provide education in their own languages in a manner appropriate to their cultural methods of teaching and learning and, calls upon the Government of Canada to take effective measures to implement this right.
2. Assert that data collected about First Nations not serve as a basis for Indian and Northern Affairs Canada (INAC) to institute punitive measures on First Nations.
3. Confirm that all data collected from a community belongs to that community for the purpose of supporting its decision-making for the improvement of education.
4. Direct AFN to inform the Minister of INAC of the need to institute a formal process of consultation for the EIS and that until such a process is in place, the Chiefs-in-Assembly direct the Minister of INAC to halt the implementation process of the EIS.
5. Direct AFN to call upon Canada to comply with the principles and standards of the United Nations Declaration on the Rights of Indigenous Peoples with respect to any new legislative, policy or program in education.
6. Direct AFN to call upon Canada to ensure that any changes to education policy, programs or legislation, respect the right of free, prior and informed consent of First Nations peoples.

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