AFN Special Chiefs Assembly
December 9-11, 2008 Ottawa, ON

Resolution no. 46/2008

SUBJECT:	OPTIONS FOR PROTECTING FIRST NATION EDUCATION
MOVED BY:	Ronald Soney, Proxy, Bkejwanong Territory (Walpole Island First Nation), ON
SECONDED BY:	Chief Abram Benedict, Proxy, Mohawk Council of Akwesasne, QC
DECISION:	Carried by consensus

WHEREAS

A. Education is a lifelong learning process that starts before birth and is critical to good health and building strong families and communities;

B. With support for the education of our youth, First Nations citizens could be much greater contributors to the productivity of Canada's economy;

C. Canada has signed the United Nations Convention on the Rights of the Child guaranteeing specific rights for children including the right to good quality education (Article 28) to help use and develop talents and abilities (Article 29) in one's own language and culture (Article 30);

D. Canada has apologized for the legacy of the residential school system, promising that the discrimination underlying that policy would be corrected;

E. The Band Operated Funding Formula used to determine funding levels and distribute funds for First Nations education discriminates against First Nation learners, by funding First Nations schools at a per student rate significantly lower than provincial schools;

F. A cap of 2% annual funding growth on First Nations education programs since 1996 has lagged behind both the rate of inflation and the First Nations population growth rate each year, impoverishing First Nations education programs to the point of crisis;

G. Due to ongoing underfunding of capital infrastructure for First Nations schools, First Nation communities across the country face health and safety risks in their schools, if in fact they have a school at all;

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H. The lack of funding affects First Nations' education outcomes on both a community and national scale, while Indian and Northern Affairs Canada (INAC) and the Government of Canada have failed to address this inequitable situation; and

I. On September 15, 2008, in Charlottetown, Prince Edward Island, the AFN Executive unanimously passed a motion instructing the AFN Education Secretariat to gather and prepare options for consideration towards a legal and/or human rights claim against the Government of Canada for inequities in First Nations education.

THEREFORE BE IT RESOLVED that:

1. If the Government of Canada fails to address the foregoing concerns regarding education in the federal budget of 2009-10, the Chiefs-In-Assembly mandate the AFN to initiate legal action, which may include the development of a Human Rights Complaint or a class action lawsuit against the Government of Canada for discrimination;

2. The Chiefs-in-Assembly support any First Nation that wishes to seek similar redress for the circumstance of the education system and school facilities in their communities.

3. The Chiefs-in-Assembly mandate the formation of an ad hoc committee of Chiefs to develop a lobby and international communication strategy to raise the profile of the foregoing education concerns and support this ad hoc committee in undertaking fundraising activities for lobbying and communication efforts.

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