SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012, GATINEAU, QC

Resolution no. 43/2012

TITLE:	Manitoba Regional Position on Canada's First Nation Education Act
SUBJECT:	First Nations Education
MOVED BY:	Chief Glenn Hudson, Peguis First Nation, MB
SECONDED BY:	Chief Michael Yellowback, Manto Sipi Cree Nation, MB
DECISION:	Carried; 1 abstension

WHEREAS:

A. First Nations in Manitoba have an inherent Aboriginal and Treaty right to education as recognized and affirmed by section 35 of the *Constitution Act, 1982.*

B. Canada has no legal authority to legislate the Treaty right to Education.

C. The *United Nation Declaration on the Rights of Indigenous Peoples* ("UNDRIP") states at Article 14: "Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning", and at Article 19: "States shall consult and cooperate in good faith in with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them".

D. In 1971, the Chiefs of Manitoba made various recommendations on Education through *Wahbung – Our Tomorrows* that included a call upon the federal government to make a clear declaration of responsibility for education as a federal obligation to Indian people as set for in the Treaties that includes the providing the means for education: monies, facilities and resource personnel, and that local control of education involves parental participation.

E. In January 2012 a Crown-First Nations Gathering took place in Ottawa as a result Canada and the Assembly of First Nations agreed to work on a joint action plan that would lead to a collaborative effort to address First Nations elementary and secondary education on reserve.

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F. In October 2012, the Assembly of First Nations Chiefs in Assembly resolved to reject the development of a First Nations Education Act and demand that the federal government uphold the honour of the Crown and fulfill its obligations to First Nations by providing needs-based, sustainable education funding that supports First Nations lifelong learning.

G. On November 28, 2012 the Assembly of Manitoba Chiefs (AMC), the Manitoba Keewatinowi Okimakanak (MKO) and the Southern Chiefs' Organization (SCO) held an Assembly on Education and drafted a Unified Position rejecting Canada's First Nations Education Act at Long Plain First Nation, and the Chiefs in attendance at the AMC/MKO/SCO Assembly on Education support the development of a framework "First Nation Law on Education" and encourage each First Nation and/or Treaty area to pass their own education legislation that is based on Aboriginal and Treaty rights and on the language and customary law of their people.

H. At the November 28, 2012 AMC/MKO/SCO Assembly on Education the Chiefs in attendance demand for Canada to provide the necessary fiscal transfers to support First Nation educational systems which reflect and are consistent with First Nation Laws on Education.

I. Fiscal relations between First Nations and Canada continue to devolve from contribution agreements to conditional grants and agreements and so called "tax sharing mechanisms" based on policy including in the area of Education. While Canada wants to legislate First Nation Education, it has not had any discussions with First Nations on providing adequate funding to guarantee quality standards.

J. Canada's funding model for education has not changed since 1996 and as such does not take into consideration rising costs. A fiscal arrangement must be made between the First Nations and the Government of Canada – much like the equalization payments provided to the provinces – in order to ensure that First Nation governments have sufficient revenues to provide equitable, sustainable and predictable funding.

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

1. Direct the Assembly of First Nations and the National Chief to demand that Canada honour its legal obligation on the Treaty Right to Education that will recognize the First Nations distinct models, mechanisms, processes and approaches; and negotiate a fiscal arrangement similar to the equalization payments under the Constitution of Canada to ensure that First Nation governments have sufficient funding to provide equitable, sustainable and predictable funding for First Nation Jurisdictions and Law in Manitoba.

2. Direct the Assembly of First Nations and the National Chief to work with the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and the Southern Chiefs' Organization in order to support and assist Manitoba First Nations in the development of their own education laws.

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