

STRENGTH

PEACE

UNITY

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VIA FACSIMILE AND COURIER
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26, Enniska/February 2014

National Chief Shawn Atleo
Assembly of First Nations
55 Metcalfe Street, Suite 1600
Ottawa, On, K1P 6L5

Re : First Nations Control of First Nations Education Act

National Chief,

The Mohawk Council of Kahnawà:ke (MCK) is hereby informing the Assembly of First Nations (AFN) of our community's strong dissent with the recent actions taken by the AFN regarding federal legislation on education, and of our request for AFN to take action to address these concerns. The community of Kahnawà:ke has a lengthy and vibrant history in education and view our authority in education as a fundamental part of our governance. This is a responsibility we take with utmost regard and priority.

As a copied recipient of our correspondence to Canada on several occasions, you have been directly informed that the community of Kahnawà:ke has taken strong opposition to the First Nations Education Act (FNEA), and any legislation that disregards our Inherent Right to self-determination, including control of our own education systems. Over the past 4 months, Kahnawà:ke has engaged in internal work to analyze the legislation, fully inform our community of the risks and potential impacts, collect community direction, and to compile and finalize a position on the legislation. This position is one that has been formed with participation from our community, and should be regarded as a stable and standing position. On January 23, 2014, Kahnawà:ke submitted this position to Canada, to the attention of the Minister of Aboriginal Affairs Bernard Valcourt, and copied to a variety of government and other relevant parties of interest, including the AFN.

During the Special Chiefs Assembly held in Gatineau, Qc during December 10-12, 2013, the Chiefs in Assembly approved resolution #21/2013. We understand this resolution to: reject the First Nations Education Act (FNEA); call for Canada to advance on a policy framework on education (AFN First Nations Control of First Nations Education); advance First Nations education; set conditions surrounding education to be met (including respect for First Nations control of jurisdiction, statutory funding, cultural and linguistic integration measures, identify federal reporting limitations, and a joint process to address such conditions); and, to direct AFN to urge Canada for immediate funding investments.

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Resolution #21/2013 takes this position founded upon the United Declaration on the Right's of Indigenous Peoples Article 14, the AFN Chiefs Committee on Education (CCOE), and the collection of positions on education legislation taken by regions across the country. We trusted that this resolution would empower a course in which the AFN would advocate for a process for First Nations to use to advance First Nations education systems through policy framework, or other alternatives to legislation.

On February 5th, 2014 the MCK learned that Prime Minister Stephen Harper and the AFN would be announcing an agreement on federal education legislation on February 7th, 2014 in Standoff, Alberta. In surprised response, the MCK reached out to our respective networks of the Assembly of First Nations of Quebec and Labrador (AFNQL), First Nations Education Council, and Iroquois Caucus to request for information on the agreement and announcement. To our extreme disappointment, we learned that the AFN Executive Committee, AFN CCOE, and Iroquois Caucus were all also uninformed of any substantial information on this agreement. In the days following, we were further informed that the AFN CCOE had met on February 4th in Toronto, Ontario and were not fully informed of the outcomes, including the agreement on a new Act, of a January 27th, 2014 meeting between the Minister of Aboriginal Affairs and select Representatives from the AFN. Needless to say, the MCK expects that if we have not been directly informed of the matter of such a significant announcement, that at least one if not all of these organizations should have been.

At a Special Chiefs Assembly held during December 2012, the AFN and Iroquois Caucus signed a Protocol Agreement. The agreement aims to foster a harmonious and cooperative relationship between the respective organizations, facilitate information sharing, develop strategies for advocacy approaches, and promote principles of nation re-building. The MCK is highly disappointed that this Protocol Agreement and relationship with the Iroquois Caucus was not utilized to work collaboratively to inform, collaborate and strategize on advancing on an issue of such significant importance.

As a result of limited information released in the February 7th, 2014 announcement of the *First Nations Control of First Nations Education Act* (FNCFNEA), the MCK has been unable to conduct a full analysis on risks and impacts. Our office has conducted a preliminary analysis on the broad information released in the announcement and had identified that many of Kahnawà:ke's prioritized actions in regard to the FNEA continue to exist, and are not addressed in the announcement.

Further, while the inclusion of investments in the announcement is a welcomed one, we are uncertain as to whether this will adequately address the chronic underfunding in a stable manner. Of Kahnawà:ke's preoccupations with federal education legislation, there is one that is fundamental: respect for our Inherent Right to self-determination, including our right to control of our own education systems. The recent FNCFNEA announcement does little to confirm that this fundamental principal will be upheld. While the MCK Council of Chiefs explores approaches to articulate this position to Canada, we also continue to be concerned with addressing the recent actions of the AFN and ensuring that no further actions are taken to infringe on our right to govern our own education system.

The MCK maintains our collectively community position of opposition to any legislation that disregards our right to govern our own education system. We look upon the AFN as a key advocate in lobbying that our Rights and interests are protected in federal processes. Thus, the ambiguity surrounding the FNCFNEA, coupled with the engagement of the AFN, leaves us concerned that the federal government may interpret such engagement as implied consent. This is an issue that must be clarified immediately.

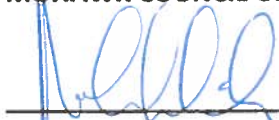
The MCK is informing AFN that the recent agreement on the FNCFNEA is an agreement that was not arrived at in a full participatory approach, and does not meet free, prior and informed consent of Kahnawà:ke. We do not look upon the AFN as a government and as a result, do not charge the AFN with the authority to arrive at decision-making in legislative processes that impact our Rights. We ask that the AFN confirm mutual understanding of this by way of letter.

While we understand that the AFN has several hundred communities to consider in its work, we maintain that only Kahnawà:ke retains decision-making authority in its own affairs. We trust that the AFN respects this and can see that our perspectives in this letter are of a constructive nature. We further trust that through partnership, collaboration and respect, we can all be very effective in advancing First Nations education.

If you have questions or concerns on the contents of this letter, please do not hesitate to contact our office at your convenience.

In Peace and Friendship,

**ON BEHALF OF THE OFFICE OF THE COUNCIL OF CHIEFS
MOHAWK COUNCIL OF KAHNAWAKE**



Grand Chief Michael Ahrírhon Delisle Jr.

Md/wpl/02262014/ShawnAtleoAFN

CC: Chief and Council
Iroquois Caucus
Ghislain Picard, AFNQL
Gilbert Whiteduck, Kitigan Zibi Anishinabeg Council
AFN Executive Committee
First Nations Education Council
Kahnawà:ke Education Center
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