SPECIAL CHIEFS ASSEMBLY
DECEMBER 14, 15 & 16, 2010, GATINEAU, QC

Resolution no. 49/2010

TITLE:	United Nations Declaration on the Rights of Indigenous Peoples and First Nations Education
SUBJECT:	First Nations Education
MOVED BY:	Tyrone McNeil, Proxy, Seabird Island First Nation, British Columbia
SECONDED BY:	Chief Mike Mitchell, Mohawk Council of Akwesasne, Ontario
DECISION:	Carried by Consensus

WHEREAS:

A. The Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples on November 12, 2010.

B. First Nations leaders have stressed that any initiatives undertaken by the Government of Canada must be consistent with the rights of First Nations peoples as Indigenous peoples.

C. Article 13 of the UN Declaration states that Indigenous peoples have the right to learn their own histories, languages, oral traditions, philosophies, writing systems and literatures and calls upon state governments to take effective measures to implement these rights.

D. Article 14 states that 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 calls upon state governments to take effective measures to implement this right.

E. Article 15 states that Indigenous Peoples have rights to all levels and forms of education with access to education in their own culture and provided in their own language, whenever possible, and that cultures, traditions, histories and aspirations shall be appropriately reflected in education and public information and calls upon state governments to take effective measures to implement these rights.

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F. Articles 18 and 19 state that free, prior and informed consent must be obtained on any legislative or administrative measures that may impact Indigenous peoples and that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights through representatives chosen by themselves.

G. The Report of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) has stated that "The Declaration, interpreted in conjunction with other international instruments, provides an authoritative normative framework for the full and effective protection and implementation of the rights of Indigenous peoples. In the context of education, the Declaration reaffirms and applies the right to education to the specific historical, cultural, economic and social circumstances of Indigenous peoples."

H. The EMRIP has also stated "Educational programmes and services for indigenous peoples must be developed and implemented in consultation and cooperation with the Indigenous peoples concerned in order to address and incorporate their special needs, histories, identities, integrity, values, beliefs, cultures, languages and knowledge, as well as their social, economic and cultural priorities and aspirations. Educational programmes and services for Indigenous peoples should be of high quality, culturally safe and appropriate, and must not aim at or result in unwanted assimilation of indigenous peoples."

I. The government of Canada has announced its intentions to proceed with changes to First Nations education including the possibility of a legislative initiative.

J. The EMRIP has declared "National law and policy frameworks should be enacted or reformed, and budgets allocated to support traditional as well as formal education institutions that are established with the aim of developing and implementing appropriate programmes and activities for and by Indigenous peoples… The adoption of national legislation and policies that specifically address and acknowledge Indigenous peoples' right to education, pursuant to international human rights law, should be regarded as a matter of priority by States. Constitutional recognition of the existence of Indigenous peoples and their rights provides a solid legal basis for the adoption and implementation of legislation on indigenous peoples' rights, including the right to education."

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

1. Call upon the federal government to comply with the principles and standards of the UN Declaration on the Rights of Indigenous Peoples with respect to any new legislative, policy or program initiatives in education.
2. Call upon Canada to ensure that any changes to education policy or programs, including legislative amendments or new legislation, respect the right of free, prior and informed consent of Indigenous peoples.

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