

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2123	Subject: Support for AFNQL actions regarding the First Nations Education Act	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D M Y 0 4 0 3 1 4	Province Gepeg

WHEREAS *First Nations Control of First Nations Education* is a crucial element of self-government and self-determination and of the perpetuation, vitality, and growth of First Nations' cultures and societies;

WHEREAS any federal or provincial legislation that would regulate or restrict the exercise of First Nations jurisdiction or rights with respect to education would be a prima facie infringement of the aboriginal right to self-government and self-determination;

WHEREAS despite First Nations schools' well known and long standing need for additional, adequate, and equitable funding, the proposed *First Nations Education Act* would not guarantee such funding;

WHEREAS the federal government has unilaterally undertaken a process to develop a *First Nations Education Act*, the proposed contents of which are laid out in a proposal for a Bill on First Nation Education released on October 22, 2013;


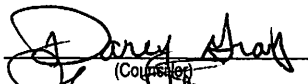







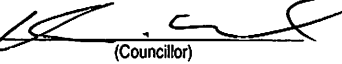
WHEREAS the proposed *First Nation Education Act* would infringe First Nations rights by regulating and restricting the exercise of First Nations jurisdiction and rights with respect to education;

WHEREAS the proposed *First Nation Education Act* does not include a commitment to reinforce First Nations identity by guaranteeing adequate support for the instruction of First Nations culture and languages;

WHEREAS on October 22, 2013, the Chiefs of the Assembly of the First Nations of Quebec and Labrador (AFNQL) agreed to collectively initiate a court challenge to the proposed *First Nation Education Act*.

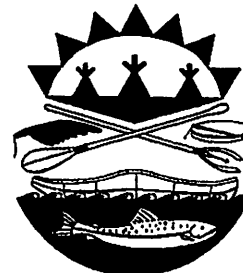
Moved: Sheila Swasson
 Seconded: Chris Hysote
 Abstain: -
 Opposed: -
 Status: Passed Defeated Tabled

Quorum 7

 (Chief)
 (Councillor)
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Mi'gmaq Nation

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IT IS HEREBY RESOLVED THAT:

1. We reject and oppose any federal legislation regarding First Nations education that does not include, at a minimum, the following guarantees:
 - a. that First Nations be given real control of the governance, management, and delivery of First Nations education, allowing First Nations solutions to be implemented;
 - b. that adequate, equitable, and stable funding be guaranteed; and
 - c. that the teaching of First Nations languages and cultural values receive funding.
2. We reject and oppose any process leading to the development of federal legislation with respect to First Nations education that does not include, at a minimum, the following:
 - a. a guarantee that First Nations will be allowed adequate time and resources to analyse the federal government's proposals;
 - b. a transparent mechanism requiring the federal government to seriously consider First Nations' concerns and to make real efforts to substantially address those concerns in the legislative proposal;
 - c. an agreement that all proposed legislation will be co-drafted by federal representatives and representatives chosen by First Nations;
 - d. a guarantee that no legislation with respect to education will be imposed on any First Nation without its consent.
3. We mandate the First Nations Education Council to act on our behalf and to take every available measure, up to and including hiring legal counsel and providing instructions thereto, to ensure that our First Nations' rights with respect to education are respected and, if necessary, to oppose the proposed First Nations Education Act;
4. We understand that, should the First Nations Education Council and its members deem legal proceedings to be necessary, such proceedings could include a judicial review of the Crown's decision to table a First Nation Education Bill in Parliament and a motion for an injunction against any such Bill being tabled unless and until the Crown fulfills its obligation to adequately consult and accommodate First Nations; the adequacy of consultations and accommodations should be evinced by First Nations' consent to the proposed legislation;
5. We agree that, should the First Nations Education Council and its members deem legal proceedings to be necessary, the Listuguj First Nation will – in its capacity as the holder of collective rights to self-government, self-determination, and jurisdiction over education – act as a named Applicant in those proceedings.