
TITLE: Honourable Process to Develop Recommendations to support First Nations Education Reform

SUBJECT: Education

MOVED BY: Chief Lyndon Musqua, Keeseekoose First Nation, SK

SECONDED BY: Chief Elaine Johnston, Serpent River First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. 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.
- B. Indigenous and Northern Affairs Canada's control and underfunding of First Nations education systems has produced many negative outcomes that First Nations understand can be remedied by a statutory guarantee of fair, predictable and sustainable funding for systems developed and maintained by First Nations.
- C. First Nations recognize federal legislation as a construct of the Government of Canada that provides a mechanism for inter-governmental transfers to occur.

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- D. AFN Resolution 35/2014 supported a draft *Framework for a Federal Act for First Nation Education* and a draft *First Nations – Federal Crown Terms of Reference on Federal Act for Funding First Nations Education* as working documents to bring to the Government of Canada and develop an honourable process to develop a federal act for funding First Nations education.
- E. AFN Resolutions 01/2014 and 11/2014 also supported First Nations to call upon Canada to engage in an honourable process to develop a more streamlined and effective funding mechanism for First Nations education including a comprehensive funding formula to replace antiquated and outdated methodologies.
- F. AFN Resolutions 01/2014 and 11/2014 also called for an immediate infusion of additional funding for First Nations education to begin closing the funding gap for First Nations education until such time as a new fiscal framework is agreed upon.
- G. A new Liberal government announced its federal commitment to First Nations education through the 2016 federal budget which invested \$2.6 billion over five years for elementary and secondary education.
- H. First Nations across Canada have engaged in extensive discussions in their territories on the way forward for First Nations education and require a statutory guarantee of fair, predictable and sustainable funding to ensure the educational needs of First Nations learners are fully recognized and met regardless of where they reside.
- I. Responding to Resolution AFN 35/2014, AFN, the Chiefs Committee on Education and its national committee of First Nations education technicians, the National Indian Education Council (NIEC), will work in collaboration with INAC to develop a new draft *First Nations – Government of Canada Terms of Reference for Joint Collaboration between the Assembly of First Nations' (AFN) Chiefs Committee on Education (CCOE) and Indigenous and Northern Affairs Canada (INAC) Phase 1 – First Nations Education Engagement Processes*, which outlines an honourable and collaborative process for ratification by Chiefs-in-Assembly.
- J. The terms of reference for joint collaboration outline three phases to this initiative, which include: Phase 1: Regional Processes: Collaborative Engagement Processes with First Nations; Phase 2: Co-Development of National Policy/Legislation; and Phase 3: Implementation.

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

1. Accept the document, *First Nations – Government of Canada Terms of Reference for Joint Collaboration between the Assembly of First Nations' (AFN) Chiefs Committee on Education (CCOE) and Indigenous and Northern Affairs Canada (INAC) Phase 1 – First Nations Education Engagement Processes*, as the document that outlines an honourable process between First Nations and INAC that includes full and meaningful regional First Nations participation to develop recommendations for reforming First Nations education, which respects existing regional models and initiatives.

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2. Call for the implementation of the aforementioned document through the activities and timelines therein.
3. Require that any draft federal education legislation and/or policy that results from this process be ratified by the Chiefs in Assembly before being introduced into the federal House of Commons.
4. Understand that implementation of this resolution is contingent upon the Government of Canada and their provision of sufficient funding to undertake activities as outlined in the aforementioned documents.
5. Demand that Canada honours and upholds their Constitutional obligation to the spirit and intent of Inherent and Treaty rights to education.

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