

# DRAFT RESOLUTION # 35 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Unilateral Education Programming Decisions by Indigenous Services Canada

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**SUBJECT:** Education

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**MOVED BY:** Proxy Tyrone McNeil, Cheam First Nation, BC

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**SECONDED BY:** Chief John Martin, Gesgapegiag, QC

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### 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.
- vi. Article 19: States shall consult and cooperate in good faith 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.
- vii. 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 affecting them and, as far as possible, to administer such programmes through their own institutions.

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- B. The Government of Canada's *Principles: Respecting the Government of Canada's Relationship with Indigenous Peoples* states:
  - i. Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.
- C. First Nations have inherent and Treaty rights in regard to education and the Government of Canada must uphold and honour the inherent authority and jurisdiction of First Nations to exercise control over their education.
- D. *First Nations Control of First Nations Education, 2010*, asserts First Nations rights and responsibility to direct and make decisions regarding all matters related to First Nations learning.
- E. Education is a fundamental human right and for First Nations, this right is uniquely situated within a framework of inherent rights that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- F. Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nations Education*, AFN Resolution 20/2021, *First Nations Control of Federal Funding* and, the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*, support policy or program changes that advance First Nations control of First Nations education through the implementation of regional approaches and funding decisions that are based on substantive equality and equitable methodologies.
- G. The Minister of Indigenous Services Canada (ISC) has made a unilateral and colonial decision to centralize and manage the \$40 million partnership advancement funding stream of the Education Partnership Program (EPP) instead of allocating these funds to First Nations regions.
- H. The Minister of ISC has ignored and disregarded the recommendations made by the Chiefs Committee on Education to decentralize the program and implement an equitable funding methodology. ISC's unilateral decision will cause greater inequity amongst First Nations in every region who do not have existing formalized agreements with ISC under EPP, undermine the AFN and ISC co-development process, and restrict First Nations from controlling their own education processes.

### **THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Reaffirm First Nations Inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to improve and strengthen partnerships with First Nations through an honourable, transparent and respectful process that supports First Nations control of First Nations education, First Nations decision-making in all processes concerning education, and regional First Nations models of education.

## **D R A F T   R E S O L U T I O N   # 3 5 / 2 0 2 3**

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- 4.** Call on the Minister of Indigenous Services Canada to recognize the Chiefs Committee on Education recommendations to decentralize all funding in education programming and support regional model approaches, implementation, and equitable funding methodologies, primarily base plus per-capita allocations.
- 5.** Call on the Minister of Indigenous Services Canada to immediately meet with the Chiefs Committee on Education, National Indian Education Council and Assembly of First Nations to rectify unilateral decision-making processes and ensure First Nations Adult Education and Education Partnership Program authorities, funding methodologies, and requirements are consistent with Chiefs Committee on Education recommendations.