
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 35/2019

TITLE: Additional Funding for First Nations Elementary and Secondary Education

SUBJECT: Education

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw-Kwaw-Apilt First Nation, BC

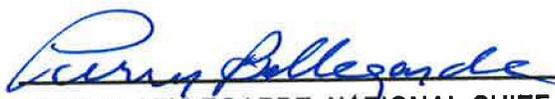
DECISION: Carried; 5 objections, 1 abstention

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 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.
- B.** First Nations have inherent and Treaty rights in regards to education and the Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over their education.
- C.** Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- D.** In 1972, First Nations in Canada endorsed the policy of *Indian Control of Indian Education* which advanced an education approach premised on parental and local control. In 2010, through Assembly of First Nations (AFN) Resolution 12/2010, First Nations endorsed the updated AFN “First Nations Control of First Nations Education” document as a core policy position on First Nations education.
- E.** In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states, “No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.”
- F.** The Minister of Indigenous Services is mandated to “Ensure the successful delivery of the significant investments made in Indigenous services through Budget 2016 and Budget 2017. This includes... ensuring First Nations children on reserve receive a quality education.”
- G.** The Government of Canada committed \$2.6 billion for First Nations elementary-secondary education in Budget 2016, which is considered by First Nations as a first step to address the historic funding shortfall between First Nations education and the rest of Canada.
- H.** In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and reflect the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.

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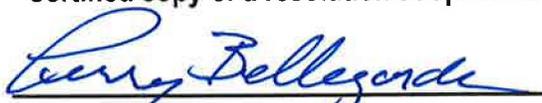
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- I. First Nations across the country are currently engaging in regional technical table meetings to further examine their interim formulas to determine next steps.
- J. Provincial comparability standards are inadequate to achieving substantive equality and improved outcomes as they fail to account for the specific needs and circumstances of First Nations' students.
- K. The interim funding proposals submitted by Indigenous Services Canada to communities as of June 2019, are insufficient to provide equitable access to education for all learners.
- L. Regional and/or Treaty based education agreements are aimed at ensuring First Nation students, schools and communities are guaranteed predictable and equitable base funding on the basis of substantive equality.

THEREFORE BE IT RESOLVED that the Chiefs-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 uphold the commitments identified in AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, and repeated in the Memorandum to Cabinet.
- 4. Call on the Government to Canada to work in partnership with First Nations regionally-led technical tables and other First Nations and/or Treaty defined processes in order to identify the real costs and needs of each First Nation as researched and costed by the First Nations.
- 5. Call on the Government of Canada to provide additional investments in 2020 for First Nations elementary and secondary education in order to complete local, Treaty and or regional education agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities and education organizations.

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