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Statement submitted by Union of British Columbia Indian Chiefs, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* E/2011/100.

Statement*

First Nations people in Canada have experienced a long history of oppression that included the use of education as an institutional means to assimilate First Nations children. Today, there are over 130 First Nations-controlled schools in British Columbia, Canada, designed to give students a strong foundation in our languages and cultures and prepare them to thrive in contemporary society. The need to promote greater success for First Nations students in British Columbia is widely acknowledged, but there remains a considerable gap between the achievement of First Nations and non-First Nations students at all levels of the education system. In 2006, First Nations in British Columbia successfully concluded jurisdiction agreements with the provincial and federal governments that provide a legal foundation for the recognition and implementation of First Nations jurisdiction for education in British Columbia on reserve. Five years later, the Government of Canada still has not offered funding that will let us implement that authority.

The Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples on 12 November 2010 and by doing so, endorsed internationally recognized commitments pertaining to education including article 14. The Declaration advocates for the self-determination and control of indigenous peoples over their education; however, in order to achieve these educational goals, States must also follow through with commitments to ensure necessary capacity. The Declaration provides in article 37, that “Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.”

In the British Columbia First Nations context, Canada has only partially fulfilled its commitments to education under the Declaration by passing the First Nations Jurisdiction over Education Act in 2006, although this act and the associated provincial First Nations Education Act did formalize the commitment of both governments to recognize the jurisdiction of First Nations over education from kindergarten to Grade 12 on reserve. When negotiating the First Nations education jurisdiction agreements, the Government of Canada promised adequate funding for implementation. To date, the Government’s funding offer does not reflect comparable funding for our First Nations schools; therefore, full implementation of our education jurisdiction has not been possible.

Canada should be acknowledged for its recognition of First Nations jurisdiction over our own education in British Columbia. However, in order to accelerate the implementation of First Nations education-related objectives in the British Columbia context, the Government of Canada must fully live up to its commitments under the Declaration, including upholding promises made regarding adequate funding for the agreements on education jurisdiction. Only then, will we be able to actually achieve and implement our full jurisdiction.

In the international context, the Economic and Social Council of the United Nations should work to establish a comprehensive framework to assess implementation of international commitments and agreements pertaining to education. Effective design

* The present statement is being issued without formal editing.

could answer the questions of “what does full implementation look like, and why is full implementation necessary?” A comprehensive framework could also include positive mechanisms for evaluating implementation by States, with substantial supporting materials and fiscal considerations and analysis.
