
Assembly of First Nations

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Special Chiefs Assembly
December 7, 8, 9, 2021, Ottawa (Ontario)

Resolution no. 21/2021

TITLE: 2021 Post-Secondary Education Policy Proposal on First Nations Models

SUBJECT: Post-Secondary Education

MOVED BY: Tribal Chief Tyrone McNeil, Proxy, Yale First Nation, BC

SECONDED BY: Chief John Martin, Gesgapegiag, QC

DECISION Carried; 2 objections; 2 abstentions

WHEREAS:

A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:*

- i. 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.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14 (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.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (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.

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- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. Indigenous peoples have the right to be actively involved in developing and determining, health, housing and other economic and social programmes through their own institutions.
- B. Bill C-15, *United Nations Declaration on the Rights of Indigenous Peoples Act*, provides a legislative framework for recognizing the constitutional and human rights of Indigenous peoples, including in post-secondary education (PSE).
- C. Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, implemented a new funding approach for K-12 education that supports First Nations control of First Nations education that should be consistent and continued for all levels of First Nations education, including PSE.
- D. Assembly of First Nations (AFN) Resolution 21/2020, *First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models*, directed the Chiefs Committee on Education, National Indian Education Council and the AFN to work in partnership with Indigenous Services Canada to co-develop a policy proposal, as demonstrated through the *2021 PSE Policy Proposal on First Nations Models (V12)*, which that will supplement a Memorandum to Cabinet (MC) to obtain authority for First Nations to negotiate and conclude First Nations-led, local, regional and inherent/Treaty rights-based PSE models.
- E. Budget 2019 provided \$7.5 million over three years to support First Nations in exploratory discussions, engagement, partnership tables and First Nations-led local, regional and inherent/Treaty rights-based PSE model design with their citizens, which now require new authorities and adequate funding to conclude and implement these models.
- F. Strong, effective, and inclusive First Nations-led local, regional and inherent/Treaty rights-based PSE models provide a fundamental opportunity for First Nations to establish and control PSE systems and institutions, while also advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the UN Declaration.
- G. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education.
- H. Predictable, sustainable and needs based funding for PSE holds Indigenous Services Canada (ISC) accountable to working with First Nations and fulfilling their mandate outlined in *Indigenous Services Canada: Strategic Plan 2020 to 2025* by ensuring First Nations assume control over the design and delivery of services, while also contributing to the devolution of ISC.

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- I. The benefits of improved attainment in First Nations PSE would help close the employment gap between First Nations and non-Indigenous Canadians while also increasing First Nations economic self-reliance.

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

1. Reaffirm First Nations inherent and Treaty right to post-secondary education (PSE).
2. Reaffirm that jurisdiction over First Nations PSE remains with each First Nation.
3. Reaffirm First Nations control of First Nations education.
4. Support the recommended *2021 PSE Policy Proposal on First Nations Models (V12)* to be presented to Cabinet as the First Nations submission through Indigenous Services Canada's Memorandum to Cabinet, which outlines the following:
 - a. Calls on the federal government to approve the policy authority for Canada to support First Nations to negotiate, conclude and fully implement their own First Nations-led local, regional and inherent/Treaty rights-based PSE models that may contain some or all of the following elements, but are not limited to:
 - i. Student Supports;
 - ii. Community-Based Student Supports;
 - iii. First Nations Institutions;
 - iv. First Nations Community-Based Program Supports; and
 - v. Administration, Governance and Leadership Capacity.
 - b. Seeks investments over five years and ongoing to support the implementation for First Nations-led local, regional, and inherent/Treaty rights-based PSE models.
 - c. Seeks funding for ongoing technical tables and/or regional processes to prepare First Nations for final negotiation and conclusions of PSE models
 - d. Calls on the federal government to allocate additional investments on a regional basis, starting in 2022-2023, for current and unfunded First Nations PSE students, community-based delivery of programs and First Nations post-secondary institutions.
 - e. Calls on the federal government to unlock Budget 2021 funding of \$350 million over five years , allocated regionally, to support First Nations in implementing programs that may include, but are not limited to, transitional programs to support PSE acceptance, high school graduation programs,

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language courses, culture and outdoor programs, literacy and basic skills courses, special education programs, professional development, and training for persons with disabilities.

- f. Seeks to collaboratively update the *Grants and Contributions to Support the First Nations Post-Secondary Education Program (Terms and Conditions)* to support First Nations in implementing their own regional approaches and reflect the changes outlined in the policy proposal.
5. Affirm that the *2021 PSE Policy Proposal on First Nations Models (V12)* and process concerning First Nations PSE is not intended to detract or hinder First Nations from advancing their own bilateral or tripartite process, including separate Cabinet and Treasury Board processes, with Indigenous Services Canada and any relevant provincial or territorial government to develop their own policy approach and, identify the funding, resources and supports required to implement their respective models which may result in additional funding being required.
6. Expect that the *2021 PSE Policy Proposal on First Nations Models (V12)* will be jointly presented to the Cabinet of Canada by Indigenous Services Canada and the Chiefs Committee on Education.

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