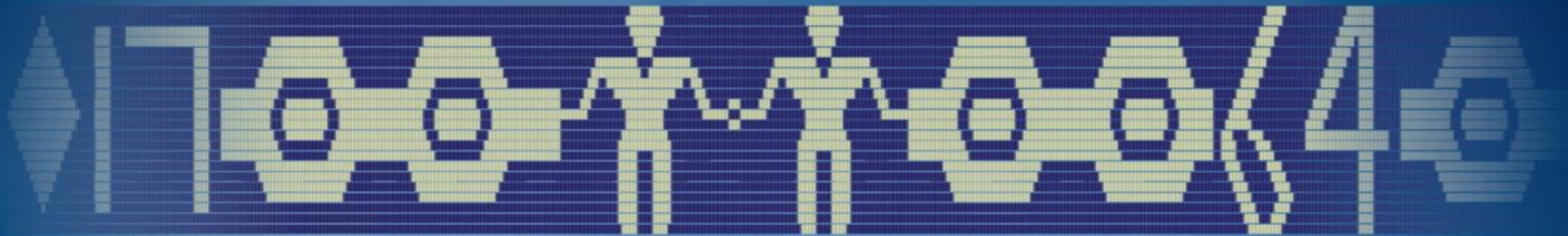


United Nations Declaration on the Rights of Indigenous Peoples Act

Engagement Sessions



August 10, 2022

Implementing *UNDRIP* and Migizii – Eagle Dodem
Education, Language and Culture
by Leanna Farr, Legal Counsel Anishinabek Nation

UNDRIP –Migizii (Eagle) Dodem



We have organized our *UNDRIP* sessions to be based on the Anishinaabe dodem system.



UNDRIP and Migizii (Eagle) Dodem



Migizii (Eagle) Dodem



- Responsibilities and roles as our spiritual leaders in our communities and help us to live Mino Bimaadziwin (a good life)
- Hold gifts of knowledge, higher learning and are responsible for passing on our oral histories, traditional stories, ceremonies and for providing guidance to our community leaders
- Migizii (eagle) feather is a considered to be a very sacred symbol of honor in Anishinaabe culture
 - often implemented within fans, headdresses and staffs for ceremonies and celebrations to seek guidance from Creator and spirit



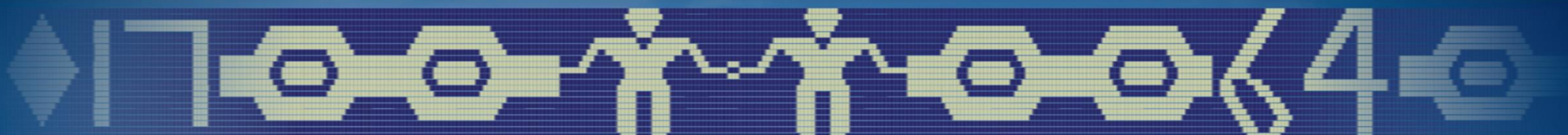


UNDRIP and Migizii (Eagle) Dodem

- Traditionally, we grew up from the time we were born learning ceremonies and teachings.

“When our children were born and welcomed into the world and our communities by ceremony. The first language our children heard was Anishinaabemowin and this was important. – Nokomis Elsie Bissaillion

- Education, culture and language are of great significance to our people. Foundations of our nations and the future of our people.
- Negatively impacted through many generations of forced imposition of colonial laws and governance systems such as the *Indian Act* and residential schools systems, forced removals from our lands, etc.



UNDRIP and Migizii (Eagle) Dodem



Education

Canada's residential school system for Aboriginal children was an education system in name only for much of its existence. These residential schools were created for the purpose of separating Aboriginal children from their families, in order to minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture—the culture of the legally dominant Euro-Christian Canadian society, led by Canada's first prime minister, Sir John A. Macdonald. The schools were in existence for well over 100 years, and many successive generations of children from the same communities and families endured the experience of them. That experience was hidden for most of Canada's history, until Survivors of the system were finally able to find the strength, courage, and support to bring their experiences to light in several thousand court cases that ultimately led to the largest class-action lawsuit in Canada's history. – The Truth and Reconciliation Commission of Canada



UNDRIP and Migizii (Eagle) Dodem



Education

- Canada has a long and disturbing history of education based laws and policies geared towards the assimilation of Indigenous peoples
 - Residential schools and day schools
 - Mainstream education systems
 - Systemic discrimination in funding and lack of recognition of inherent jurisdiction
- Movement towards change
 - *UNDRIP*
 - Truth and Reconciliation Commission and its Calls to Action
 - Anishinaabe example – Anishinabek Kinooamaadziwin Education Body (KEB)
 - Canada's implementation of *UNDRIP*



UNDRIP and Migizii (Eagle) Dodem



Anishinabek Education System (AES) and the Kinoomaadziwin Education Body (KEB)

- *Anishinabek First Nations worked for over twenty years to establish the Anishinabek Education System (AES) and the KEB – Prior to many other movements*
- *Canada to provide reliable funding to operate the stand-alone Anishinaabe lead education system parallel to its federal and provincial counterparts, and to Anishinabek First Nations to have full control over allocating education funding.*
- *23 First Nations participating and directing the KEB in its work*
- *KEBs Guiding Vision - There must always be Anishinaabe. We, the Anishinabek, must prepare our citizens for the quality of life based on the highest standards of Anishinaabe intellectual, holistic knowledge that supports the preservation and on-going development of the Anishinaabe*



UNDRIP and Migizii (Eagle) Dodem



Culture and Language

- Generations of colonial laws and policies which outlawed our abilities to practice our ceremonies and speak our languages ex. *Indian Act*
- Shame brought to our ceremonies and languages through residential and day schools and society generally
- Drastic declines in the practice of ceremony and use of our languages
- Resilience!!! Our ceremonies and languages are still here!
- Revitalization!!! We are working very hard to revitalize our ceremonies and languages!
- Protection and maintenance of our ceremonies and languages is crucial to our integrity as distinct peoples



UNDRIP and Migizii (Eagle) Dodem



Culture and Language

Anishinabek Elders and Knowledge Keepers shared:

“...Anishinaabemowin (our language) is an utmost crucial aspect of our traditional laws and legal structures...Anishinaabemowin is a key traditional resource in our communities to teach us about our traditional laws. Each word in Anishinaabemowin has specific meanings, principles and teachings that often do not come out when translated to the English language. It is important to know Anishinaabemowin in order to learn the true meaning of our laws and customs.”

Anishinabek Nation. Revitalization of Anishinabek Legal Traditions – Regional Sessions
Final Report, 2018





UNDRIP and Migizii (Eagle) Dodem

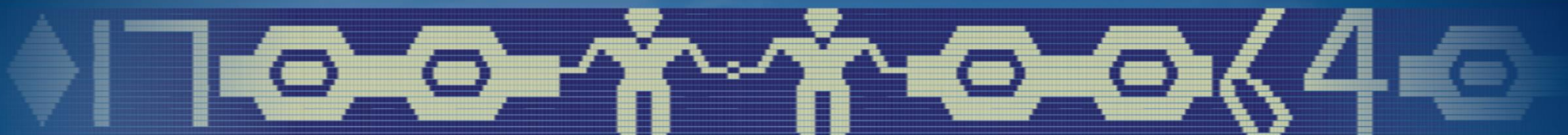
Culture and Language

- June 21, 2019, the federal *Indigenous Languages Act* received Royal Assent
- Preamble

“...the recognition and implementation of rights related to Indigenous languages are at the core of reconciliation with Indigenous peoples and are fundamental to shaping the country, particularly in light of the Truth and Reconciliation Commission of Canada’s Calls to Action.”

“Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples, which affirms rights related to Indigenous languages.”

- However, *the Act* falls short of provisions to protect rights, obligations of the State and enforcement mechanisms. Not similar to protections for English and French languages.



UNDRIP and Migizii (Eagle) Dodem



Movement Forward – Education, Culture and Language and UNDRIP

- Canada and some provinces have begun implementing *UNDRIP* into their own laws to ensure that Canada's domestic laws are interpreted consistently with the provisions of the Declaration.
- Canada is seeking Indigenous participation and comment towards development of its Action Plan for the implementation of *UNDRIP*
- Crucial for us to provide information to Canada on where we see protections needed in the areas of education, culture and language



UNDRIP Articles – Migizii (Eagle) Dodem



Article 5 – 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.

Article 7. 2 - Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8 – 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;...



UNDRIP Articles – Migizii (Eagle) Dodem



Article 11- 1. Indigenous peoples 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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12 – 1. 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. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.



UNDRIP Articles – Migizii (Eagle) Dodem



Article 13 – 1. 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 14 – 1. Indigenous peoples have the right to establish and control their own educational systems and institutions providing education in their own languages, in 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.



UNDRIP Articles – Migizii (Eagle) Dodem



Article 15 – 1. 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.

Article 16 – 1. Indigenous peoples 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. 2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 24 – 1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.



UNDRIP Articles – Migizii (Eagle) Dodem



Article 25 – Indigenous peoples have the 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 to uphold their responsibilities to future generations in this regard.

Article 31 – 1. Indigenous peoples have the right to maintain control, protect and develop their cultural heritage, traditional knowledge and their 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. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.



UNDRIP Articles – Migizii (Eagle) Dodem



Article 36 – 1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

Article 34 – Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, judicial systems or customs, in accordance with international human rights standards.



Questions for Discussion



1. What education, culture and language protections do you see as priority and that should be included in Canada's federal *UNDRIP* Action Plan (ex. funding, other)?
2. What discrimination should be addressed in regards to education, culture and language matters (ex. funding, place names, rights to have federal laws interpreted into our various languages, etc.)?
3. What kind of legal recognition to Indigenous peoples' laws, traditions, ceremonies, customs and need?
4. What kind of processes would you like to see over the next 10 years to make federal legislative change regarding education, culture and language for Canadian federal laws to be reflective of *UNDRIP* and the *UNDRIP* Principles noted above.

