To the youth today for a more just tomorrow.

Decolonizing Education

Nourishing the Learning Spirit

Marie Battiste

Purich Publishing Limited
Saskatoon, SK. Canada

Copyright © 2013 Marie Battiste

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the publisher, except by a reviewer who may quote brief passages in a review, or in the case of photocopying or other reprographic copying, a license from ACCESS (Canadian Copyright Licensing Agency) in Toronto. All inquiries and orders regarding this publication should be addressed to:

Purich Publishing Ltd.
Box 23032, Market Mall Post Office, Saskatoon, SK, Canada, S7J 5H3
Phone: (306) 373-5311 Fax: (306) 373-5315 Email: purich@sasktel.net
www.purichpublishing.com

Library and Archives Canada Cataloguing in Publication

Battiste, Marie, 1949-, author
Decolonizing education : nourishing the learning spirit / Marie Battiste.

Includes bibliographical references and index.
ISBN 978-1-895830-77-4 (pbk.)

1. Native peoples — Education — Canada. 2. Native peoples — Education — Government policy —Canada. 3. Native peoples — Canada — Intellectual life. I. Title.

E96.2.B355 2013   371.829'97071   C2013-905316-6

Edited, designed, and typeset by Donald Ward.
Cover photograph: J. Youngblood Henderson.
Cover design by Jamie Olson.
Index by Ursula Acton.

Purich Publishing gratefully acknowledges the assistance of the Government of Canada through the Canada Book Fund, and the Creative Industry Growth and Sustainability Program made possible through funding provided to the Saskatchewan Arts Board by the Government of Saskatchewan through the Ministry of Parks, Culture, and Sport for its publishing program.

Printed on 100 per cent post-consumer, recycled, ancient-forest-friendly paper.

Contents

FOREWORD *by* Rita Bouvier 8

CHAPTER 1
Introduction 13

CHAPTER 2
The Legacy of Forced Assimilative Education for Indigenous Peoples 23

CHAPTER 3
Mi'kmaw Education: Roots and Routes 34
Blending Mi'kmaw knowledge with Catholic knowledge 38
Nova Scotia's Intervention in Mi'kmaw Education 47
Canada's Intervention 51
1. Planting Out 54
2. Indian Residential Schools 55
3. Centralization Policy 57
4. Fiscal Transfers from Canada to Provinces 58
5. White Paper Policy on Equality 60
6. Indian Control of Indian Education Policy 61
7. Canada's Apology 63

CHAPTER 4
Creating the Indigenous Renaissance 68
Collaborative Conscientization 69
Indigenous Methodologies 73
Constitutional Reconciliation 77
Establishing Transformative Principles in UN Law 79
1. International Labour Organization Convention 169, Concerning Indigenous and Tribal Peoples in Independent Countries (1989) 79
2. UN Declaration on the Rights of Indigenous Peoples (2007) 81
Mi'kmaw Reform of Education 87
1. Mi'kmawey School: Bilingual Education 87
2. Mi'kmaw Kina'matnewey 90
3. Mi'kmaw Immersion 91
The Blessed New Stories 94

Chapter 5
Animating Ethical Trans-Systemic Education Systems 101
Generating an Ethical Space for Decolonization 104
Decolonizing the Humanities 108
Decolonizing Science 117
Conclusion 123

Chapter 6
Confronting and Eliminating Racism 125
The Confrontation with Racism 128
Cognitive Construction of Racism 130
Manifestation of Hate Ideologies 137

Chapter 7
Respecting Aboriginal Languages in Education Systems 140
Aboriginal Language Learners 142
The Language Crisis and Planning for Change 144
Stabilizing Aboriginal Languages: The Challenge 146
Complexity and Complementarity in Finding Solutions 147
Conclusion 154
1. Measuring outcomes 155
2. Success of Immersion 155
3. ALP planning 156
4. Ongoing systematic evaluation 157

Chapter 8
Displacing Cognitive Imperialism 158

Chapter 9
Recommendations for Constitutional Reconciliation of Education 167
Recommendations for Constitutional Reconciliation 170
1. Affirm Canada's Commitment to Indigenous Knowledge 170
2. Recognize and Affirm Aboriginal and Treaty Rights as Creating Constitutional Educational Jurisdictions 170
3. Affirm Aboriginal Lifestyles and Intergenerational Use of Indigenous Knowledge 171
4. Affirm Aboriginal Teachings of Next Generations within Place 171
5. Develop and Support Indigenous Knowledge Innovations in Educational Institutions 171
6. Develop Opportunities to Learn in Order to Teach 171
7. Create new certification and standard setting for First Nations schools 172
8. Encourage Research and Innovations in Classroom Work 172
9. Adopt Principles and Guidelines for Respectful Protocols 172
10. Implement the UN Human Rights Covenants and the Declaration of the Rights of Indigenous peoples 173
11. Implement the International Convention on the Elimination of Racial Discrimination 173
12. Protect Indigenous Knowledge and Heritage 173
13. Support First Nations' Capacity to Oversee Use of Indigenous Knowledge 173
14. Develop Research and Capacity Building in Indigenous Knowledge and Pedagogy 174

Chapter 10
Possibilities of Educational Transformations 175
Recognizing and Affirming the Learning Spirit 180
Postcolonial Post-Secondary Education 185
Indigenous Self-Determination 187

References 192

Index 206

Chapter 4

Creating the Indigenous Renaissance

> Education is recognized as both a human right in itself and an indispensable means of realizing other human rights and fundamental freedoms, the primary vehicle by which economically and socially marginalized peoples can lift themselves out of poverty and obtain the means to participate fully in their communities. Education is increasingly recognized as one of the best long-term financial investments that States can make. Education of Indigenous children contributes to both individual and community development, as well as to participation in society in its broadest sense. Education enables Indigenous children to exercise and enjoy economic, social and cultural rights, and strengthens their ability to exercise civil rights in order to influence political policy processes for improved protection of human rights. The implementation of Indigenous peoples' right to education is an essential means of achieving individual empowerment and self-determination. Education is also an important means for the enjoyment, maintenance and respect of Indigenous cultures, languages, traditions and traditional knowledge. . . .
>
> UN, Expert Mechanism on the Rights of Indigenous Peoples, 2009, pp. 4–5.

Ideas do not exist without people to implement them. A postcolonial framework cannot be constructed unless Indigenous people renew and reconstruct the principles underlying their own world views, environments, languages, and forms of communication, and re-examine how all these elements combine to construct their humanity. My own reclamation began with my dissertation and then returning to Mi'kma'ki to help restore the value and place of Mi'kmaw language in our community school in Potlotek. That experience and my subsequent publication, *Reclaiming Indigenous Voice and Vision* (Battiste & Henderson, 2000), have been significant highlights of my career. Since then, there has been an emerging critical mass of Indigenous scholars, newly empowered through education, building their own visions, leadership, knowledge, and professionalization. Furthermore, the philosophical and activist agenda inspired by critical theory and anti-oppressive activism in areas such

as women's studies, postcolonial studies, cultural studies, queer theory, and decolonizing, and participatory and anti-oppressive methodologies have led to an ever-growing committed group of non-Indigenous allies who are providing additional critical frameworks for addressing issues of inequality, inequity, gaps in education among diverse groups, colonial conscientization, and hegemony in politics, organizations, and institutions, while acknowledging excellence through the proper valuing and respectful circulation of Indigenous knowledge across and beyond Eurocentric disciplines. Indigenous people are also moving beyond critiques to address the healing and wellness of themselves and their communities, to reshape their contexts and effect their situations, and to create reforms based on a complex arrangement of conscientization, resistance, and transformative action.

Collaborative Conscientization

The initial educational struggle for Indigenous educators, then, has been to sensitize the Eurocentric consciousness in general, and educators in particular, to the colonial and neo-colonial practices that continue to marginalize and racialize Indigenous students. This does not come easily to Eurocentrically educated Canadians, for it requires their unlearning as well — challenging their conscious and subconscious notions of meritocracy and superiority learned in life with sometimes well-intentioned but biased parents, grandparents, media, community, school texts and discussions and how privilege is constructed and maintained in a racist society. The second struggle is to convince them to acknowledge the unique knowledge and relationships that Indigenous people derive from place and from their homeland, which are central to their notions of humanity and science, and passed on in their own languages and ceremony. This is the emerging work of Indigenous scholars who have been part of the Indigenous renaissance. Once so convinced, the next tension is for all learners to learn it respectfully with Aboriginal people and without appropriating their new knowledge and experience for their own ends.

Since Indigenous peoples' search for change is still aspirational and inspirational, the conceptualization of the postcolonial has been in part a collaborative conscientization and in part an act of hope, a light in the darkness of educational failure. Yet, what are the social and cultural requirements for this dreamed about or idealized version of education? Moreover, what role do schools, universities, teachers, and faculties have in helping to effect that change? This now takes me to the epistemological current or theme.

In 1982, the inclusion of Aboriginal and treaty rights in the patriated Constitution was a product of collaborative conscientization in Canada. It established a new constitutional foundation for the right to education for Aborig-

inal peoples. The concept of education as either an Aboriginal right or a treaty right established in Canada the right for Aboriginal people to decolonize the existing education system. Educators and politicians have ignored this innovative constitutional right, until the decisions of the Supreme Court in Canada have revealed the necessity of constitutional reconciliation of the various powers and rights regarding education. In Canadian law, Indigenous knowledge is constitutionally protected as Aboriginal and treaty rights under Section 35(1) of the *Constitution Act, 1982*. The affirmation of Aboriginal and treaty rights under this section is broad in scope, but what it affirms is that the Aboriginal traditions and customs held prior to contact and the specific treaty provisions as part of the negotiations with specific First Nations are acknowledged as part of the Canadian fabric. Unfortunately, the political climate of Canada still enables them to largely ignore any change on the pretext of the need to study the issues before changes to laws, rules, and regulations are enacted. Instead, Canada has left it to the First Nations themselves to seek action by the use of the Courts, and there to judge the merits of their approaches.

In one case, however, the Supreme Court of Canada has determined that the affirmation of Aboriginal rights provides Aboriginal people with recognized customs and traditions unique to their cultures. The Court acknowledged that Aboriginal peoples' having rights should have ways to enable them to keep them. The court then held that to ensure the continuity of Aboriginal customs and traditions, a substantive Aboriginal right would normally include the incidental right to teach such a practice, custom, and tradition to a younger generation (Côté, 1996: para. 56). Similar reasonable incidental rights are in the Court's interpretation of the treaty educational provisions (Sundown, 1999, para. 26–33). As noted however, the main deficiency of the court approach is that federal and provincial educational laws, regulations, and practices have yet to implement or reconcile with the constitutional rights to have and to teach Indigenous knowledge.

Indigenous diplomacy is another act of collaborative conscientization. Through collaborative work with scholars in Canada and beyond to Australia, New Zealand, and the United States, Indigenous scholars and leaders are illustrating the strength of the postcolonial and anti-colonial movements by constructing multiple critiques of the modern discourses within the multidisciplinary foundations in the current system. They are achieving this transformation in multiple sites, where diverse problems engage multiple strategies, strategic goals, and broad political agendas. We have been inspired by Indigenous activist such as Graham Smith, who has pointed out that Indigenous peoples' struggles cannot be reduced to singular solutions in singular locations, but rather they need to be carried out in multiple sites using multiple strategies (Smith, 2000). This means there is no magic bullet, but multiple

ways to solve many issues, some by way of academic analyses and research; some political as related to activism, resistance, and lobbying for the merits of various programs, positions; and some by self-reflection and emerging from the chains of the oppressive situations one has been conditioned to be in. Some of the most important work being done by young people is found in the self-reflective narratives that help them to understand their own situation and what has held them there, and reframing what has been cast as negative into more positive ways. They emerge rejuvenated and passionate as they begin to the find the core of truths embedded in the search for their inner strengths — their own learning spirit.

This activation of the human learning spirit is evident in the work being done by Indigenous peoples at the United Nations, where lobbying bodies have raised awareness of the plight of many oppressed peoples around the world. Their provocations have directly influenced the United Nations, as is evident in the number of declarations and covenants embracing or urging the adoption of standards to protect women, children, and cultural minorities. The Idle No More movement has also struck a national and international chord of drumming and singing and placarding so as to bring every conscientized person into the movement, whether Indigenous or not. Many Indigenous peoples around the world continue to suffer trauma and stress from colonialism, genocide, and the continuing destruction of their lives by poverty and government neglect — and in Canada, government ambivalence. The current agenda of Indigenous peoples' activism is to initiate awareness of the continuing struggles of peoples around the world to live with clean water, air, land, and demands for collaborative dialogue on policy issues affecting them. They are seeking to live fully within their own cultural and linguistic communities, and to benefit from the many advancements in Canadian society, many of which have been built on their resources from the land, and work actively for a transformation of ongoing colonial and neo-colonial thought and practices. Their efforts reveal the inconsistencies between discourse and action. They challenge the assumptions and the taken-for-granted, and expose the ills, while continuing to search from within and from our heritage for the principles that will guide their children's future toward a dignified life. With the *Declaration on the Rights of Indigenous Peoples*, finally ratified in 2007, came minimum principles for their protection, something that had already been achieved for women, children, minorities, and refugees.

While educational institutions have a pivotal responsibility in transforming relations between Aboriginal peoples and Canadian society, the Royal Commission on Aboriginal Peoples (1996) firmly held that all institutions should respect Aboriginal knowledges and heritages as core responsibilities rather than a special project undertaken after other obligations are met (Vol. 3, p. 515).

To date, there has been a growing emergence of collaborative work that has offered new transcultural, interdisciplinary coalitions across education, the humanities, the social sciences, law, and more recently in the physical sciences, as issues of eco and biodiversity and globalization pressure institutions to seek new innovative and holistic solutions to ecological and global problems using Indigenous knowledge. As well positioned as these are for research and making critical changes to policy and practice inside disciplines, respect for Indigenous knowledge must begin with Indigenous peoples providing the standards and protections that accompany the centring of Indigenous knowledge.

More work is needed to unpack and rethink the assumptive values of our educational and the social systems on which contemporary society has built its knowledge and institutions, the mythical portraits that have been assumed from a biased knowledge base, and the neglected rich diversity of our nations as a foundation for all students. The knowledge base of Indigenous peoples, as well as other neglected knowledge bases such as those of at least half the world's population of women (Minnich, 1990), can be sources of inspiration, creativity, and opportunity, and can make contributions to humanity, equality, solidarity, tolerance, and respect. The educational significance and justification for respectful dialogues cannot be over-emphasized as a basis for arriving at a decolonized educational agenda. This should take us beyond the prior processes of cross-cultural awareness and inclusion and bridging programs to a new perspective and processes that support Indigenous knowledges, communities' continued enriched livelihood within place, their languages, and self-determination in a new, decolonized way.

Despite painful experiences Aboriginal peoples have suffered in the past century or more, Aboriginal people still see education as having hope for their future, and they are determined to see education fulfill its promise (RCAP 1996, Vol. 3, pp. 433–34). This has been made clear among many groups — the Indigenous peoples themselves in many voices and forums, especially in the Royal Commission's Final Report, in the dedicated efforts of the UN Working Group on Indigenous Populations, and among Indigenous researchers and postcolonial scholars and leaders. No longer can institutions be inactive based on the notion that "we don't know what they want" (Havemann, 1999, p. 70).

We must examine a process of respect in the dialogues, in the development of postcolonial, anti-colonial, and Indigenist strategies for both Indigenous peoples and non-Indigenous educators, and in any research that must continue to be principled on the benefits returning to Indigenous peoples. We must seek the appropriate protocols and respectful methodologies that will help us to enter into a sustaining dialogue and respectful relations. To achieve this outcome will necessarily require the Canadian people and their institutions to view Aboriginal peoples not as disadvantaged racial minorities but as

distinct, historical, and socio-political peoples within Canada, with collective rights (Chartrand, 1999).

While it is gratifying to see the bridges being built by some non-Indigenous scholars to Indigenous knowledge (Aikenhead, 1998; Lunney Borden, 2010; Haig Brown, 2005; Barrett, 2009; I. Findlay 2003; Findlay & Findlay, 2011) and some integrative work among collaborations with Indigenous scholars (Aikenhead & Michell, 2011; Battiste, Bell, Findlay, Findlay, & Henderson, 2005; Orr, Paul, and Paul, 2002), the acknowledgement for Indigenous knowledge must begin with Indigenous people themselves. It is Indigenous people who must provide the standards, principles, and protections that accompany the centring of Indigenous knowledge, and articulate and clarify the visions for how these can support self-determination, healing, and the future. Many of us have taken up this challenge in many forms and forums.

The knowledge bases of Indigenous peoples, as well as other neglected knowledge bases, can be sources of inspiration, creativity, and opportunity. They can also contribute to humanity, equality, solidarity, tolerance, and respect. The United Nations is providing Canadian educational institutions with an exemplary opportunity to confront the ethics, theories, methodologies, and lessons of Indigenous knowledge and heritage. The dialogue needed to engage the suppressed knowledge of Indigenous civilizations has been delayed for far too long. The significance and justification for respectful dialogue as a basis for arriving at a decolonized educational agenda cannot be over-emphasized.

Ethical guidelines for responsible research into Aboriginal peoples must also be developed from within Aboriginal and constitutional law. Any guidelines put in place must respect Aboriginal protocols in the exchange of information, and must ensure that benefits from federally or provincially funded grants accrue to Aboriginal peoples and not exclusively to researchers, their careers, or their institutions. The guidelines must respect the fact that Indigenous knowledge can only be fully known from within Aboriginal languages, pedagogies, and communities. They must also respect the limitations, as defined by Aboriginal peoples, of what knowledge is held for certain holders, who can access the knowledge, and in what contexts it can be shared.

Indigenous Methodologies

The Indigenous renaissance is an action agenda for the present and future. Some Indigenous scholars are now calling it an "Indigenist" agenda that is not confined to those who are Indigenous. Rather, "Indigenist" is a term that operates much in the same way that the feminist movement was facilitated, not only by women but also by men who claimed proudly to be feminists. Indigenist, then, speaks to a movement, much like the thrust of the Idle No

More movement that works collaboratively toward Indigenous peoples' goals for sovereignty, self-determination, and treaty and Aboriginal rights reconciliation with the provinces, territories, and the federal government. These must not be an agenda for Indigenous peoples alone, as so many have been complicit in their subordination, and beneficiaries of the relationships that enabled lands to be used, bought, taken, or misused. Non-Indigenous allies must support these as well, although they may have different trajectories for how they enter into the discussion, such as in diverse disciplines, organizations, and research foci. Len Findlay's essay (2000) "Always Indigenize!" is one "indeterminate provocation" that he suggests non-Indigenous scholars can take to develop a connective critical stand from their location to the Indigenous agenda, noting, promoting, activating, defusing, infusing, complicating, and in general putting the Indigenous agenda firmly in the present and not only in the hands of the politicians and the activists. It is an academic exhortation to include Indigenous issues in one's scholarship, recognizing that the desired outcomes "will depend on who is listening and how they understand and act on what they hear or read" (p. 368).

Take, for example, Maori scholar Linda Smith's twenty-five decolonizing methodologies. Her agenda also includes the place for non-Indigenous to take up "Indigenizing and indigenist processes . . . [activated] through centring the consciousness of the landscapes, images, languages, themes, metaphors and stories of the Indigenous world" (2012, p. 147). It is an Indigenist approach that Lester-Irabinna Rigney at Flinders University in South Australia (1999) and Cree scholar Sean Wilson (2013) use, borrowing from the feminists and other critical approaches to include and privilege Indigenous voices. Indigenist research then "reflects an Indigenous view of reality, knowledge, and the gaining of wisdom to shape the future of our communities" (Wilson, 2013) in the many institutions, agencies, departments, and places where we work. Sean Wilson relays that the Indigenist paradigm is one that is not claimed by anyone but is a way of sharing ontology and a practice that contributes to the empowering of Indigenous peoples. Wilson aims to put the contingent relational element to this research work, noting that while Indigenist research does not require that one be Indigenous, it does require one to support and articulate one's ontology and one's philosophy and research in relation to context-based knowledge that is community-based, not book or literature-based knowledge. In other words, the context is derived not from theory from academics but from peoples and collectives and related to place. When one is connected to community and to place, the relational aspects of communities, people, families, and their context become the important elements of how to proceed with knowledge search and production. It grounds one's protocols and thus research processes as Graveline used in her "In-Relation pedagogy" (Graveline, 1998).

There is always a perceived tension, however, between academics using Indigenous methodology and an Indigenist research paradigm so defined. The issue is that there is a perspective and a paradigm inherent to Indigenous peoples that cannot simply be adopted from a Euro-Canadian or Eurocentric perspective. Understanding what locates one or from what position one comes is then a needed element for addressing fully how Indigenous communities are positioned. Len Findlay (2000) aptly notes that the Eurocentric cannon of universities and their scholarship are embedded in the two related fictions — *terra nullius* (empty land) and scientific objectivity that continue to circulate theory, research, and discourses that do not represent Indigenous experience, frameworks, or knowing. Rather, modernity is expressed in governance, structures, economies, and scholarship that shelter the duality inherent in progress and continue to diminish, marginalize, and oppress Indigenous peoples. Several Indigenous researchers have cautioned against assuming that one knowledge system is like another, and that Indigenous systems can be easily infused in Eurocentric knowledge systems. The dangers are immediately noted, as problems that arise from different perspectives that are in research are named epistemological, ontological, and axiological.

The epistemological approach of any research fundamentally shapes a project, beginning with what is deemed worthy of researching, what questions are asked, how they are asked, and how the "data" are analyzed (Smith, 1999/2012). Indigenous researcher advocates have raised concern primarily with the ethically and culturally appropriate study of Indigenous people, and the fit of different epistemologies between the researcher and the researched. Indigenous epistemology is holistic, acknowledging the "interconnectedness of physical, mental, emotional, and spiritual aspects of individuals with all living things and with the earth, the star world, and the universe" (Lavallée, 2009, p. 23). Each community will have its own stories and understandings of how they have come to live in the world, and what they value as to how to live in the world. This ultimately shapes their humanity, their spirituality, and their heritage. Indigenous methodologies then drawn from within this ontology of being connected physically and spiritually with all things are then not theoretically constructed from imaginative thinking that emerges from a fact-finding mission, but conform to Indigenous knowledge according to local cultural imperatives (Porsanger, 2004). Brant Castellano (2000) identifies three sources of Indigenous knowledge which afford a glimpse of what Indigenous knowledge production entails:

> *Traditional knowledge which has been handed down more or less intact from previous generations. . . . Empirical knowledge is gained through*

careful observations. . . . Revealed knowledge is acquired through dreams, visions, and intuitions that are understood to be spiritual in origin. (Brant Castellano, 2000, pp. 23–24 [emphasis in original])

An overwhelming number of authors, international and interdisciplinary, acknowledge and agree on the holistic framework of Indigenous epistemologies that are foundational to Indigenous peoples. Holistic thinking incorporates the unity of spiritual and physical worlds which may have had a role in some parts of Western Eurocentric thinking as well, although, as Atleo notes, it is "doubtful that holistic thinking could be considered an overriding theme in patterns of Western thought . . . [when there is a] tendency to compartmentalize experience and thus assume that some parts have no relationship to other parts" (Atleo, 2004, pp. xi–xii).

In Indigenous epistemologies, "the greatest mysteries lie within the self at the spiritual level and are accessed through ceremony" (Sinclair, 2003). The spiritual aspect of life is as important to the search for knowledge as is the physical, and accessing the spiritual realm in each of the nations is shown to include personal and collective engagements at the level of intuition, meditation, prayer, ceremony, dreams, and vision quests, and other forms of introspection that reach another realm. Knowledge received through these means is a reflection of the Indigenous perception of "living in a sea of relationships. In each place they lived, Indigenous peoples learned the subtle, but all-important, 'language of relationship'" (Cajete, 2000, p. 178).

Indigenous methodologies are then thought of as alternative ways of thinking about research processes and have their own ethical guidelines. Brant-Castellano (2004) suggests that ethics are the rules of right behaviour and are intimately related to who you are, the deep values you subscribe to, and your understanding of your place in the spiritual order of reality. Ethics are ultimately integral to the way of life of a people. The fullest expression of a people's ethics is represented in the lives of the most knowledgeable and honourable members of the community, often considered respectfully as the Elders or knowledge holders. Imposition of ethical rules derived from other epistemologies or ontologies or ways of life in other communities will inevitably cause problems in how one enters a community, what relationships guide the interactions, what knowledge is appropriate to be sought, how it is to be used, and other issues related to access and benefit, although common understandings and shared interests can be negotiated.

Constitutional Reconciliation

The Supreme Court of Canada in its attempt to merge Aboriginal and treaty rights with the rest of the constitutional powers has told Canada, the provinces, and the territories that constitutional reconciliation with the holders of these constitutional rights is a critical educational requirement in patriated Canada. Yet, the question remains: what does constitutional reconciliation mean in relation to the Aboriginal peoples right to education? Despite the courts' decisions addressing proactively what the provinces, territories, and corporations and others should do, the provinces have not yet made reconciliation a priority, nor have they even addressed Aboriginal and treaty rights in any of their current transformations. The courts have stressed that Aboriginal and treaty rights must be read with the other constitutional provisions. In other words, the sections delegating education to the provincial Crown (s. 93) must be read together with the reconciliation of educational rights and privileges protected in the federal Crown (s. 91(24)) and in the affirmation of Aboriginal and treaty rights in s. 35 of the Constitution. These are what a responsive education would entail.

Reconciliation is rooted first in the principle that First Nations parents have a right to have an educational choice for their children that includes the foundations of their own knowledge systems and that enables them to benefit from the education in their lives. The transfer of jurisdiction of land to the Crown thus provides the financial means and fiduciary framework for implementing these educational rights for the benefit of First Nations, Inuit, and Métis peoples. The constitutional framework and court decisions affirming customary Aboriginal knowledges then generate what might be seen as a place where an emerging reconciliation of Indigenous knowledge in learning and pedagogy can have an impact on all public forms of education. It creates the context for systemic educational reform to include Indigenous science, humanities, visual arts, and languages as well as existing education philosophy, pedagogy, teacher education, and practice.

The Supreme Court of Canada has stated that the basic purpose of s. 35 of the *Constitution Act, 1982* is the reconciliation of the pre-existent rights of First Nation societies with the sovereignty of the Crown:

> s. 35 (1) provides the constitutional framework through which First Nation, who lived on the land in distinctive societies with their own practices, traditions and cultures, are acknowledged and reconciled with the sovereignty of the Crown. (*Van der Peet*, 1996, p. 508)

Reconciliation needs to be pursued in different forums through engagement with appropriate holders of Aboriginal and treaty rights; these are the people,

the elders, the men and women as guardians of their children. This should not to be confused with the federal *Indian Act* band structure, as the chiefs alone cannot resolve the issues of constitutional reconciliation. Respectful dialogues and consultations on guiding principles of reconciliation could identify common ground for (1) renewing relationships in a manner consistent with the constitutional purpose of the recognition and affirmation of Aboriginal rights to healing and treaty rights to health care in s. 35; (2) articulating clear, constitutionally based principles and objectives for explaining Aboriginal and treaty rights to education; and (3) generating positive environments for an engagement by the educational systems for recommended reconciliations.

The aim of constitutional reconciliation and the creation of a conceptual framework for the delivery of education to beneficiaries of Aboriginal and treaty rights is not to produce different explanations. It is to broaden the collective sense of intellectual possibility in Canada, inviting attention to the unspoken exclusions within a history of Eurocentrism in the education system.

As the Court noted in the *Haida Nation* decision (2004), constitutional reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from guaranteed constitutional rights to education that affects federal, provincial, and territorial legislations. Reconciliation of the rights in this new conceptual framework offers the key to establishing a framework for living together, and an innovative paradigm in education in Canada. The courts may clarify rights, but the courts cannot build relationships; people do — by working together on the basis of mutual respect and trust.

The concept of reconciliation is a key theme for renewing relationships with Aboriginal peoples within the Canadian federation. It articulates the relationship principles of mutual recognition, mutual respect, mutual benefit (sharing), and mutual responsibility as the basis for renewing relationships with Aboriginal peoples. These relationship principles have been endorsed by most Aboriginal peoples and have become central for much of the academic and public-policy dialogue on Aboriginal and treaty rights. The RCAP (1996) initially articulated that reconciliation is an ongoing process of establishing and maintaining a framework for living together. It involves the commitment to recognizing Aboriginal and treaty rights and the preservation of the knowledge and language distinctiveness of Aboriginal people within Canada. These interconnected concepts offer a potential organizing framework for the reconciliation of the right of Aboriginal peoples to education and one that every institution must accept as a basic start to their approach to Aboriginal education.

Given the vastly different circumstances of Aboriginal peoples throughout Canada, it is recognized that reconciliation may take different forms — a "one-size-fits-all" approach is not practical for addressing the different holders of Aboriginal and treaty rights in different parts of the country. Perhaps for this

reason, many First Nations do not endorse a First Nations Education Act, as it could not cover all the possible variations of situations existing across Canada, yet the *Mi'kmaq Education Act* has illustrated that when stakeholders dialogue and collaborate for specific populations and conditions, they can achieve a standard from which to work. Overlapping constitutional powers, rights, and claims are also important variances that must be negotiated in creating new jurisdictions for Aboriginal education. Conceptual frameworks, policy renewal, and research ethics will need to be pursued in different forums through engagement with appropriate beneficiaries of Aboriginal and treaty rights and the federal, provincial, and territorial governments.

Establishing Transformative Principles in UN Law

The principles elaborated by the United Nations (UN) sub-commission have been incorporated in the International Labour Organization Convention 169, *Concerning Indigenous and Tribal Peoples in Independent Countries* (1989) and in the *UN Declaration on the Rights of Indigenous Peoples* (2007).

1. International Labour Organization Convention 169, Concerning Indigenous and Tribal Peoples in Independent Countries (1989)

The ILO Convention has not been ratified by Canada, but it is part of international law. The Indigenous peoples at the Indigenous Summit of the Americas (2001) reaffirmed this convention in articles 24–25. Article 7 of the ILO convention provides:

> (1) The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development that may affect them directly.
>
> (2) The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit.

Part VI, Education and Means of Communication, in the ILO convention article 26 provides:

> Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27 of the ILO convention provides:

> (1) Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations. They shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development, which may affect them directly.
>
> (2) The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.
>
> (3) In addition, governments shall recognize the right of these peoples to establish their own educational institutions and facilities, if such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28 of the convention asserts:

> (1) Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own Indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
>
> (2) Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
>
> (3) Measures shall be taken to preserve and promote the development and practice of the Indigenous languages of the peoples concerned.

Article 29 of the ILO Convention provides:

> The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 30 provides:

> (1) Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.
>
> (2) If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

Article 31 provides:

> Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

2. *UN Declaration on the Rights of Indigenous Peoples* (2007)

The *UN Declaration on the Rights of Indigenous Peoples* (2007), affirmed by nation states that Indigenous people have the right to establish and control their institutions, and educational systems, and provide education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. The General Assembly declaration affirms fundamental principles of equality:

> that Indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such, . . . that all peoples contribute to the divers-

> ity and richness of civilizations and cultures, which constitute the common heritage of humankind, . . . that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

They recognized:

> 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, . . . that respect for Indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment, . . . in particular, the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child. . . .

The Declaration proclaimed as the minimum rights of Indigenous peoples in United Nations law (art. 43):

> Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law (art.1).

All the rights and freedoms recognized in the Declaration are equally guaranteed to male and female Indigenous individuals (art. 44).

The General Assembly proclaimed the right to self-determination equal to other people (art. 3). As part of their right to self-determination, in article 14, it declared:

> 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.

Article 5 proclaims "that Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State." Indigenous peoples have the right "not to be subjected to forced assimilation or destruction of their culture" (art. 8(1)).

Indigenous peoples, in article 11, have the right

> to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

In article 12, Indigenous peoples have the right

> to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

In article 13, Indigenous peoples have the right

> to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 15 affirms that Indigenous peoples "have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information." They also have

the right to "establish their own media in their own languages and to have access to all forms of non-Indigenous media without discrimination" (art. 16) They have the "right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions" (art. 18).

Moreover, article 31 proclaims:

> Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Nations and educational systems must respect and draw upon the broad principles for decolonization that have been outlined in the International Labour Organization's Convention 169, the Indigenous peoples' polycultural *UN Declaration on the Rights of Indigenous Peoples*, and the *Guidelines for the Protection of Indigenous Heritages* (Weissner & Battiste, 2000), which outlined to the United Nations Human Rights Commission standards for establishing a fair and minimum definition of fair and just education practices.

In the scientific arena, Indigenous scholars and advocates have stimulated an interest in the contribution of Indigenous knowledge to a better understanding of sustainable development. The UN Conference on Environment and Development, the Canadian International Institute for Sustainable Development (CIISD) and the Canadian International Development Agency (CIDA) have all entered this dialogue (Clarkson, Morrissette, & Regallet, 1992). Knowledge of the environment is being lost in communities around the world, and there is an urgent need to conserve this knowledge to help develop mechanisms to protect the earth's biological diversity, among other benefits. The *UN Convention on Biological Diversity* (1992) recognizes the importance of Indigenous knowledge to the conservation and sustainable use of biological diversity, acknowledges the contributions of Indigenous knowledge as innovative approaches to environmental studies, and recognizes the validity of Indigenous science. It also recognizes the value of Indigenous knowledge, innovations, and practices to scientific knowledge, conservation studies, and sustainable development. In 1999, the World Conference on Science, assembled under the aegis of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Council for Science (ICSU), in the *Declaration on Science and the Use of Scientific Knowledge: Science for the Twenty-First Century*, urged governments to promote understanding of Indigenous knowledge systems. The Declaration urged scientists to respect, sustain, and enhance traditional knowledge systems and recommended that scientific and traditional knowledge should be integrated into interdisciplinary projects dealing with links between culture, environment, and development (paras. 32, 83–87).

The UN *Declaration on the Rights of Indigenous Peoples* (2007) has affirmed these rights to sustainable development. Article 23 proclaims:

> Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

The Declaration affirms that Indigenous peoples' right to development includes the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources (art. 32). Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources (art. 27). They have a right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas, and other resources, and to uphold their responsibilities to future generations in this regard (art. 25). These rights include "their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals" (art. 24).

Moreover, Indigenous peoples have the right to the recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements concluded with states or their successors and to have states honour and respect such treaties, agreements, and other constructive arrangements (art. 37).

Section II of the UN Report of the Expert Mechanism on the Rights of Indigenous Peoples, called *Study on Lesson Learned and Challenges to Achieve the Implementation of the Right of Indigenous Peoples to Education* (2009), affirms the overarching goal of Indigenous education:

> Education of Indigenous children contributes to both individual and community development, as well as to participation in society in its broadest sense. Education enables Indigenous children to exercise and enjoy economic, social and cultural rights, and strengthens their ability to exercise civil rights in order to influence political policy and processes for improved protection of human rights. The implementation of Indigenous people's right to education is an essential means of achieving individual empowerment and self-determination. Education is also a means for the enjoyment, maintenance and respect of Indigenous cultures, languages, traditions, and traditional knowledge (para. 6, p. 4).

The Report recognized the necessity of having legal provisions for learning centres to recognize education that is reflective of Indigenous knowledges and traditional ways of teaching and learning. It said in section IV at para. 56, p. 13):

> Examples of important existing education legislations include those recognizing the integration of Indigenous perspectives and languages into mainstream education, culturally appropriate curricula, mother tongue based bilingual and multilingual education, intercultural education and the effective participation of Indigenous peoples in designing education programmes. Policies of complementary education for Indigenous peoples permit the implementation of intercultural education in schools and colleges with the aim of moving towards multiculturalism and the recognition of the diversity of peoples.

It also stressed that financial support for infrastructure and programming is necessary to implement these initiatives:

> Allocating targeted financial resources for the development of materials, testing proposed culturally appropriate curricula, teaching Indigenous languages, providing support for training and incentives for teachers in rural schools and developing education programmes in cooperation with Indigenous peoples are also effective initiatives. An equally important consideration for communities located in isolated and sparsely populated areas is that the allocation of funding for infrastructure should not be made based on a school to population ratio (para. 60, p. 14).

Many opportunities exist to push this education agenda in international forums. In 2013, the International Experts Group Meeting to examine Indigenous youth under articles 14, 17, 21, and 25 of the *Declaration on the Rights of Indigenous Peoples* and the Twelfth session of the Permanent Forum on Indigenous People will be following up on the recommendation on education of Indigenous youth. In 2014, a world conference on Indigenous Peoples is being planned by a 2012 resolution of the UN General Assembly (A/66'L. 61) in order to share perspectives and best practices on the realization of the rights of Indigenous peoples, including pursuing the objectives of the *Declaration on the Rights of Indigenous Peoples.*

Canada has participated in, ratified, and affirmed most of the international obligations (Henderson, 2007). However, Canada's educational institutions have largely ignored, and continue to ignore, Indigenous knowledge and pedagogy. In the educational crisis that has been articulated over the past thirty years, First Nations peoples have drawn attention to the value and importance of Indigenous knowledge in their Aboriginal and treaty right to education. The failures of the past have exposed the shortcomings of the Eurocentric monologue that has structured modern educational theory and practice. In forcing assimilation and acculturation to Eurocentric knowledge, modern governments and educational systems have displaced Indigenous knowledge. It is clear, however, that the exclusive use of Eurocentric knowledge in education has failed First Nations children (Schissel & Wotherspoon, 2003). Indigenous knowledge is now seen as an educational remedy that will empower Aboriginal students if applications of their Indigenous knowledge, heritage, and languages are integrated into the Canadian educational system.

Mi'kmaw Reform of Education

1. Mi'kmawey School: Bilingual Education

The first bilingual education school in Mi'kmaw territory was the Mi'kmawey School in Chapel Island, now renamed to its original name, Potlotek. Situated along the southwest shore of Bras d'Or Lake, 15 kilometres from the village of St. Peters in Cape Breton, Nova Scotia, Potlotek is the historical and cultural centre of Mi'kma'ki, being the traditional gathering place for Mi'kmaq. Here the spiritual, social, and cultural ties of the larger Mi'kmaw community are renewed each year. Though one of the smallest of Mi'kmaw reserves, the community has long held the responsibility for guarding the homeland and the cultural rituals surrounding Chapel Island where the Grand Council meets twice a year.

While crises are troubling for communities, sometimes they lead to something unique and beneficial. For Potlotek, a crisis over provincial education led to the development of a band-operated school in the community. The crisis that created Mi'kmawey School was a common experience that many communities were facing in the days before the policy of Indian control of Indian education. The federal government had already given over Mi'kmaw children

to the nearby non-Mi'kmaw community of Johnstown, helping them to construct their school with monies from Indian Affairs so that they might educate the children in Potlotek as well. However, the provincial school's indifference to what the children brought with them in their language and culture and the nature of educational policies rooted in assimilation and paternalism were troubling. Mi'kmaw children's educational needs and the subsequent failures within the different public schools had simmered for decades despite the objections of family members and band leadership.

The Department of Indian Affairs had subjected the Mi'kmaq in Potlotek to different regimes of education, federal day schools, policies aimed at assimilation, individualization of prosperity, removal of children to residential schools and later to provincial schools, all without consultation with any of the leadership or parents. None of the parents were allowed to serve on the school board, because reserve students lived outside the provincial boundaries, and they had no power to redress the needs of their children. These grievances led to the momentum for a band-controlled school, which came in three portable trailers delivered after parents refused to send their children to the provincial school, and after much wrangling with Indian Affairs.

My entrance to this school came shortly after its beginning, when I was asked to return to my community to initiate an education based on the very foundations of my training and scholarship in bilingual, bicultural education gained at Stanford University. In 1984, after completing my doctorate, I took a position as education director and principal of the school. The first aim was to stop parental resignation and provide a community-based model of education that recognized the students' language and learning, including building upon what the elders and parents desired beyond the provincial curriculum. The students' experiences in the public school had been damaging to their identities, self-concept, and self-esteem. So re-establishing the foundations of Mi'kmaw language, knowledge, and trust in what education could do was important and was reflected in the philosophy of the school. "*Ni'n ankamsi, nanasi, kejitu'telita'si, kesalsi, welite'lsi, kejitu kelusi mimajuinui kwlaman nikma'j kisi ankmak, kisi nena'q, kisi jiksitaq, kisi ksalk, kisi wlite'tmk, kejik kelu'sit mimajuinuit.*" This translates to "I look at myself, I know myself, I know what I am thinking, I love myself, I think well of myself, and I know I am a good person, so that I can look at my friend, I could know my friend, I could listen to my friend, I could love my friend, I could think well of my friend, and I know he is a good person" (Battiste, 1987). This philosophy supported the awareness and appreciation of one's self in the context of one's culture and capacities. Since racism seemed to separate students in the provincial school, our approach aimed to build strongly on repairing the damage that had been done and reconcile relations among youth with other communities outside the reserve and with

whom they would have to continue schooling in the near future, as the school went only through grade 6. In addition, we needed to help students to become independent learners, able to operate in biased and unresponsive systems so that they could find information, investigate effectively and efficiently, summarize and find pertinent facts to support their problem solving, and apply results to their own situation. They were expected to develop these important skills before they left their grade six. Eight basic independent learning skills were prioritized: reading, writing, research, planning, problem solving, self-discipline, self-evaluation, and orality. Students' practice in highly structured processes to less structure and freedom were ways to help them develop confidence in the assigned projects. With small classes, each student had enough structure, but security in freedom as well.

The school became the hub of community activity that drew on the rich historical and cultural education embedded in the community, the oral tradition of the elders, and their deeply spiritual connections. The teachers spent many hours after school developing their own materials and resources, and we enthusiastically embraced community members who visited and helped in many cultural projects, making the school a thriving learning experience for children and adults. A monthly newsletter called *Kluswaqn* reported on the activities of the school, the visitors and contributions from the community and language learning for parents to support their children, and helped parents with some of the Mi'kmaw language learning that their own children were learning. Everyone in the school assumed diverse responsibilities, from being teacher, counsellor, friend, curriculum developer, home school liaison, and storyteller, as the lines were blurred as to who was an administrator, public relations officer, teacher, or resource person.

Mi'kmawey School at Potlotek demonstrated that Mi'kmaw cultural and language education could effectively prepare students for basic English skills without sacrificing self-concept, causing cultural disintegration, or diminishing their cultural heritage and language. This school that emerged from one crisis has remained a cornerstone of the community of Potlotek. It has grown and prospered over time, gaining legitimacy through its innovations and public relations to become a catalyst role model for other Mi'kmaw communities in the Maritimes. The school's use of Mi'kmaw literacy to retain the heritage of the people through tribal epistemological foundations has been significant. Its innovative teaching methods and its inclusive holistic approach toward Mi'kmaw heritage and language, and its development of independent learners, have been critical to its success. Mi'kmawey School has since grown in numbers and size as well as moved into a new building in the community. It has also joined the *Mi'kmaw Kina'matnewey* to become one of the nine original communities that partnered in the *First Nations Education Act* in Canada

(Canada, 1998). There are currently eleven partnered Mi'kmaw communities. This was a first in Canada.

2. Mi'kmaw Kina'matnewey

The *Mi'kmaw Kina'matnewey* agreement in Nova Scotia is a notable innovation and historical first in First Nations education. It is an agreement among federal and provincial governments and eleven Mi'kmaw communities that recognizes the Mi'kmaw bands' right to self-governing education among the participating communities from pre-K through post-secondary and adult education. Nine, then later two more, Mi'kmaw communities joined together to assume jurisdiction over their community's education as well as implementation of their vision, drawing upon their own ways of knowing, their language and culture, and the wisdom of their elders. This initiative acknowledges the capacity of First Nations to generate an educational system that is comparable to provincial schooling, although comparability is not the limiting vision of likeness to the provinces' education but rather is being built on Mi'kmaw principles that make Indigenous knowledge accessible, transferable, and generative either by itself or within other knowledge systems or technologies. The agreement facilitates educational reform that meets Mi'kmaw capacities and goals. It enables Mi'kmaq to evaluate the old structures, to adopt sustainable new foundations, and to find alternate structures and time frames for learning that are tailored specifically to their own goals and requirements. Such an education requires communities to agree on how they can contribute their collective resources to a system of multi-tiered services comparable to provincial departments of education to assist with common needs across schools. Although the system is still evolving, its accomplishments have already been felt in Mi'kma'ki.

Education under Canada's Constitution resides with the provinces, except in the case of First Nations, whose treaties with the Crown were placed in the administration of the federal government and the Department of Indian Affairs to manage the fiduciary responsibility for "Indians and lands reserved for the Indians" as designated in the 1867 *British North America Act*. Hence, the agreement for *Mi'kmaw Kina'matnewey* (MK) was a trilateral negotiation with federal, provincial, and Mi'kmaw First Nations bands to enable Mi'kmaw peoples to create their own corporate body to be an instrument of their self-governing jurisdiction, and would enable graduates from the schools to be transferred easily to provincial schools. MK is the organization that implements the agreement with its board of overseers drawn from chiefs of the reserves of the participating communities. Through the work of ongoing collaborative, cooperative, and committed professionals in MK, the schools are demonstrating a positive impact in their communities in terms of their capacity to deliver a superior educational program, progress in growing the needed services for those schools and students and teachers, and successes among students in making transitions and graduating from both First Nations and provincial schools (SIDRU, 2004). MK may still have many issues left to resolve around developing parity of teachers' salaries with the provinces, creating language programming as variable to the communities as their real language situations, increasing funding for the schools according to their needs, and capital construction of schools; however, the commitment and progress made with all the communities, parents, and students has been national in scope and many First Nations are examining MK as a model for their communities.

3. Mi'kmaw Immersion

Among the most effective innovation in First Nations education has been the language immersion model that emerged from several models — the early work of Jim Cummins in Canada with French immersion programming, the successful Maori immersion language nests called Ko Hunga Reo, the Hawaiian immersion programs called the Puna Leo programs, and the Mohawk immersion program in Kahn awake under the direction of Dorothy Lazore. Immersion programming was developed in Canada primarily for English-speaking families seeking to have their children learn French, the other official language of Canada. It was built on a model of immersion language learning theory, a natural language method, second language teaching models, trained second language teachers, materials and resources, and supportive parents and administration, all of which would act as supporting mechanisms for the language learner. These supports then mark the difference between immersion and submersion programming, if the latter can be called a program at all.

Submersion learning of English is a process First Nations, Métis, and Inuit students have endured over the years in residential and public schools where they have been thrust into an English-only environment, without supports to scaffold their learning of English. In English-only situations, they are marginalized and silenced, held captive and not allowed to use the only communicative tool they know. The most significant differences of a submersion language context from an immersion language context is that:

- First Nations, Métis, and Inuit parents generally have little opportunity for input into the curriculum and even less for any decision affecting school policy.

- First Nations, Métis, and Inuit parents do not ask for English-only instruction; it is imposed.
- Few First Nations, Métis, and Inuit or bilingual language instruction classes are available as options to the English program.
- In contrast to immersion, English-only programming was never regarded as an experiment to be monitored, assessed, and evaluated prior to policies being made. Rather, English-only programs were strategies intended for assimilating the First Nations, Métis, and Inuit children.
- Aboriginal languages have been viewed historically as impediments to the school progress of First Nations and Métis children and treated as liabilities rather than assets (Heit & Blair, 1993, p. 109). This has come to be known as subtractive bilingualism, when a child has two languages and educational programming that focuses on only one will have the effect of removing the other. Aboriginal language programming has been sporadic in Canada, with First Nations schools being the primary supports for language retention or restoration, yet they are attempting to correct the past neglect and assimilation with schooling mandated with provincial curricula and minimal resources for language programming.
- Probably most important to Aboriginal learning contexts is the school's capacity to reflect Aboriginal epistemologies, cultural practices, and socio-historical contexts in real learning experiences, drawing on community and elder teachings within the pedagogy of the schools, including spiritual teachings, ceremonies, and physical activities associated with Indigenous knowledges.

Research and studies on immersion programming have grown over the years and are considered to be the most successful for improving second language acquisition, reading in two languages, and first language retention. This is especially true in the first years of schooling as students immersed in Aboriginal immersion schools from K to grade 3 have a higher chance of becoming fluent in both the Aboriginal language and English. Immersion specialists believe that 600 to 700 hours of immersion is needed for students to become fluent and to be able to pass the language on to future generations (Johansen, 2004).

Two Mi'kmaw teachers have documented the effects of students who start their early years in Mi'kmaw immersion class, thus documenting one of the best demonstrations of success in Aboriginal language immersion programming. Sherise Paul-Gould and Starr Sock are Mi'kmaw immersion language teachers at Eskasoni Elementary School who have researched both qualitatively and quantitatively the processes and outcomes of the immersion program in their master's theses at St. Francis Xavier University. Interviews with the administrators, parents, teachers, and students participating in the immersion program, and analyses of the test scores of students reading in English after leaving the program, provide ample research evidence that immersion programming has positive effects on students' identities, their attitudes toward schooling, their achievement in English language programming after leaving Mi'kmaw immersion, and most importantly, their own fluency in the Mi'kmaw language (Paul-Gould, 2012; Sock, 2012).

Eskasoni Elementary and Junior High School has had band control since 1981, and Mi'kmaw language instruction since 1986. However, it was not until 1997, with the support of *Mi'kmaw Kina'matnewey*, that the school adopted full immersion programming for students in kindergarten, subsequently adding another grade each year following these children through grade 3. Learning to read has always been a concern of parents, although it has been a concern of many parents that their children were not learning to read at the same pace as non-immersion students. Many parents even thought that teaching them first in Mi'kmaq might have negative effects on their learning to read in English. Yet the study of students who graduated from the first immersion program reveals what researchers have been consistently saying. You only learn to read once.

Learning to read in Mi'kmaq has demonstrated many benefits to students as they move into the English language program. Many teachers of students from immersion classes revealed that these students were reading better, writing longer, were critical thinkers, and able to support their own statements in writing. Research in immersion programming has shown that benefits last several years after leaving the last grade of the immersion programming, especially in areas of English reading levels and with teachers noting their academic abilities across subject areas (Paul-Gould, 2012; Sock, 2012). Beyond the benefits to students' academically, immersion programming has also shown to have benefits to the community, to parents, strengthening relations with elders and their Indigenous knowledges, as well as building capacity in Indigenous language instruction and curriculum development (Paul-Gould, Sock, Murray-Orr, & Tompkins, 2013). With results such as these, one wonders why English-language programming for students who still have their Indigenous languages used in the community would be used at all as the only language of instruction. Decolonizing the minds and hearts of administrators, teachers, as well as parents is a continuing challenge.

At present, Indigenous peoples from all nations, across Canada and beyond, are attempting in their many innovations, resistance, and commitment to self-determination to correct the colonial education processes from the past, born from a colonial notion of the superiority of English over other languages and knowledges. Domination, assimilation, marginalization, and hegemony are

the norms, which are far from being banished in contemporary education and society. The context, for Aboriginal people in Canada, is laden with third world poverty, isolation, unemployment, powerlessness, cultural imperialism, and racism (both individual and systemic) as evidenced by run-down schools, inequities in funding, assimilation to English language and Eurocentrism that is now normalized in all schools. The emerging successful efforts of First Nations, Métis, and Inuit peoples in Canada to reclaim their own schools, languages, and knowledges in diverse learning styles and practices are driving a new agenda for transformative education that still has its challenges in resource inequities. To understand these requires one to understand the role of racism and Eurocentrism in Canadian education, past and present. The recognition and intellectual activation of Indigenous knowledge today is an act of remediation, a recognition of the rights of Indigenous peoples, and a renaissance among Indigenous scholars, social activists, and their allies. Their struggles represent a regeneration of the dignity and cultural integrity of Indigenous peoples, where success has been found in affirming and activating the holistic systems of Indigenous knowledge, engaging Elders, communities, and committed individuals. These practices reveal the utility, wealth, and richness of Indigenous languages, world views, teachings, and experiences to animate educational achievement. Once again in the struggle, Aboriginal languages are the most significant factor in the restoration, regeneration, and survival of Indigenous knowledge, and yet they are the most endangered.

The Blessed New Stories

With the realization of the necessity of constitutional reconciliation and transformative principles in the various UN conventions and declarations, and the emerging awareness of the demographic challenges of growing populations of Aboriginal peoples in Canada, some educational systems and universities across Canada have made Aboriginal education a new mission or a priority. One collaborative effort worth mentioning is the Canadian Association of Deans of Education that in 2010 developed an Accord on Indigenous Education. This Accord establishes an agreed upon mission for all deans of education across Canada and outlines the importance, urgency, roles, and responsibilities of the Colleges of Education in Canada to develop and pursue mechanisms and structures for improving Aboriginal achievement through the structures and mechanisms of education. Grounded in beliefs of social justice, collaborative and consultative principles with Indigenous peoples, multiple partnerships within communities and beyond, and the recognition of the value of Indigenous knowledge, the Accord urges transformative action in all areas of their responsibilities in delivering teacher education.

Many universities are now prioritizing Aboriginal education in many forms of engagement with communities and focus on Aboriginal students, although what this means has been a focus more on recruitment and retention of Indigenous students. What is significant in the Deans' Accord is the clear recognition and acknowledgement of the development of Indigenous knowledge. While the College of Education at the University of Saskatchewan has prioritized Aboriginal education in course content, student recruitment, and retention, research, and hiring Aboriginal faculty, they have also developed integrative programs that include Indigenous knowledges and methodologies.

Recognizing the interpretative monopoly that Eurocentric thought reserves for itself is the key to understanding the new transdisciplinary quest to balance European and Indigenous ways of knowing. This academic effort seeks to identify relations between the two generalized perspectives of Eurocentric modernism (and postmodernism), and Indigenous knowledge (and postcolonialism). The contradictions, gaps, and inconsistencies between the two knowledge systems suggest that the next step needed in the quest is a deeper understanding of Indigenous knowledge and how it is unique and not just different. To date, Eurocentric scholars have taken three main approaches to understanding Indigenous knowledge. First, they have tried to reduce it to categories such as art, religious practices, culture, or traditional ecological knowledge. Second, they have tried to reduce it to its quantifiably observable empirical elements, such as farming or hunting practices. And third, they have assumed that Indigenous knowledge has no validity, as it cannot be verified by scientific criteria. None of these approaches and issues, however, adequately explains the holistic nature of Indigenous knowledge, its fundamental importance to Aboriginal people, or its potential for new knowledge in the interface between the two knowledge systems.

Indigenous knowledge is inherently tied to the people's mutual relationship with their place and with each other over time, and through the common experiences of colonialism with an imperial might, whether arising from European explorations or subsequent colonial governments. Maori scholar Mason Durie notes that there are three most distinguishing features of Indigenous knowledge: "it is a product of a dynamic system, it is an integral part of the physical and social environment of communities, and it is a collective good" (2004, p. 5).

Indigenous knowledge is best protected by continuous usage within Aboriginal languages and traditions protected by Aboriginal treaty rights in s. 35 and the constitutional supremacy clause in s. 52 of the *Constitution Act, 1982*. Both provide constitutional grounds for Indigenous peoples to contest any abridgement of their rights.

Canadian common law does not offer any support or protection of Indigenous knowledge, as it protects individual or corporate knowledge under Canadian copyrights, trademarks, and patents as defined as intellectual or cultural property laws. These laws distinguish sharply between artistic works (with copyright and "neighbouring rights" to artistic performances), commercially valuable symbols (with trademarks), and useful scientific knowledge (with patents). For example, a patent, a trademark, or a copyright cannot adequately protect a ceremony that uses striking sacred-society symbolism to communicate empirical knowledge of medicinal plants. The medical knowledge may be patented, but the patent will expire in a matter of years. The text and music for a ceremony can be recorded (or "fixed") and copyrighted, but only the recorded version will be protected and only for the lifetimes of the performers plus fifty years. The symbols can be protected as trademarks forever, but their significance will be diminished when they are taken out of context. Modern law as defined by copyrights, patents, and trademarks thus does not protect the collective nature of Indigenous knowledges, as these are not acquired by individuals as their own creativity or imagination, nor can they be collectivized under a corporate theme.

Indigenous knowledge embodies webs of relationships within specific ecological contexts; contains linguistic categories, rules, and relationships unique to each knowledge system; has localized content and meaning; has established customs with respect to acquiring and sharing of knowledge (not all Aboriginal peoples equally recognize their responsibilities); and implies responsibilities for possessing various kinds of knowledge. In the context of the current education transformation, the dissemination of Indigenous knowledge should be targeted toward current First Nations students and to the next generation, ensuring that the study and development of Indigenous knowledge and the skills of their ancestors are valued and available in all institutions for learning and in the disciplinary areas of the sciences and the humanities. Young students must feel that it is rewarding to pursue careers based on the traditional knowledge of their forebears, and not just the kinds of knowledges that are developed outside their realm.

That said, however, all peoples have knowledge, but the group that controls the meanings and diffusion of knowledge exercises power and privilege over other groups. Those with control then link the diffusion of knowledge with economics, ensuring that some kinds of knowledge are diffused with rewards and other kinds of knowledge are not. For this reason, public schools are not politically neutral sites. Using sanctions, grants, and awards, governments tie knowledge to their own interests, using vague notions of "standards" and "public good" to control what counts as knowledge, how this knowledge is diffused, and who benefits from it. In all cases, those holding political power control knowledge, and have the power to exclude knowledge from curricula as it is regarded as being too local, particularistic, or unverifiable to be considered beside what is carried in schools and universities. Only recently have some ethno-botanists and some pharmaceutical companies begun to see the potential and value in buying or appropriating Indigenous knowledges, experimenting and patenting the results that were asserted by Indigenous peoples, and selling them back to them and others in the form of essences, medicines, and herbal remedies. This commodification of Indigenous knowledge occurs where knowledge, power, and economics intersect, which takes me to my next theme: the political voices and visions of Indigenous peoples.

A modern form of discrimination comes under the guise of state theories of cultural, rather than biological superiority, and results in rejection of the legitimacy or viability of Indigenous peoples' own values and institutions. Often, theories of both cultural and biological superiority are involved and interconnected in responses to Indigenous peoples; cultural racism is alive and well in the areas of intellectual and cultural property rights.

Discrimination is defined both internationally and nationally as any unfair treatment of, or denial of normal privileges to, persons because of their race, age, sex, nationality, or religion. When discrimination is effected through the machinery of the state, it can have mild to devastating impacts, ranging from students experiencing irrelevant or meaningless education, their leaving educational systems early, to deep psychological scars and eventually to racial and cultural genocide. For victims of discrimination, it matters little whether the damage is inflicted by invidious state action or by the less obvious application of facile neutral rules. The impacts are the same. Not only should nations not practice discrimination themselves, they must also identify ways in which they will protect their citizens from discrimination on both local and national levels.

The maintenance and protection of Indigenous knowledge should not be viewed solely as a benefit for Indigenous peoples, although access to their Indigenous world with its values and resources can deeply enhance their health, well-being, and ongoing livelihoods. These should be available to all peoples, regardless of affiliations and ethnicities. The potential benefit of Indigenous knowledge for all societies, however, is to draw on the vitality of Indigenous knowledge and its dynamic capacities to solve contemporary problems as well. Both scientists and Indigenous scholars who often reject each other's knowledge assumptions have contested the intersection of these diverse knowledge systems, methods, or conclusions based on the different contexts of parent knowledge systems. As Indigenous scholars enter the realm of university scholarship, they are both contesting the foundations of scientific objectivity as the sole methods for understanding the world they live in, as well as offering ways

that Indigenous knowledges can be understood within different ontologies and epistemologies that embrace spiritual forces or phenomena. The Maori have been leading this work, particularly in the area of defining the terms for how Indigenous knowledge might prevail in modern times (Smith, 1999/2012; Durie, 2004). Some scientists are already beginning to understand the connections between the two knowledge systems, and are considering how their research might intersect with Indigenous peoples' ways of knowing. This does present the problem that has been cautioned by Indigenous peoples and scholars — that this new awareness and the need for further research on Indigenous knowledge should not be seen as the super highway for appropriation and misuse. There are many complexities involved in blending overlapping knowledge systems as Willie Ermine (2007) and Martin Nakata (2007) have raised. To start the process of investigating Indigenous knowledge requires respect, collaboration, and dialogue between Indigenous and non-Indigenous peoples as points of negotiation for how and what can be brought together. The Deans' Indigenous Accord (2010) and UN Principles and Guidelines for the Protection of Indigenous Knowledge (Weissner & Battiste, 2000) speak to these.

Both nationally and internationally, Indigenous knowledge is being revealed as an extensive and valuable knowledge system. Scientists, ecologists, and social justice activists are coming to understand the consequences to the world when Indigenous peoples, their languages and their knowledge are denigrated, dismissed or denied resources to retain them. Our ecology and environment, as many have come to know, are directly related to the people who either cultivate it for good or extract it for goods. It must be emphasized that the world's Indigenous peoples have been, and still are, cultivating 80 per cent of the world's natural biodiversity, and this is taking place within the cultural cultivation of their Indigenous knowledge. It is this inherent affinity between land and peoples that David Harmon (2002) is referencing as the linkages between biological and cultural diversity. All the world is at stake when contemporary reform toward uniformity, conformity, normativity, international connectivity and travel, consumerism, and globalization lead to the past and present losses to Indigenous languages, erosion of Indigenous cultures, and losses to the land bases on which Indigenous peoples cultivate their knowledges. Harmon aptly writes: "The essential nature of diversity combined with a looming threshold of irreversible diminishment justify the label 'crisis'"(p. 161). The list is long for the totality of losses that the world is currently undergoing. This has led to some groups around the world staking a claim for what is important to their activism. Indigenous peoples, the ecology, and social justice are three key themes that Paul Hawken (2007) addresses in his book *Blessed Unrest: How the Largest Movement in the World Came into Being and Why No One Saw it Coming*. These themes address the main issues needing to be resolved in order for

us to manage the crisis that Harmon and others have raised about the losses of cultural, biological, and ecological diversity. The rate of decline among all cultures is large and growing, and at the current rate of decline, Hawken estimates that we can expect to witness half of our living cultural heritage disappearing in a single generation (2007, p. 94). He predicts, and I concur, that the world will suffer immeasurably with a loss of the "ethnosphere," which is the sum total of all the "aesthetic, intellectual wealth contained within the invisible folds of sound" (p. 94), leaving us as a people and a species, and Earth itself, deeply impoverished.

Thomas Berry (1998), author of *The Dream of the Earth*, suggests, "It's all a question of story. We are in trouble just now because we do not have a good story. We are in between stories. The old story, the account of how we fit into it, is no longer effective. Yet we have not learned the new story" (Berry, as cited in Suzuki 1997, p. 4). The recognition and intellectual activation of Indigenous knowledge today is an act of remediation, recognition of rights of Indigenous peoples and a renaissance among Indigenous scholars, social activists, and allies emerging in the past thirty years. The critical mass is felt in the many works of Indigenous scholars like Jo-Ann Archibald, Richard Atleo, Gregory Cajete, Willie Ermine, Laara Fitznor, Rainey Gaywish, Oscar Kawagley, Martin Nakata, Norman William Sheehan, Linda Smith, Graham Smith, Mason Durie, Tyson Yunkataporta, and many others on this continent and beyond.

The challenge continues for Indigenous scholars to restore and regenerate in younger generations the affirmation of the identities and cultural dignity of Indigenous peoples, where success has been found in affirming and activating the holistic systems of Indigenous knowledge, engaging elders, communities, and committed individuals and leaders. These practices reveal the utility, wealth, and richness of Indigenous languages, world views, teachings, and experiences to animate educational achievement. As Nuu-chahl-nuth scholar Richard Atleo (2004; 2011) reminds us, Indigenous knowledge is both theory and method. We learn from community narratives the theory of how to be and we process the theory in our actions with our doing as defined in our stories of how to be a good human. Once again in the struggle, language is the most significant factor in the restoration, regeneration, and survival of Indigenous knowledge.

To affect the needed reform, educators need to make a conscious decision to nurture Indigenous knowledge, its dignity, identity, and integrity by making a direct change in school philosophy, policy, pedagogy, and practice. They need to develop missions and purposes that carve out time and space, that affirm and connect with the wisdom and traditions of Indigenous knowledge, that are with the people themselves, their Elders and communities. They need to define what it means to teach in holistic ways and develop humanistic con-

nections to local and collective relationships. They need to make educational opportunities for students that nourish their learning spirits and build strong minds, bodies, and spirits. One Cree student shares this analogy: if you have one arrow, it can easily be broken. But put six arrows together and it is difficult for any of them to break. Aboriginal students need a critical mass of peers, allies, and supporters who will help them reach their own potential and create their own successes.

In those few exceptional universities that have acknowledged the Indigenous knowledge issue, the struggle becomes developing "trans-systemic" analyses and methods, of reaching beyond the two distinct systems of knowledge to create fair and just educational systems and experiences. This is part of the ultimate struggle, a regeneration of new relationships among and between knowledge systems, as scholars competent in both knowledge systems seek to unite and reconcile them. Only when these analyses and methods in thought and behaviour are made can we create truly "higher" educational systems that are a place of connectedness and caring, a place that honours the heritage, knowledge, and spirit of every Indigenous student and contributes to the building of trans-systemic knowledge for all students.

CHAPTER 5

Animating Ethical Trans-Systemic Education Systems

> Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
>
> Article 31, *UN Declaration on the Rights of Indigenous Peoples* (2007)

CANADIAN EDUCATIONAL INSTITUTIONS ARE POISED to make (hopefully major) changes within their institutions dealing with Aboriginal education, building on several catalytic moments, some mentioned already: 1) the *Declaration of the Rights of Indigenous Peoples*; 2) pressure on the ministry of Aboriginal Affairs and Northern Development to improve the educational gap of First Nations education in comparison with the Canadian average; 3) priority setting established among the provinces and territories that affects both public schooling and university education in advancing Aboriginal education as represented in the Council of Ministers of Education, Canada; and 4) the Accord on Indigenous Education of the Association of Canadian Deans of Education. Over the past 50 years, much research, writing, and intersecting traditions dealing with equality, human rights for minorities, cultural difference, educational equity, cultural diversity and inclusion, anti-racist, anti-homophobic, and anti-oppressive education have coloured or shaped the multiple directions schools and educational institutions have taken. Some of the successes of these directions have been shared in multiple forums — for example, Paul Martin's on-line Promising Practices in Aboriginal Education, and the