
Assembly of First Nations

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**ANNUAL GENERAL ASSEMBLY
DECEMBER 8 & 9, 2020, OTTAWA, ON**

Resolution no. 21/2020

TITLE: First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models

SUBJECT: Post-Secondary Education

MOVED BY: Tyrone McNeil, proxy, Kwaw Kwaw Apilt First Nation, BC

SECONDED BY: Chief Leroy Denny, Eskasoni, NS

DECISION: Carried; 1 objection

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.

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- 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.
 - vi. Article 23: 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 through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
 - C. Strong, effective and inclusive First Nations-led local, regional and Treaty-based post-secondary education (PSE) models provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the UN Declaration.
 - D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education.
 - E. Assembly of First Nations (AFN) Resolution 14/2017, *Post-Secondary Education Federal Review*, mandated the Chiefs Committee on Education (CCOE), National Indian Education Council (NIEC), regionally representative PSE technicians and First Nations established institutions to produce the *First Nations Post-Secondary Education Review 2018 Interim Report*.
 - F. First Nations-in-Assembly supported AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, which accepted the *First Nations Post-Secondary Education Review 2018 Interim Report* and provided direction for co-development of a policy proposal.
 - G. In response to the direction given in AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, the AFN, CCOE and NIEC worked in partnership with Indigenous Services Canada (ISC) to develop the *First Nations Post-Secondary Education Policy Proposal*.
 - H. First Nations-in-Assembly passed AFN Resolution 48/2018, *First Nations Post-Secondary Education Policy Proposal*, which supported the development of First Nations-led local, regional and Treaty-based PSE models and the right to self-determination approaches.
 - I. On June 18, 2019, the *First Nations Post-Secondary Education Policy Proposal* was approved by the Cabinet of Canada.

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- J. 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 Treaty-based PSE model design with their citizens.
- K. First Nations are in year two of three on developing First Nations-led local, regional and Treaty-based PSE models that are reflective and are responsive to First Nations' priorities.
- L. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by ISC or other federal departments or agencies.
- M. ISC must maintain a collaborative and strategic relationship with the AFN, the CCOE and the NIEC in designing and implementing policy and program reforms with the intent that all First Nations students receive a holistic, culturally-responsive and high-quality education.

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. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to work in partnership with Indigenous Services Canada to co-develop a policy proposal which will supplement a Memorandum to Cabinet (MC) to obtain authority for First Nations to negotiate and conclude First Nations-led, local, regional and Treaty-based PSE models. The policy proposal, MC and subsequent Treasury Board of Canada submission may include and identify:
 - a. the policy authority for First Nations-led local, regional and Treaty-based PSE models to be implemented, negotiated and concluded with an open, transparent and accountable process between First Nations and the Government of Canada;
 - b. the funding required to implement First Nations-led local, regional and Treaty-based PSE models; and,
 - c. reaffirmation for First Nations control of First Nations education.
4. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to ensure co-development will align with the *First Nations Post-Secondary Education Policy Proposal* which recognizes student supports; First Nations PSE community support services; First Nations established institutes; community-based programming; and governance and leadership capacity in local, regional and Treaty-based PSE models.

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5. Affirm that this co-development and process concerning First Nations PSE is not intended to detract or hinder First Nations from advancing their current and future PSE processes.

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