



Assembly of Manitoba Chiefs



Manitoba Keewatinowi Okimakanak
Nisichawayasihk Cree Nation
Nelson House, Manitoba
ROB 1A0



Southern Chiefs' Organization
Long Plain First Nation
P.O. Box 998
Portage La Prairie, Manitoba

UNIFIED POSITION

RE: REJECTION OF CANADA'S FIRST NATION EDUCATION ACT

WHEREAS, First Nations in Manitoba have an inherent Aboriginal and Treaty right to education;

WHEREAS, the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”) states at Article 14: “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 at 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”;

WHEREAS, in 1971 the Chiefs of Manitoba made various recommendations on Education through *Wahbung – Our Tomorrows* that included a call upon the federal government to make a clear declaration of responsibility for education as a federal obligation to Indian people as set for in the Treaties, that includes the providing the means for education: monies, facilities and resource personnel, and that local control of education involves parental participation;

WHEREAS, the *First Nations Control of First Nations Education 1972* policy articulated the holistic concept of education of First Nations through a policy document succinct in the statement and conclusion that education and responsibility belongs to parents and local control;

WHEREAS, in 1990 the Assembly of Manitoba Chiefs and Canada entered into the *Framework Agreement on Indian Education in Manitoba* in order to recognize the intent and commitment of the parties to negotiate formal arrangements on Indian Education in Manitoba, and to establish parameters within which such negotiated agreements, which resulted in the 1994 *Framework Agreement Initiative*;

WHEREAS, by way of resolution JAN 09.15 [Re: Protection of Treaty Right to Education] the Assembly of Manitoba Chiefs in Assembly directed the Assembly of Manitoba Chiefs to examine options for ensuring the protection of First Nations education based on First Nations-Crown Treaties, and examine whether legislation or other mechanisms could ensure that the First Nations right to education is protected from provincial encroachment;

WHEREAS, the AMC Executive Council of Chiefs directed the Assembly of Manitoba Chiefs Grand Chief to inform Canada that the Federal Government has a duty to consult First Nations on any amendments to the *Indian Act*, and that First Nations in Manitoba must be fully and meaningfully involved in the review of any proposed legislative amendments to the *Indian Act* to ensure that First Nations Treaty, inherent and Indigenous rights to education are protected;

WHEREAS, in January 2012 a Crown-First Nations Gathering took place in Ottawa and as a result Canada and the Assembly of First Nations agreed to work on a joint action plan that would lead to a collaborative crafting of legislation for First Nation elementary and secondary education on reserve;

WHEREAS, in October 2012 the Assembly of First Nations Chiefs in Assembly resolved to reject the development of a First Nation Education Act and demand that the federal government uphold the honour of the Crown and fulfill its obligation to First Nations by providing needs-based, sustainable education funding that supports First Nations lifelong learning; and

WHEREAS, the Manitoba Keewatinowi Okimakanak and Southern Chiefs' Organization each held a Forum on Education on November 27, 2012 at Long Plain First Nation.

THEREFORE BE IT RESOLVED, that the Chiefs in attendance at the AMC / MKO / SCO Assembly on Education reject the Government of Canada's proposed First Nations Education Act, any proposed changes to the *Indian Act*, and all other current legislative initiatives;

FURTHER BE IT RESOLVED, that the Chiefs in attendance at the AMC / MKO / SCO Assembly on Education support the development of a framework "First Nation Law on Education" and encourage each First Nation and/or Treaty area to pass their own education legislation that is based on Aboriginal and Treaty rights and on the language and Customary Law of Denesuline, Anishinabe, Inninowuk, Ojibway-Cree and Dakota peoples in Manitoba, and direct the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and Southern Chiefs' Organization to coordinate and assist in the development of the framework law and support First Nations in the development of their education laws, with the Manitoba First Nation Education Resource Centre and Working Groups to be available as a technical resource;


FURTHER BE IT RESOLVED, that the process to develop the framework "First Nation Law on Education" be initiated with a Sacred Assembly carried out in a manner consistent with the customs of the Denesuline, Anishinabe, Inninowuk, Ojibway-Cree and Dakota peoples in Manitoba;

FURTHER BE IT RESOLVED, that the Chiefs in attendance at the AMC / MKO / SCO Assembly on Education explore the development of federal legislation which only addresses and provides for the necessary fiscal transfers to support First Nation Educational systems which reflect and are consistent with First Nation Laws on Education, and in respect of such legislation, Canada must consult and cooperate in good faith with First Nations in order to obtain their free, prior and informed consent before adopting and implementing or any related administrative measures that may affect them, consistent with Article 19 of UNDRIP; and

FINALLY BE IT RESOLVED, that the Chiefs in attendance at the AMC / MKO / SCO Assembly on Education instruct AMC Grand Chief and the Manitoba Regional Chief to seek to:

- mandate the Assembly of First Nations to work together with the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and Southern Chiefs' Organization in order to assist Manitoba First Nations in the development of their own education laws as described herein.

Approved at Long Plain First Nation on November 28, 2012


Grand Chief Derek Nepinak
Assembly of Manitoba Chiefs


Grand Chief David Harper
Manitoba Keewatinowi Okimakanak Inc.


Grand Chief Murray Clearsky
Southern Chiefs Organization