



ASSEMBLY OF FIRST NATIONS
2017 SPECIAL CHIEFS ASSEMBLY— OTTAWA, ON
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TITLE: Federal Engagement on Health Transformation

SUBJECT: Health

MOVED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek, Ontario

SECONDED BY: Chief Dean Sayers, Batchewana First Nation, Ontario

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of First Nations health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of First Nations people as identified in international law and constitutional law, and under the Treaties.

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- C. There are Treaty obligations to provide adequate and equitable health care to First Nations communities that are outstanding and unfulfilled by the Crown. The nation-to-nation and Treaty relationship requires these outstanding obligations be met.
- D. The First Nations and Inuit Health Branch (FNIHB) is being moved to the new Department of Indigenous Services, a move that requires extensive engagement with First Nations rights holders.
- E. Via the Prime Ministers' mandate letter, Minister Philpott has been tasked with innovating FNIHB in a manner which supports health and wellness models that are patient-centred, community wellness oriented and holistic, through mechanisms which bring control and jurisdiction to First Nations themselves.
- F. These important innovations in how FNIHB operates must be directed by First Nations through engagement with First Nations rights and Treaty holders.

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

- 1. Call on the Minister of Indigenous Services to commit to fully and meaningfully engage with First Nations aimed at innovating health system, program and service delivery for First Nations.
- 2. Call on the Minister of Indigenous Services to work with the Assembly of First Nations (AFN) to develop an engagement framework, utilizing the First Nations Health Transformation Agenda as a guide, in order to effectively and meaningfully seek community and regional level input on how the First Nations and Inuit Health Branch can organize itself to meet First Nations priorities and needs.
- 3. Direct AFN to report back to Chiefs on a quarterly basis.
- 4. Call on the Minister of Indigenous Services to engage with Treaty First Nations directly to address the Treaty right to health.

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TITLE: Increase trauma-informed mental wellness funding to First Nation communities

SUBJECT: Health, Mental Wellness, Social Justice

MOVED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

B. The Truth and Reconciliation Commission of Canada Calls to Action state:

- i. Call to Action (18): We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.

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- ii. Call to Action (66): We call upon the federal government to establish multi-year funding for community-based organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.
- C. First Nation communities across Canada are declaring states of emergency in relation to mental health and addictions, including the emerging opioid epidemic.
- D. Significant gaps exist between federal, provincial, territorial and community mental wellness programs and services. Many provincial and territorial services are inaccessible to those living on reserve due to remote locations or other systemic barriers. Many systemic barriers have created gaps in the continuum of mental wellness services and prevent the delivery of and continuity of care.
- E. Funding for First Nations mental wellness is time limited and siloed within federal, provincial and territorial departments, preventing the development of comprehensive approaches to mental wellness across the determinants of health.
- F. The combination of limited access to services and the high need in northern, remote and rural communities is not sufficiently recognized in the current funding provided to support mental health services.
- G. Populations with specific, distinct needs (i.e., residential school survivors, men and boys, youth, individuals in transition/away from the reserve, individuals with co-occurring mental health and addiction issues) must have access to essential services through a continuum of care across the lifespan.
- H. Self-determination over health program governance and other forms of increased community capacity and control is a key component of a healthy community.

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

- 1. Direct the National Chief to call upon the federal, provincial and territorial governments and their partners to increase funding to train and develop local community trauma-informed mental wellness teams and where required access to outside programs and services for men and boys, their families and/or caregivers, in order to:
 - a. Support communities' use of trauma-informed mental wellness funding in a more holistic way, informed by an essential continuum of services that recognizes the impact of the social determinants of health on mental wellness for men and boys, and their families and/or caregivers.
 - b. Support a shift away from fragmented, siloed programming toward a comprehensive system based on a continuum of trauma-informed care across the lifespan.
 - c. Support First Nations control of services and the self-determination of communities to design, deliver and evaluate their own culturally relevant, culturally safe, trauma-informed mental wellness programs that address their most pressing needs.

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2. Direct the Assembly of First Nations to advocate for increased funding to address trauma-informed mental wellness for men and boys, their families and/or caregivers, through a continuum of care across the lifespan, using the First Nation Mental Wellness Continuum framework as a lens, to ensure First Nation communities have access to trauma-informed resources to develop or expand life promotion, health and well-being initiatives.

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TITLE: New Interim Funding Approach for First Nation Education

SUBJECT: Education

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw Kwaw Apilt First Nation, BC

DECISION: Carried; 15 objections; 7 abstentions

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.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** First Nations have inherent and Treaty rights with regard to education and the Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over lifelong learning.

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- C. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- D. In 1972 First Nations in Canada endorsed the policy of *Indian Control of Indian Education*, advancing an education approach premised on parental and local control. In 2010, through Assembly of First Nations (AFN) Resolution 12/2010, First Nations endorsed the updated AFN “First Nations Control of First Nations Education” document as a core policy position on First Nations education.
- E. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states that, “No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.”
- F. The Minister of Indigenous Services is mandated to “Ensure the successful delivery of the significant investments made in Indigenous services through Budget 2016 and Budget 2017. This includes, ensuring First Nations children on reserve receive a quality education.”
- G. The Government of Canada committed \$2.6 billion for First Nations elementary-secondary education in Budget 2016, which is considered by First Nations as a first step to address the historic funding shortfall between First Nations education and the rest of Canada.
- H. Indigenous and Northern Affairs Canada’s (INAC) current education programs are based on an outdated funding approach developed over thirty years ago, with additional funding that has been added using predominantly proposal-based programs that do not provide any predictable or sustained funding for First Nations. This funding approach has created a chronic underfunding overall for First Nations elementary and secondary education.
- I. In accordance with AFN Resolution 16/2016, *Honourable Process to Develop Recommendations to support First Nations Education Reform*, the AFN and the Chiefs Committee on Education (CCOE) established a ‘Terms of Reference (v17)’ to engage in the development of new funding mechanisms for First Nations elementary-secondary education. This process included the creation of nationally-representative task teams that have discussed and provided recommendations on key priorities, including education funding reform.
- J. The Minister of Indigenous Services will return to Cabinet early in 2018 with a Memorandum to Cabinet (MC) related to First Nation education. The process under the ‘Terms of Reference (v17)’ between INAC, AFN and CCOE has been an attempt to guide the co-development of a policy proposal to implement a new approach to funding First Nations elementary-secondary education (“Policy Proposal (v15)”), which would inform and be reflected in the new MC.

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- K. The CCOE identified a 'Drafting Team' to engage in the co-development of the MC on elementary-secondary education funding that would be brought back to CCOE, AFN Executive and ultimately Chiefs-in-Assembly.
- L. This new funding approach for First Nations education is not federal legislation. The approach is a policy and programmatic change for INAC's existing education programming.
- M. Federal process requires that MC's include three options to be presented to Cabinet; however, the CCOE has advised Canada that only one option, which represents the First Nation option, be presented. The First Nation option is represented in the final draft Policy Proposal (v15).
- N. Overall, the First Nation version of the draft Policy Proposal (v15) identifies a new funding approach for First Nations elementary-secondary education that:
- i. Supports First Nations, through funded regional tables, to negotiate and conclude regional "First Nation Education Agreements" that will include their own education funding model that provides funding for the unique needs of First Nation students, communities and schools (starting in 2018-19). (Note: First Nations will determine what constitutes a 'region' for the purposes of their First Nation Education Agreement).
 - ii. Unlock the remaining "Transforming First Nation Education" funding commitments (approximately \$665 million) from Budget 2016 (currently limited to the development of First Nation school boards) and combine with total federal commitments to allocate education funding equitably to First Nations across Canada.
 - iii. Provides core funding directly to First Nation governments, education organizations and schools to ensure First Nations Control of First Nations Education.
 - iv. Replaces INAC's outdated, education funding policies and programs with regional education approaches and funding models that provide predictable and sustained funding (starting 2019-20).
 - v. Provides significant increases to First Nation communities and includes funding protection to ensure no First Nations will realize a decrease in funding with this new funding approach.
 - vi. Identifies the need for a supplementary budget ask for the federal Budget 2019 that will identify the funding required (over and above the \$2.6 billion committed in Budget 2016) for First Nations to conclude regional "First Nation Education Agreements" that meet the needs of their learners.
- O. The draft Policy Proposal (v15) on First Nation education funding is being presented to the AFN Chiefs-in-Assembly for consideration and direction at the December 2017 Special Chiefs Assembly.

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

1. Reaffirm First Nations' inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Reaffirm that Canada will not delegate its fiduciary obligations owed to First Nations over First Nations' education to provincial, territorial governments, or other third-party entities.

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4. Support policy or program changes in regards to First Nations education that:
 - a. Exercise First Nations' inherent and Treaty rights to education, honours and advances First Nations control of First Nations education, and conforms to and upholds Canada's moral and legal obligations to First Nations.
 - b. Does not impose any criteria or requirements on First Nations to implement provincial-style school boards.
 - c. Provides each First Nations with the opportunity to opt-in or opt-out from any new policy or program.
 - d. Unlocks later-year investments from Budget 2016 to ensure funding can be accessible immediately.
 - e. Ensure Canada will work in full partnership with First Nations to co-develop Indigenous and Northern Affairs Canada program and service terms, conditions, and guidelines to give effect to First Nation control of First Nation education.
5. Establish a new funding approach to First Nations education that:
 - a. Reflects a phased approach that initially allocates investments from Budget 2016 using an interim funding approach until First Nations sign their own regional First Nation Education Agreement. Interim funding is recognized as being inadequate and First Nations will identify the full funding required to support their students, schools, communities and education organizations.
 - b. Requires the Government of Canada to work directly with First Nations to ensure the regional education funding approaches (when implemented in 2019-20) are jointly developed and agreed upon by First Nations and fully funds the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.
 - c. Supports each First Nation to advance and implement their vision of First Nation control of First Nation education through needs based predictable and sustained funding.
 - d. Does not give any authority to provinces/territories with regard to First Nations education.
6. Support the First Nations recommended model for a new funding approach for First Nations elementary-secondary education as represented in Policy Proposal (v15) to be presented to Cabinet through Indigenous Services' Memorandum to Cabinet (MC).
7. The MC process must reflect that only Treaty people speak for Treaties and that Canada must meet directly with Treaty First Nations.
8. Inherent and Treaty rights language must be implemented into the MC.

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TITLE: **AFN-Canada Joint Report on Fiscal Relations**

SUBJECT: Fiscal Relations

MOVED BY: Chief David Jimmie, Squiala First Nation, British Columbia

SECONDED BY: Grand Chief Abram Benedict, Mohawk Council of Akwesasne, Quebec

DECISION: Carried; 1 objection

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B.** At the Special Chiefs Assembly in December 2015, Prime Minister Trudeau told the Chiefs-in-Assembly, "It's time for a new fiscal relationship with First Nations that gives your communities sufficient, predictable and sustained funding. This is a promise we made, and a promise we will keep."
- C.** In July 2016, the National Chief of the Assembly of First Nations and the Minister of Indigenous and Northern Affairs Canada signed a memorandum of understanding (MOU) concerning the development of a new fiscal relationship.
- D.** The parties undertook a comprehensive review of the existing fiscal relationship, including regional engagement sessions with representatives from First Nations across the country to review and discuss options and recommendations for a new fiscal relationship.

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- E.** The First Nations representatives that participated in those regional engagement sessions called for continued engagement on the matter as further work on the new fiscal relationship proceeds with full respect for Treaty, inherent jurisdiction, rights and title.
- F.** In accordance with the provisions of the MOU, the Assembly of First Nations and Indigenous and Northern Affairs Canada have prepared a report that sets out jointly-produced proposals, options, and recommendations.
- G.** That report has been tabled for consideration at this Special Chiefs Assembly.

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

- 1.** Acknowledge receipt of the joint report entitled: *A New Approach: Co-Development of New Fiscal Relationship between Canada and First Nations*.
- 2.** Call on the Government of Canada to fund work toward the development of a new fiscal relationship, including increased discussions at the individual First Nation, treaty group, tribal council and regional level to augment national discussions and apply the work and knowledge developed by regions to date.
- 3.** Demand that the Government of Canada implement the key actions recommended in this joint report.
- 4.** Call for the Government of Canada to coordinate all dialogues on fiscal relations in order to ensure clarity and transparency.
- 5.** Call on the Prime Minister to meet his personal promise of “sufficient, predictable and sustained funding.”
- 6.** Direct the Chiefs Committee on Fiscal Relations to report to the Chiefs on a quarterly basis.

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TITLE: Support for the Indigenous peoples of Ecuador

SUBJECT: Treaty Rights, United Nations Declaration on the Rights of Indigenous Peoples,
Sacred Sites, Environment

MOVED BY: Grand Chief Edward John, Proxy for Tl'azt'en Nation, Martin, B.C.

SECONDED BY: Chief Nathan Matthew, Simpcw First Nation (North Thompson), B.C.

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples includes the following articles:
- i. Article 26(3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the Indigenous peoples concerned.
 - ii. Article 29(2): States shall also take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.
 - iii. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - iv. Article 32(2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources.

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- B.** Tribes in the Lago Agrio region in Ecuador have been fighting Chevron for more than 20 years over environmental and social damages from hundreds of abandoned, unlined waste pits and the dumping of billions of gallons of oil waste into local waterways. The plaintiffs represent over 30,000 Indigenous people and mestizos living in the region. These peoples won a court judgment against Chevron that determined a large swath of Amazon land had been poisoned by oil and toxic waste.
- C.** Chevron was ordered to pay a \$9.5 billion judgment and \$9.5 billion in punitive damages for the environmental damage due to crude oil production in the region. Ecuador's Supreme Court unanimously affirmed the judgment but set aside the punitive damage award. Chevron has refused to pay the judgment and has threatened the indigenous groups and mestizos with a "lifetime of litigation" if they persist with their claims.
- D.** The Indigenous peoples in Ecuador have turned to the Canadian court system to seek an order by Canada that Chevron is to pay the \$9.5 billion in damages - which, after accrued interest is now worth \$12 billion - with its Canadian-held assets.
- E.** The Ecuadorian Indigenous peoples have met with Canadian Indigenous leaders this past year to seek support and to show them the environmental devastation in Ecuador caused by Chevron's irresponsible and sub-standard production practices.

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

- 1.** Fully support the Indigenous peoples of Ecuador through the signing of a cooperation protocol to address issues of mutual concern regarding protection of the environment, protection of Aboriginal and treaty rights, and corporate social and human responsibility.
- 2.** Call on the Government of Canada to table legislation to enable Indigenous peoples from other countries to expeditiously enforce awards and compensation orders of foreign courts in Canada against any corporation conducting business in Canada.

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TITLE: Immediate NIHB Coverage of Naloxone

SUBJECT: Health

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

SECONDED BY: Chief Betsy Kennedy, War Lake First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A.** The following articles of the United Nations Declaration on the Rights of Indigenous Peoples state:
- i.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B.** Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- C.** There is an opioid crisis currently sweeping across Canada and it is impacting First Nation populations at disproportionately higher rates. Some First Nation communities have reported epidemics with as many as 43 percent to 85 percent of the communities' population addicted to opioids.

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- D.** To combat the opioid crisis, Minister Philpott implemented an interim order of naloxone nasal spray, the lifesaving antidote that reverses the effects of an overdose, which allowed for the importation and sale of an American product, as naloxone had not yet gone through the Canadian regulatory process.
- E.** The one-year interim order period ended on July 5, 2017, and as a result naloxone nasal spray is no longer accessible for First Nations under Non-Insured Health Benefits (NIHB).
- F.** A Canadian product of naloxone nasal spray has been approved for sale in Canada; however, it is not currently covered by NIHB while Health Canada negotiates pricing with the pharmaceutical company that produces it.
- G.** The opioid crisis has not slowed down and the lack of access to naloxone nasal spray is risking First Nation lives.

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

- 1.** Call on the Minister of Indigenous Services and Non-Insured Health Benefits Program to fully cover naloxone nasal spray as an open benefit for all First Nations during price negotiations, and ongoing.
- 2.** Call on the Minister of Indigenous Services to mandate each region to ensure that adequate training is provided to nursing stations, community health centres, or health care providers, on the use of injectable and/or nasal application of naloxone if requested by First Nations.

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TITLE: Exploring a Legislative Base for First Nations Health

SUBJECT: Health

MOVED BY: Chief Stan Beardy, Muskrat Dam First Nation, ON

SECONDED BY: Chief Irvin Bull, Maskwacis Cree Nation, AB

DECISION: Carried; 3 abstentions

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial and First Nations governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

C. The Crown holds an obligation to First Nations health as a result of Treaties including the Medicine Chest clause in Treaty Six, as well as section 35 of the *Constitution Act, 1982*.

D. The Canadian government has never formally acknowledged its legal and Treaty obligations to First Nations health.

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- E. The lack of a legislative base outlining the federal government's obligation towards First Nations health leaves health services vulnerable to the political will of the government of the day.

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

1. Direct the Assembly of First Nations (AFN) to examine options related to federal First Nations health legislation that would articulate federal obligations towards First Nations health, reflective of inherent, Treaty and international legal obligations, as well as the nation-to-nation relationship.
2. Direct the AFN to develop tools to aid interested First Nations communities in developing their own positions related to federal legislation on First Nations health.

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TITLE: Support for Silent Genomes Project

SUBJECT: Health

MOVED BY: Chief Stan Beardy, Muskrat Dam First Nation, ON

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

DECISION: Carried; 2 abstentions

WHEREAS:

- A.** The United Nations Declaration on Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination.
 - ii. Article 24 (1): Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
 - iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health.
- B.** Genome Canada in partnership with the Canadian Institutes for Health Research, has announced that \$70 million dollars will be put forth for genomics research over four years, with another \$70 million in matching funds. In total \$140 million research dollars will be used to advance genomic science with a focus in translating into 'precision health care'.
- C.** Genomics (the study of the complete set of human genes) has advanced health care by allowing medical treatments to be tailored to the specific needs of individual patients ('precision medicine').

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- D. While this 'genomics revolution' is becoming routinely available to other Canadians, Indigenous populations often have little or no access to genomic technologies and the research that drives them. A key problem is the lack of background genetic variation data for Indigenous populations, which prevents accurate diagnosis.
- E. *Silent Genomes: Reducing health care disparities and improving diagnostic success for children with genetic diseases from Indigenous populations* is a proposal that is being submitted to the Large-Scale Applied Research Project Competition and will address the genomic divide by reducing access barriers to diagnosis of genetic disease in Indigenous children.
- F. In keeping with OCAP™ principles of First Nations ownership, control, access and possession and in partnership with First Nations, Inuit and Métis, the research team (Laura Arbour, Nadine Caron, and Jeff Reading and others) will:
 - i. Establish processes, through an Indigenous lens, for safe governance of biological samples and genome data in the Silent Genomes project.
 - ii. Address barriers to accessing genetic/genomic health care and bring genomic testing to at least 200 Indigenous children across Canada with suspected genetic disorders.
 - iii. Develop an Indigenous Background Variant Library (IBVL) and assess improvement in diagnosis for referred children.
 - iv. Assess effectiveness of the IBVL to lower health care costs and plan for long term use of IBVL for Canadian Indigenous children and adults needing genetic/genomic health care.

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

- 1. Reaffirm a commitment to the principles of OCAP™.
- 2. Support the *Silent Genomes: Reducing health care disparities and improving diagnostic success for children with genetic diseases from Indigenous populations*, a health research proposal that is being submitted to Genome Canada.
- 3. Support the Assembly of First Nations in directly participating in the project governance.

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TITLE: **Supporting Early Literacy through Dolly Parton's Imagination Library**

SUBJECT: Education, Health

MOVED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

SECONDED BY: Chief Walter Spence, Fox Lake First Nation, MB

DECISION: Carried by Consensus

A. The United Nations Declaration on Rights of Indigenous Peoples states:

- i. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- ii. Article 21: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

B. The mission of Dolly Parton's Imagination Library is to promote early literacy, to improve kindergarten readiness and to increase caregiver-to-child bonding via reading. Since 2006, the Imagination Library has mailed more than 1 million age-appropriate books to children in Canada. 52 percent of the children in Canada's program are from First Nations, Métis and Inuit communities, which is a result of their own initiative.

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- C.** By working together with First Nations communities, the goal of Dolly Parton's Imagination Library is to make a scalable impact on increasing positive attitudes about reading during the early years. This is especially important because 85-90 percent of one's brain is developed by age three or four. This impact can be accomplished in three ways: by enhancing the home-literacy environment via providing age-appropriate books in the home; by encouraging opportunities to read with one's child; and by increasing the interactions with caregiver-to-child during book-reading.
- D.** Presently, Dolly Parton's Imagination Library is collaborating with more than 1,535 communities worldwide and mailing books to homes in a child's name, aged zero-five years old, once every month. In Canada, there are a total of 221 affiliate communities and currently 161 are First Nation, Métis and Inuit communities.

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

- 1.** Direct the Assembly of First Nations (AFN) to support First Nations seeking to collaborate with Dolly Parton's Imagination Library and ensure First Nation children have access to the early learning and book-gifting program.
- 2.** Direct the AFN to work with the Chiefs Committee on Education to write a letter supporting First Nation access to Dolly Parton's Imagination Library.
- 3.** Encourage the Dolly Parton Imagination Library to provide authentic First Nation content in the books that are provided to recipients.

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TITLE: Regional Specific Fiscal Relations Tables and Working Groups

SUBJECT: Fiscal Relations

MOVED BY: Shawn Kent, Proxy, Brokenhead Ojibway Nation, MB

SECONDED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B.** Notwithstanding the work undertaken by Manitoba First Nations over the decades in the area of fiscal relations, including work done under *The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdictions to First Nations Peoples in Manitoba and Recognition of First Nations Governments in Manitoba* (the “Framework Agreement Initiative”), there continues to be a fundamental difference in views between First Nations and the Crown on what the terms of a fiscal relationship should encompass.
- C.** Under the Framework Agreement Initiative (1994–2006), principles were developed to guide discussions for an improved fiscal relationship including: clear jurisdiction and authorities; incentives for economic development; revenues related to service responsibilities; comparability; and, improved socio-economic status of First Nation citizens. Unfortunately, these discussions were not successful in creating an improved fiscal relationship that could be endorsed by both Canada and First Nations in Manitoba.

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- D. The current political climate in Canada provides another opportunity for First Nations to engage in a dialogue and put forth terms for a new fiscal relationship with the Crown which led to the signing of a Memorandum of Understanding in July 2016, between the Assembly of First Nations (AFN) and Indigenous and Northern Affairs Canada (INAC) to “examine the current fiscal arrangement(s) to identify areas/elements of the existing relationship that are impeding progress in moving towards a government to-government relationship.”
- E. The Assembly of Manitoba Chiefs held a regional engagement session on fiscal relations on November 14 and 15, 2017, in Winnipeg, Manitoba, to ensure our regional voice was heard as part of this process.
- F. Manitoba First Nation leadership in attendance noted a number of issues and concerns with respect to the AFN and Canada developing fiscal frameworks. The prime concern is that they will not take into consideration the unique challenges in the Manitoba Region which includes the highest number of First Nations in some form of intervention under INAC Default Prevention and Management Policy.
- G. These federally imposed interventions are due to decades of inadequate funding and unilaterally imposed legislative/policy frameworks and funding mechanisms that inhibit First Nation leadership to address the socio-economic gaps that exist in their First Nations and develop community based solutions with equitable funding.

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

1. Inform Canada that the fundamental basis of the relationship between First Nations and Canada is our prior occupation and the Treaties.
2. Inform Canada that Regional Specific Fiscal Relations Tables and Working Groups be established including a Manitoba Specific Fiscal Relations Table and Technical Working Group in order for Manitoba First Nations to articulate an approach that will work in their Region and one that is based on a sovereign nation-to-nation approach and the recognition and affirmation of our Treaty, Inherent and Aboriginal rights.
3. Direct the Assembly of First Nations to call upon Canada to fully fund and provide adequate timelines for the Manitoba First Nation Fiscal Relations Table and Technical Working Group to be established between Manitoba First Nations and Canada in order for both parties to work together to create a different path to a new fiscal relationship in Manitoba.
4. Inform Canada that the new fiscal relationship must address the socio-economic gap between First Nations and non-First Nation citizens as this gap is the largest for Manitoba First Nations for all socio-economic indicators.

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TITLE: Environmental and Regulatory Reviews

SUBJECT: Environment

MOVED BY: Kukpi7 Ron Ignace, Skeetchestn Indian Band, B.C.

SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, QC

DECISION Carried; 1 abstention

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities.
- ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.

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- B. The Assembly of First Nations (AFN) has passed six resolutions concerning the environmental and regulatory reviews: 19/2017: *Resetting the Role of First Nations in Environmental and Regulatory Review*; 86/2016: *Meaningful Consultation and Engagement with First Nations in the Environment and Regulatory Review*; 64/2016: Support for Stk'emlupsemc te Secwepemc Nation Project Assessment Process; 12/2016: *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; 35/2016: *First Nations' Inclusion in the Review of Environmental and Regulatory Processes*; 24/2012: *Consultation and Engagement on Amendments to the Fisheries Act*; and 47/2012: *Opposition to Unilateral Changes in Fisheries Management in Canada*.
- C. In 1998, then Minister of Environment, David Anderson, established an Aboriginal Working Group to the Species-at-Risk Act (SARA) that allowed First Nations' full, direct, and unfettered participation to the legislative process, including reviewing clause-by-clause the precursors to the SARA.
- D. Prime Minister Justin Trudeau has publicly committed "to a renewed nation-to-nation relationship with First Nations (...) one that is based on recognition of rights, respect, cooperation and partnership" and to "conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government."
- E. Instead of engaging First Nations in the review of "legislation unilaterally imposed on Indigenous Peoples by the previous government", on June 20, 2016, the Government of Canada announced a broad public review of various environmental and regulatory processes that includes:
- i. Reviewing federal environmental assessment processes.
 - ii. Modernizing the National Energy Board.
 - iii. Restoring lost protections and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*.
- F. The modernization of the National Energy Board (NEB) and review of the *Canadian Environmental Assessment Act* (CEAA 2012) went through expert panel processes, and the *Fisheries Act* and *Navigation Protection Act* went through Standing Committee processes.
- G. Despite calls for full-inclusion of First Nations in drafting processes, on June 29, 2017 the Government of Canada unilaterally released a Discussion Paper pertaining to all four Environmental and Regulatory Reviews with a 60-day window for comment, and included some opportunities for additional funding for Indigenous nations.
- H. It remains unclear whether the Minister of Fisheries and Oceans and the Minister of Transport will use the Ministerial Working Group as set out to ensure the Crown is meeting its Constitutional obligations with respect to Aboriginal and Treaty Rights.

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- I. First Nations cannot, only rely on “common law” or the *Navigation Protection Act* for the protection of our waterways.
- J. Given this challenge, the AFN has taken the initiative to prepare its own First Nations-specific discussion paper that draws on the hundreds of submissions from First Nations and their representative organizations made to Canada, and included information from technical sessions.
- K. The Government of Canada has since submitted a Memorandum to Cabinet on the environmental and regulatory processes, looking to have a Draft Bill tabled either at the end of this December sitting of Parliament or during the beginning of the January sitting of Parliament.
- L. Following the tabling of this legislation, Canada appears willing to engage in a joint process of reviewing legislative amendments, policies, regulations and guidelines relating to the four environmental and regulatory processes. This process is expected to take between twelve and eighteen months.
- M. Prime Minister Trudeau reflected this commitment in his letter sent on November 22, 2017 to the Advisory Committee on Climate Action and the Environment (ACCAE) Co-Chairs.
- N. The Chiefs-in-Assembly resolved in Resolution 20/2017 “*Respecting Inherent Rights and Jurisdiction over Waters Parallel to Canada’s Navigation Protection Act*” “... that the current engagement process cannot be construed as “consultation” and fails to meet the free, prior and informed consent standard and that additional time must be afforded to consult directly with rights holders in a manner that is respectful of their unique protocols, processes, and elements”.

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

- 1. Direct the Assembly of First Nations (AFN) to pursue the commitment from Canada for co-development of legislative amendments, policies, regulations, and guidelines for the environmental and regulatory processes, and the creation of a body which combines technical discussions, political oversight, and regional representation.
- 2. Call upon Canada to meet or exceed the precedent set in the development and eventual passage of the Species-at-Risk Act, which involved full, direct, and unfettered participation of First Nations.
- 3. Direct the AFN to continue supporting and coordinating, where possible, the interventions and participation of First Nations, regional organizations, and provincial/territorial organizations in the co-development process mentioned above, including creating regionally specific processes to address specific concerns, as well as support provisions as part of nation-to-nation relationships.
- 4. Call on all responsible Ministers to provide adequate funding directly to individual First Nations for their full and effective participation in the environmental and regulatory reviews.
- 5. Mandate the AFN to conduct regional information sessions to support First Nations, regional organizations, and provincial/territorial organizations in the process.

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TITLE: Fisheries Legislative Amendments and the Ten Principles Respecting the Government of Canada's Relationship with Indigenous Peoples

SUBJECT: Fisheries

MOVED BY: Chief Dalton Silver, Sumas First Nation, B.C.

SECONDED BY: Chief Charles Morven, Gitwinksihlkw Village Government (Nisga'a), B.C.

DECISION: Carried; 1 abstention

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
- ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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B. The Principles Respecting the Government of Canada's Relationship with Indigenous Peoples states:

- i. Principle 1: All relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.
- ii. Principle 2: Reconciliation is a fundamental purpose of section 35 of the *Constitution Act*, 1982.
- iii. Principle 3: The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous Peoples.
- iv. Principle 6: Meaningful engagement with Indigenous peoples aims to secure their free, prior and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.
- v. Principle 7: Respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

C. The Prime Minister mandated a Working Group of Ministers to examine relevant federal laws, policies, and operational practices to help ensure the Crown is meeting its constitutional obligations with respect to Aboriginal and Treaty rights; adhering to international human rights standards, including the UN Declaration; and supporting the implementation of the Truth and Reconciliation Commission's Calls to Action.

D. The Government of Canada made a strong statement when releasing its Ten Principles; it was done at the same time as the move to amend legislation, however the legislation and amendment process has been done contrary to ten principles.

E. First Nations are aware of legislative amendments such as the Fisheries Act, the Navigation Protection Act, the Oceans Act (Bill C-55), and the proposed Aquaculture Act and accompanying regulations, moving forward without proper consultation with First Nations and in contradiction of the Ten Principles respecting the Government of Canada's relationship with Indigenous peoples and the mandate of the Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples.

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

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada, to respect its own Ten Principles respecting the Government of Canada's relationship with Indigenous peoples within the context of legislative and regulatory reform that impacts First Nations generally, and as it relates to amendments to the Fisheries Act, the Navigation Protection Act, the Oceans Act, and the proposed Aquaculture Act and accompanying regulations.

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2. Direct the AFN to call on the Government of Canada to identify the legislation, regulations, and policies under the scope and review of the Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples.
 - a. Seek clarity on the federal government's development of the recognition of rights framework with respect to legislative and regulatory amendments that impact First Nations fisheries.

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TITLE: **National Day of First Nations Fishing Rights**

SUBJECT: Environment / Fisheries

MOVED BY: Chief Scott McLeod, Nipissing First Nation, ON

SECONDED BY: Chief Dalton Silver, Sumas First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous People states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** Indigenous peoples of Canada have constitutionally protected Aboriginal and Treaty rights, which include the right to traditional and customary governance of traditional lands, waters and resources, including fisheries.

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- C. Significant Supreme Court of Canada decisions such as *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida*, and *Sparrow* (among many others) have recognized the rights of First Nations to fish and exercise governance over their traditional fisheries.
- D. The Canadian *Holidays Act* has already proclaimed a statutory holiday in Canada on the first Monday immediately preceding May 25 under the name of "Victoria Day" that commemorates a period in British history when many Treaties were signed.
- E. On October 3, 2017, on the traditional territory of the Nipissing First Nation, the National Fisheries Committee reached consensus and recommended to the Assembly of First Nations that a day to honour the inherent rights of First Nations fishermen should be declared.

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

1. Recognize as the first Monday immediately preceding May 25 a National Day of First Nation Fishing Rights to re-affirm and exercise our inherent rights to fish and manage our own resources.

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TITLE: **Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions regarding Fisheries**

SUBJECT: Fisheries

MOVED BY: William Gladstone Sr., Proxy for Heiltsuk Nation, B.C.

SECONDED BY: Chief Dalton Silver, Sumas First Nation, B.C.

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations *Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. 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.
- ii. Article 20: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities; Indigenous peoples deprived of their means of subsistence are entitled to just and fair redress.
- iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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- iv. Article 29: Indigenous peoples have the right to the conservation and protection of the environment and productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.
 - v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
 - vii. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B.** Indigenous peoples have constitutionally protected Aboriginal and Treaty rights, which include the right to traditional and customary governance of traditional lands, waters, and resources including fisheries.
- C.** There have been significant Supreme Court of Canada ("SCC") decisions such as *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida Nation*, and *Sparrow* that have recognized First Nations' right to participate and exercise governance over traditional fisheries.
- D.** The Government of Canada has not honourably upheld, implemented, or acted in good faith to fulfill its legal duties to fully implement SCC court decisions with respect to First Nations' fisheries.
- E.** The 2015 mandate letter to the Minister of Justice states:
- i. As Minister of Justice and Attorney General of Canada, your overarching goal will be to ensure our legislation meets the highest standards of equity, fairness and respect for the rule of law.
 - ii. Review our litigation strategy. This should include early decisions to end appeals or positions that are not consistent with our commitments, the Charter, or our values.
- F.** In July 2017, the Justice Minister announced the Ten Principles respecting the Government of Canada's relationship with Indigenous peoples, which include:

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- i. The Government of Canada recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealing with Indigenous peoples.
 - ii. The Government of Canada recognizes that respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.
 - iii. The Government of Canada recognizes that reconciliation is an on-going process that occurs in the context of evolving Indigenous-Crown relationships.
 - iv. The Government of Canada recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Metis Nation and Inuit are acknowledged, affirmed, and implemented.
- G.** The Assembly of First Nations (AFN) has passed AFN Resolution 83/2008 *Strengthened and Renewed Mandate for the National Fisheries Strategy to Fully Share in Economic Opportunities*, and AFN Resolution 67/2010 *Establishment of a National Mechanism for the Negotiation and Implementation of Supreme Court Decisions regarding Fisheries*. Both direct the AFN with a strengthened mandate to examine new initiatives, including the support for the development of new supportive bodies and undertake a review and assessment of First Nations court decisions.

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

- 1.** Direct the Assembly of First Nations (AFN) to call on the Minister of Fisheries and Oceans, the Ministerial Working Group on Law & Policy, to ensure that any new or reformed federal legislation regarding fisheries respects and advances Supreme Court of Canada (SCC) fisheries decisions to uphold Aboriginal and Treaty rights.
- 2.** Call on the AFN to support discussions amongst First Nations who wish to participate in the development of a mandate, and framework for a National Secretariat to promote the implementation of all successful SCC decisions related to all fisheries.
- 3.** Call on the AFN to provide political and technical support to the National Secretariat to assist its work in integrating strategies for the benefit of First Nations at negotiation tables on fisheries management, including increased economic access.
- 4.** Call on the AFN to support a national strategy to assess, facilitate, and promote the development and enactment of federal legislation to implement Aboriginal Title, Rights and Treaty Rights confirmed by successful SCC decisions.
- 5.** Call on the AFN to support the development of First Nations mechanisms that can bridge the gaps between SCC decisions, First Nations negotiation, and Crown implementation processes to ensure that SCC decisions are honored and implemented effectively.

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TITLE: Support for Continued Co-Development Work on the Indigenous Languages Act

SUBJECT: First Nations Languages

MOVED BY: Chief Ron Ignace, Skeetchestn First Nation, B.C.

SECONDED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. 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.
- B.** The Final Report of the Truth and Reconciliation Commission and its 94 Calls to Action include specific calls (13, 14, 15 & 16) about Indigenous peoples' language revitalization and was fully supported by the Chiefs-in-Assembly through Resolution 01/2015 *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*.
- C.** In 1998, a state of emergency on First Nations languages was declared by the Chiefs-in-Assembly, Resolution 35/1998 *First Nation Languages* which states:

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- i. “That the Government of Canada act immediately to recognize, officially and legally, the First Nation languages of Canada, and to make a commitment to provide the resources necessary to reverse First Nation language loss and to prevent the extinction of our languages...”
- D. On December 6, 2016, Prime Minister Justin Trudeau announced to the Assembly of First Nations (AFN) Special Chiefs Assembly that the federal government will “enact an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country.”
- E. On June 15, 2017, a Joint Statement was issued by Canadian Heritage, the AFN, Inuit Tapiriit Kanatami and the Métis National Council which includes that the parties will:
 - i. Co-develop legislation in a way that supports the full and meaningful implementation of the Truth and Reconciliation Commission (TRC) Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples and the federal government’s commitment to a nation-to-nation, government-to-government, or Inuit-Crown relationship.
 - ii. Co-develop legislation that recognizes First Nations, Inuit and Métis language rights and jurisdictions, and that recognizes that Indigenous languages are fundamental to Indigenous self-determination. Such legislation would, among other things, further affirm and address the right of Indigenous peoples to revitalize, use, develop and transmit their languages to future generations, including through the control of their educational systems and institutions. The recruitment of new speakers is imperative to the work of Indigenous languages revitalization and should begin with early childcare and continue in elementary schools, high schools and adulthood. Language revitalization should be inclusive of all community members both in and out of communities.
- F. The AFN hosted engagement sessions from June to October 2017 with more than 500 participants—Regional Chiefs, Chiefs, AFN Chiefs Committee on Languages members, language champions and activists, fluent speakers, knowledge keepers, Elders, Indigenous scholars and linguists—from all regions.

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

1. Adopt the *Assembly of First Nations First Nations Indigenous Languages Initiative National Engagement Sessions Report*.
2. Adopt the principles below, drawn from the Report referred to in paragraph one. These principles shall inform the framework and approach that the Government of Canada must employ, together with First Nations governments, to co-develop legislation, regulations and policies regarding the protection, promotion, preservation, revitalization, recovery and maintenance of First Nations languages.

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- i. Recognition of the importance of Indigenous language to land, culture, traditional knowledge, worldview, participation in the economy, and domestic and global relations.
 - ii. Acknowledgement of the need and importance of redress of harm by colonization, destructive policies and laws.
 - iii. Affirmation of commitment to the Truth and Reconciliation Commission Calls to Action, UN Declaration of Rights of Indigenous Peoples, and other key human rights instruments and principles.
 - iv. Affirmation of the various approaches to languages recovery, revitalization and maintenance and the critical role of early childhood education/lifelong learning in the opportunities for language learning.
 - v. Articulation of objectives for the protection and support of Indigenous languages and related rights, including intellectual property and copy rights, cultural appropriation, etc.
 - vi. Affirmation of First Nations jurisdiction over Indigenous languages.
 - vii. Articulation of enforceable individual and collective rights.
 - viii. Articulation of specific federal obligations, duties and authorities to protect and support Indigenous languages including funding.
 - ix. Acknowledge of the need for proficient Indigenous controlled systems and capacities for the archiving of, and for the provision of access to, language data.
 - x. Authorities to establish suitable institutions to advance Indigenous languages objectives and rights, and that such institutions will not displace existing First Nations institutions.
 - xi. Establishing annual reporting and a five year review requirements.
3. Direct the Assembly of First Nations to remind the government of its constitutional obligation to the requirement for extensive consultation based on the standard of free, prior and informed consent on the proposed languages bill upon its availability.

TITLE: Support for the Extension on the National Inquiry into Missing and Murdered Indigenous Women and Girls

SUBJECT: MMIWG

MOVED BY: Chief Peter Collins, Fort William First Nation, ON

SECONDED BY: Chief AnnaBetty Achneepineskum, Webequie First Nation, ON

DECISION: Carried; 15 objections

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** Indigenous peoples and individuals are free and equal to all other peoples and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular those based on their Indigenous origin or identify.
- C.** The Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) in August, 2016.
- D.** The National Inquiry is mandated to provide a final report to the federal government of Canada by November 2018.
- E.** To date, the National Inquiry has held 8 family hearings throughout Canada and has heard approximately over 500 testimonies with 1000 families and survivors registering thus far.

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- F. Resolution 57/2017, “*Support for National Inquiry into Missing and Murdered Indigenous Women and Girls*” directs the Assembly of First Nations to call for a reset, changing the mandate and process of the National Inquiry; remove policy barriers of the Privy Council Office; expand the scope of the National Inquiry; Call upon the federal government to take immediate action to fund family engagement, healing processes, and support for families still at risk today. Resolution 57/2017 also calls upon the National Inquiry to amend its process to be less legalistic, to move away from a top down colonial approach and include local culturally sensitive based processes which are respectful for families, and to obtain input from grassroots people and improve its outreach. Finally it calls upon the National Inquiry to develop and disclose its accountability framework, financial reports, its structure and its interim report with an evaluation process.
- G. Families of Missing and Murdered Indigenous Women and Girls from the Thunder Bay hearings have called upon leadership to help advocate for an extension of the National Inquiry and for additional funding to reach all families throughout Canada within their respective territories.

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

1. Direct the Assembly of First Nations (AFN) to support the Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) request for an extension of their mandate and the appropriate budget allocation for the continuation of the National Inquiry for a minimum of another 2 years, on the condition that the Commissioners of the National Inquiry make a formal commitment to fully implement, prior to the extension and replacement of the Chief Commissioner, all of the calls for action contained in AFN Resolution 37/2014 “*Support for Families First*” and Resolution 57/2017 “*Support for the National Inquiry into Missing and Murdered Indigenous Women and Girls*”, including to:
 - a. Direct the AFN to call upon the federal government to reset and change the mandate and process of the National Inquiry and if necessary, provide additional funding to the National Inquiry.
 - b. Call upon the federal government and the Privy Council Office to remove any policy barriers that inhibit the ability of the National Inquiry to allocate funds and carry out its mandate.
 - c. Call upon the federal government to expand the scope of the National Inquiry’s mandate to include policing practices and policies.
 - d. Call upon the federal government to take immediate action to fund:
 - i. Family engagement.
 - ii. Healing processes.
 - iii. Support for families still at risk today.
 - e. Direct the AFN to call upon the National Inquiry to amend its process so that it is less legalistic, to move away from a top down colonial approach and include a local culturally sensitive based process which is respectful of families; to communicate with families to obtain input from grassroots people and improve its outreach process to family members, First Nations, and organizations.
 - f. Call upon the National Inquiry to develop and disclose its:
 - i. Accountability Framework.

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- ii. Financial Reports.
 - iii. Organizational Structure.
 - iv. Interim Report, with an evaluation of the process.
2. Direct the federal government to reset the National Inquiry by replacing the Chief Commissioner, and reappoint the Chief Commissioner through a process with full engagement with Indigenous survivors and families of Missing and Murdered Indigenous Women and Girls.
 3. Call upon the federal government to ensure that hearings occur within the appropriate First Nation lands and territories so that it is further accessible to families.
 4. Call upon the Commissioners to hold family hearings in locations recommended by the families of Missing and Murdered Indigenous women and girls and to adapt their process so that it is safe and suitable to the traditions and languages of the First Nations lands and territories where the hearings to ensure connections to the land are maintained (i.e., Roundhouse, Long house etc.).

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TITLE: **Indigenous Protected and Conserved Areas**

SUBJECT: Environment

MOVED BY: Chief Gordon Planes, T'Sou-Ke First Nation, BC

SECONDED BY: Chief Russell Chipps, Beecher Bay First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iv. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.

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- v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** The unique relationship between First Nations and the environment is recognized as an essential role within the UN Declaration, including the importance of traditional knowledge in the protection and conservation of the environment and its species.
- C.** The ability of First Nations to responsibly manage and protect the environment, species and associated habitat is unmatched, invaluable and critical to address growing challenges to conservation and threats to biodiversity.
- D.** First Nations are the stewards of the environment and are rightfully positioned to lead the establishment of Indigenous Protected and Conserved Areas (IPCA) and manage the lands and territories within such designations based on the application of their own jurisdiction, laws and ways of knowing.
- E.** First Nations have experienced infringements of their rights due to unilateral conservation efforts by the Government of Canada and the provinces and territories. While the Government of Canada recognizes the potential for extraordinary impacts of conservation activities on the environment, species and habitat on federal lands, there is a need for similar recognition of these impacts on the inherent rights and title of First Nations and the need for fair and reasonable compensation as a result of these impacts.
- F.** First Nations are seeking a more formal relationship with all levels of government as it relates to environmental protection and conservation as we move forward in building the important nation-to-nation relationship referenced by the current federal government and supported in Assembly of First Nations resolution 63/2011 *Protection and Conservation of Lands and Waters*.
- G.** The T'Sou-ke First Nation is seeking to establish its own IPCA.

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

1. Support the T'Sou-ke First Nation in its efforts to lead in the development of Indigenous Protected and Conserved Areas (IPCA), including the establishment of its own IPCA.
2. Direct the Assembly of First Nations to engage with the Minister of Environment and Climate Change Canada and the Chief Executive Officer of Parks Canada to ensure the critical leadership role of First Nations in discussing the process for establishing IPCAs nationally.

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3. Urge the Minister of Environment and Climate Change Canada and the Chief Executive Officer of Parks Canada to ensure that the development of IPCAs is not limited to achieving Canada's conservation goals/targets, but also aims to achieve broader conservation and protection objectives consistent with the United Nations' Declaration on the Rights of Indigenous Peoples and the interests of respective First Nations.
4. Urge the Minister of Environment and Climate Change Canada and the Chief Executive Officer of Parks Canada to ensure the full and effective participation of traditional knowledge holders in all aspects of conservation, with equal weight given to that of western science.
5. Urge the responsible minister(s) and their respective departments/agencies to meaningfully engage, consult and accommodate First Nations interests and concerns in all legislative, regulatory, policy and program decisions, including the creation of opportunities for dialogue with all levels of government.
6. Urge the responsible minister(s) and their respective departments/agencies to support the full and effective participation of First Nations in the development and implementation of all conservation activities relating to the environment, species and habitat.

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TITLE: **Support for Review of Canada's Operations and Maintenance Policy**

SUBJECT: Housing and Infrastructure

MOVED BY: Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, BC

SECONDED BY: Chief Lance Haymond, Kebaowek First Nations, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** 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.
 - ii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** The federal government only funds a portion of the estimated costs for the operations and maintenance (O&M) of on-reserve community infrastructure such as buildings, roads and bridges, etc.
- C.** The current funding formulas and cost indices as identified in Indigenous and Northern Affairs Canada's (INAC) O&M Policy are outdated, inadequate, and do not provide sufficient funding for First Nations to protect and prolong the life of their community assets.

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- D. The Assembly of First Nations is committed to working with INAC to identify options for the implementation of a new O&M policy framework and formula that will reflect new infrastructure technologies as well as economic and environmental factors that will contribute to addressing the socio-economic gap in First Nations.
- E. A joint work plan will need to be developed that will identify options for the co-development of a new O&M Policy Framework.
- F. INAC will be requested to commit the necessary resources to undertake engagement sessions with First Nations and regional organizations, and the Chiefs Committee on Housing and Infrastructure and Regional Technicians.

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

- 1. Support the co-development of new Operations and Maintenance Policy Framework (O&M Policy Framework) with full involvement of First Nations and/or their organizations, the Assembly of First Nations (AFN) and the Chiefs Committee on Housing and Infrastructure.
- 2. Direct the AFN to jointly develop a Draft Joint Work Plan with Indigenous and Northern Affairs Canada (INAC) and report on progress to the Chiefs Committee on Housing and Infrastructure.
- 3. Direct the AFN to urge INAC to provide funding to support the Joint Work Plan and the development and implementation of the O&M Policy Framework.

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TITLE: Reaffirming Commitments to Action for First Nation Veterans

SUBJECT: First Nations Veterans

MOVED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek

SECONDED BY: Chief Thomas Bressette, Chippewas of Kettle and Stony Point

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples speaks to this call for equal recognition and supports:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. First Nations veterans have seen a steady decline in programs and services, coordination, support and recognition provided by Veterans Affairs Canada.
- C. The historic unequal treatment and compensation for First Nations veterans compared to other Canadian veterans remains a significant concern and to date, despite advocacy and support from National Chief and the Assembly of First Nations (AFN), real compensation to these veterans in a way that truly respects the equality of their service and sacrifices remains an outstanding issue.

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- D. Anishinabek Nation Grand Council Assembly resolution #2002/26 declares Anishinabek Nation support for the equal treatment of all First Nation Veterans.
- E. On November 10, 2016, the National Chief convened a gathering in Ottawa with First Nations veterans from across the country to set priorities and establish a new AFN Working Group on First Nations Veterans Affairs tasked to, “...push for fairness, recognition and respect for every First Nations Veteran, young or old, and for their families.”
- F. On October 25, 2017 during a Chiefs of Ontario Special Assembly, Chiefs in Assembly supported *Resolution 24/2017 – Assembly of First Nations Support for First Nations Veterans* calling on the AFN to address the outstanding unequal recognition and support for our First Nation veterans.

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

- 1. Call upon the Assembly of First Nations (AFN) and the National Chief's Office to action its November 10, 2016 statement to reinvigorate commitments to First Nation Veterans.
- 2. Call upon the AFN and the National Chief's Office to support the Working Group on First Nations Veterans Affairs by strongly advocating for the following:
 - Ensuring the inclusion of all First Nations Veterans, survivors, and their families in National Remembrance Day ceremonies including those in active services.
 - A substantial increase in the provision of services, coordination and financial support by Veterans Affairs Canada through direct engagement with the Minister.
 - Continue to work towards the re-establishment of the First Nations Veterans Association.

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TITLE: Support the Inclusion of Lacrosse as a Sport in the Canada Summer Games

SUBJECT: Health, Sport

MOVED BY: Chief Ava Hill, Six Nations of the Grand River, ON

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on Rights of Indigenous Peoples states:

- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- ii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- iii. Article 31 (2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

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B. Lacrosse is the official Canadian National Summer Sport; *National Sport Act of Canada* – S. C. 1994, c. 16. Assented to 1994-05-12:

i. This Act may be cited as the National Sports of Canada Act:

“The game commonly known as ice hockey is hereby recognized and declared to be the national winter sport of Canada and the game commonly known as lacrosse is hereby recognized and declared to be the national summer sport of Canada.”

C. Truth and Reconciliation Commission of Canada: Calls to Action: Sports and Reconciliation:

- i. Call to Action 87: We call upon all levels of government, in collaboration with Aboriginal peoples, sports hall of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
- ii. Call to Action 90: We call upon the federal government to ensure national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.
- iii. Call to Action 91: We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

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

- 1. Direct the Assembly of First Nations (AFN) to work with Canada Games host committees to support the inclusion of lacrosse prominently in the 2021 Canada Summer Games and all future Canada Summer Games going forward.
- 2. Direct the AFN to call upon federal and provincial governments to include increased funding to accommodate the inclusion of lacrosse in the 2021 Canada Summer Games and provide stable future funding for lacrosse to be included in future Canada Summer Games.

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TITLE: **Support for the National First Nations Early Learning and Child Care Policy Framework**

SUBJECT: Early Learning and Child Care

MOVED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

SECONDED BY: Chief Cathy Merrick, Cross Lake Band of Indians, MB

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- ii. 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.
- iii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- iv. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

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- v. Article 17 (2): States shall in consultation and cooperation with Indigenous peoples take special measures to protect Indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
 - vi. Article 22 (1): Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;
 - vii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** The articles of the UN Declaration support a mandate for First Nations control, direction and governance of First Nations early learning and child care (ELCC) within an Indigenous right to strengthen and maintain distinct social and cultural institutions (Article. 2(a); 5; 14; 20; 23) which is an integral part of Indigenous cultural revitalization (Article. 13.1) and a part of Indigenous educational systems, for which there exists a right of Indigenous establishment and control (Article 14).
- C.** Assembly of First Nations Resolution 39/2016 *First Nations National Working Group on Early Learning and Child Care* endorsed the establishment of a First Nations national working group on ELCC from across disciplines of health, education, child and family services and early childhood with a mandate to oversee a 4-6 month community engagement process that would confirm and identify the key principles, priorities and an action plan for First Nations ELCC. ELCC regional engagement reports have since been received and form the basis for the development of the draft national First Nations ELCC Policy Framework to make possible transformative systemic change—at First Nations' direction—in the governance and service delivery structures that provide for early learning and child care supports for First Nations children and families and will be considered by the federal cabinet for implementation starting in fiscal 2018-2019.
- D.** First Nations ELCC programs and services have been developed and delivered by a patchwork of disjointed federal and provincial programs since their inception in the mid-1990s. They are unevenly distributed, subject to systemic funding neglect, uncoordinated and typically without the direction of First Nations leadership in the legitimacy of First Nations governance.
- E.** The National First Nations ELCC Policy Framework will provide for First Nations ELCC in organized, legitimate and systemic First Nations coordination and control (at local, regional and national levels) that will promote and enable stronger supports for First Nations children and families within a governance context accountable to them and their communities.

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- F.** Supported by the National Indigenous ELCC Framework, the First Nations ELCC Framework will provide for First Nations governance locally, regionally and nationally in ELCC, subject to First Nations jurisdiction pursuant to inherent rights and title and will facilitate First Nations and governments in constructive relations of reciprocal accountability following from a basis in the strengths of existing programs;
- G.** The National Indigenous ELCC Framework will be a means for the expression and direction of First Nations aspirations and priorities for their children and families over the short and long terms.

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

- 1.** Endorse the National First Nations ELCC Policy Framework as drafted as the First Nation component of the co-developed National Indigenous Early Learning and Child Care Framework and as a basis to support federal approval of the National Indigenous ELCC Framework.
- 2.** Support the continuing co-development of the First Nations ELCC Framework and the pending implementation of both frameworks, subject to continuing First Nations' direction and leadership.
- 3.** Direct the National Experts ELCC Working Group to continue its framework development work through to implementation, reporting nationally to the Assembly of First Nations (AFN) and to First Nations within their respective regions and territories.
- 4.** Call on the AFN to work with the Government of Canada for additional First Nations early learning and child care (ELCC) funding for existing programs and new investments (including capital funding for new child care centres) and to fully fund capacity development separate from ELCC program funding to support ongoing framework development and implementation at all levels (local, regional and national).

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TITLE:	Support for Research into Implementation of the United Nations Declaration on the Rights of Indigenous Peoples
SUBJECT:	United Nations Declaration on the Rights of Indigenous Peoples
MOVED BY:	Chief Jackie Thomas, Saik'uz First Nation, BC
SECONDED BY:	Chief Dan George, Ts'il Kaz Koh First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. On February 23, 2012, Canada highlighted to the United Nations Committee on the Elimination of Racial Discrimination the relevance of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) "While it had no direct legal effect in Canada, Canadian courts could consult international law sources when interpreting Canadian laws, including the Constitution."
- B. Canadian courts and legislators have international tools to assist them in the timely implementation of the UN Declaration into Canadian case law and legislation, including on provincial, territorial, and municipal policies, acts, and regulations that continue to have negative colonial impacts on Indigenous peoples in Canada.
- C. Canada has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Discrimination Against Women and is in violation of both with its continued treatment of Indigenous people in Canada.
- D. The UN Declaration is the most comprehensive international human rights instrument to specifically address economic, environmental, social, cultural, political, civil, spiritual and inherent rights, and sets out the minimum standards necessary for the dignity, survival and well-being of Indigenous peoples.

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- E.** On May 10, 2016 at the United Nations Permanent Forum on Indigenous Issues, Minister Carolyn Bennett stated Canada will uphold its commitment to implement the unqualified endorsement of the UN Declaration.
- F.** Canada has not fulfilled its commitments to act on the UN Declaration with an articulated, concrete plan with measured deliverables to move forward with implementation.
- G.** The Canada Research Chairs Program is intended to ensure that Canadian research and development is globally competitive. It is the objective of the federal government to help universities become centres of leading-edge research and research training. Chairs aim to achieve research excellence in a variety of studies including sciences, health, humanities and social sciences.

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

- 1.** Direct the Assembly of First Nations to call on the federal government to support Canada Research Chairs which focus on research related to Indigenous governance, law, reconciliation and other related matters to ensure that Indigenous communities, Indigenous organizations and other institutions and organizations have access to research related to international best practices for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples throughout the world.

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TITLE: **AFN support for the Alberta Sixties Scoop class action lawsuit**

SUBJECT: Legal - Litigation

MOVED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

SECONDED BY: Chief Tammy Cook-Searson, Lac La Ronge Indian Band, SK

DECISION: Carried by Consensus

WHEREAS

- A.** The February 14, 2017 Ontario Superior Court of Justice decision in *Brown v. Canada* established the federal government's liability for loss of culture with respect to sixties scoop survivors.
- B.** The October 6, 2017 announcement by Minister Bennett on a proposed Settlement Agreement may require survivors to waive their right to sue the federal government for physical and/or sexual abuse, in order to receive compensation.
- C.** The proposed Settlement Agreement only deals with First Nation class members and Inuit, but not Métis, or non-status First Nations.
- D.** Compensation provided in the proposed Settlement Agreement is capped at \$750 million and will be prorated in an amount which depends upon the number of survivors who make a claim.
- E.** The proposed Settlement Agreement does not provide compensation for deceased victims of the sixties scoop or their next of kin.

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- F.** The proposed Settlement Agreement appears to have been negotiated by four law firms without first properly consulting survivors, against the spirit of the 94 Calls to Action of the Truth and Reconciliation Commission and these law firms will receive \$75 million in legal fees. They have divided the provinces between them for the purposes of dealing with survivors in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and the Yukon.
- G.** There is a class action which was filed in Alberta by DD West LLP which is all inclusive and is supported by extensive consultation with survivors.
- H.** There has been a settlement announced on the sixties scoop class action lawsuit in Ontario which addresses loss of language and culture for the class members. However, other abuses experienced by class members such as physical, sexual and psychological abuse are not covered.

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

- 1.** Fully support the Alberta class action lawsuit which will deal with all issues of abuse experienced by all aboriginal people which are identified in s. 35 of the Constitution Act, 1982.
- 2.** Fully support the DD West LLP Alberta class action lawsuit and DD West LLP in negotiating with the federal government for a more fair and inclusive compensation package for survivors, which will deal with all issues of abuse experienced by all Aboriginal people which are identified in s. 35 of the Constitution Act, 1982.

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TITLE: **Support for Indigenous Watchdog**

SUBJECT: Research & Policy

MOVED BY: Chief Don Maracle, Mohawks of the Bay of Quinte, ON

SECONDED BY: Chief Ronald Ignace, Skeetchestn Indian Band, B.C.

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- ii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

B. The Truth and Reconciliation Commission of Canada Calls to Action state:

- i. Calls to Action (53): We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members.

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- C. A December 2016 statement by the Prime Minister of Canada on advancing reconciliation with Indigenous people saw the federal government announce their commitment to establishing an interim Board of Directors (Interim Board) to make recommendations on the creation of a National Council for Reconciliation. The Interim Board will begin an engagement process to develop recommendations on the scope and mandate of the National Council.
- D. Indigenous Watchdog is an Indigenous-led organization funded entirely by the private sector and foundations with no dependence on any government or Indigenous funding sources to deliver a free service to the Canadian public. As a completely independent non-profit business, Indigenous Watchdog complements the National Council for Reconciliation mandate of monitoring and tracking progress on reconciliation commitments by:
- i. Delivering a more dynamic web portal with multiple views of the underlying data by theme, jurisdiction and stakeholder. This allows users quick and easy answers to any of their questions.
 - ii. Offering more substantive, actionable data across all stakeholders, jurisdictions and themes to identify who is doing what, when and how by identifying as much as possible: dates, budgets, timelines, actions, commitments.
 - iii. Identifying specific "Roadblocks to Reconciliation" for each theme and identifying issues with the built-in protocols for potential solutions.
 - iv. Integrating "monitoring and reporting" frameworks beyond the core TRC Calls to Action: Political and Financial commitments to reconciliation by jurisdiction; Treaties and Land Claims; Environmental issues; Economic Development; Urban Programming for Indigenous Peoples; Indigenous reports, white papers and studies, etc.
 - v. Giving an active and very public voice to the AFN nationally and regionally on how reconciliation is advancing – or not – that is available 24/7, is consolidated and delivers multiple years of information at the click of a mouse.
 - vi. Promoting Indigenous Watchdog extensively to build up a large user base premised on the foundational principles of research, education and investigation.

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

1. Acknowledge the value of the programming provided through Indigenous Watchdog to ensure that First Nations have comprehensive accessible information on federal, provincial, and municipal government commitments and specific actions and follow-up timelines on reconciliation.

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2. Direct the Assembly of First Nations (AFN) to support the operationalization of Indigenous Watchdog by participating in an advisory board. The advisory board is expected to guide the development of reporting and monitoring protocols and performance metrics as well as the overall scope of the website.
3. Direct the AFN to update the Chiefs-in-Assembly annually to ensure AFN's participation in the advisory board is contingent on Indigenous Watchdog's success in providing comprehensive information on reconciliation commitments.
4. Direct the AFN to call upon the federal government to develop the engagement process whereby First Nations will jointly develop the mandate and scope of the National Council of Reconciliation as set out in the Truth and Reconciliation Commission's Call to Action (53).

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TITLE: Support for a National Housing and Infrastructure Policy Reform Framework

SUBJECT: Housing

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** The Assembly of First Nations (AFN) and Chiefs Committee on Housing and Infrastructure (CCoHI) are working towards implementing AFN Resolutions 98/2016 *Support the Development of a First Nations National Housing and Infrastructure Strategy* and 27/2017 *Development of a First Nations National Housing and Infrastructure Strategy* to develop a National Housing and Infrastructure Strategy.
- C.** In accordance with AFN Resolution 27/2017, the AFN and CCoHI have established a joint working group (JWG) with Indigenous and Northern Affairs Canada (INAC) and Canada Mortgage and Housing Corporation and Health Canada.

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- D. AFN resolution 27/2017 further directs the AFN to call upon the Government of Canada to ensure that any drafting of policy instruments (such as a Memorandum to Cabinet) related to the proposed First Nations National Housing and Infrastructure Strategy be co-developed with the AFN and the CCoHI.
- E. INAC is leading the development of a Memorandum to Cabinet (MC) related to an Indigenous National Housing Strategy that will present three separate strategies including First Nations, Inuit and Métis.
- F. The JWG co-developed a Policy Reform Framework toward a First Nations Housing and Infrastructure Strategy (Policy Reform Framework) that can be inserted as an Annex to the MC. This is an opportunity to tell and share our version of the story to Cabinet.
- G. The JWG developed draft options for consideration to ensure that the Policy Reform Framework reflects First Nations perspectives and vision on transitioning First Nations care and control of housing and infrastructure.
- H. The Policy Reform Framework will lay the ground work for fundamental reform to federal housing and infrastructure programming and is supportive of continued engagement with First Nations communities and leadership to discuss needs, plans and strategies.
- I. This transformative change must be envisioned from a First Nations perspective in order to transition to true First Nations care, control and management of housing and infrastructure.

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

- 1. Exercise our inherent and treaty right to shelter.
- 2. Reaffirm that Chief and Council have the jurisdiction and authority over housing and infrastructure.
- 3. Support the Policy Reform Framework toward a First Nations Housing and Infrastructure Strategy (Policy Reform Framework) which includes key considerations and recommended approaches that will support the development of a First Nations Housing and Infrastructure Strategy.
- 4. Call upon the Government of Canada to implement solutions from Chiefs and Councils as supported by the Policy Reform Framework.
- 5. Support the co-development of the Indigenous and Northern Affairs Canada Memorandum to Cabinet with the Policy Reform Framework to be included as an Annex.
- 6. Direct the Assembly of First Nations to call upon the federal government to provide new, additional and sufficient funding to support the transition process to First Nations care, control and management of housing and infrastructure, including dedicated financial resources to support engagement with First Nations on the development and implementation of the First Nations Housing and Infrastructure Strategy, regional strategies, and plans.

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TITLE: First Nations led Engagement Process for Safe Drinking Water Legislation

SUBJECT: Water

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on Rights of Indigenous Peoples states:
- i.** 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.
 - ii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** In 2013, the Safe Drinking Water for First Nations Act (SDWFNA) came into force despite numerous objections by First Nations.
- C.** First Nations have repeatedly called for the repeal of the SDWFNA.
- D.** Assembly of First Nations (AFN) Resolution 74/2015 *First Nations Water, Infrastructure and Housing Commission* directs the AFN to develop a framework for a First Nations Water, Infrastructure and Housing Commission.

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- E. AFN Resolution 26/2017 *Safe Drinking Water for First Nations Act* directs the AFN to continue the call for the repeal of the SDWFNA and for the federal government to work directly with First Nations to determine appropriate next steps, developed in full partnership with First Nations, and respecting First Nations rights.
- F. AFN Resolution 26/2017 further calls upon the government to develop, in partnership with First Nations, appropriate outcomes for the provision of safe drinking water that is respectful of First Nations rights.
- G. As a result of the advocacy efforts by First Nations and the AFN, the federal government is responding to the calls for repeal of the SDWFNA.
- H. Indigenous and Northern Affairs Canada (INAC) proposed that the AFN take the lead in conceptualizing, elaborating, designing and implementing, a re-envisioned engagement process for the review of the current Act, with support from INAC.
- I. INAC proposed that the AFN lead an engagement process with First Nations and work in partnership with the Department to develop elements of a revised or replacement act.
- J. The development of a framework for a First Nations Water Commission and a new legislation act must be First Nations led, must ensure the provision of safe drinking water to First Nations communities, and must include the identification of necessary funds for capital investments, operations and maintenance funding, and personnel and training for all First Nations communities.

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

- 1. Direct the Assembly of First Nations (AFN) to establish a joint Working Group comprised of AFN, Chiefs Committee on Housing and Infrastructure and their regional technicians, federal representatives, legal counsel for AFN and the federal government, and other experts, as necessary, to co-develop a draft framework for new legislation.
- 2. Direct the AFN to call upon the federal government to commit to adequate multi-year funding for the co-development of a draft framework for new legislation and to support First Nations engagement sessions.
- 3. Direct the AFN to co-develop a framework for a First Nations Water Commission with First Nations and Indigenous and Northern Affairs Canada, and to call on the federal government to secure funding for the design and implementation of a Water Commission.
- 4. Direct the AFN to ensure that the co-development of a draft framework for new legislation respects the following principles:
 - a. Is respectful of First Nations inherent rights and Indigenous laws.
 - b. Meets the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples.

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TITLE: **Support for the Creation of the Indigenous Fire Marshal Office**

SUBJECT: Fire Prevention/Emergency Protection

MOVED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

SECONDED BY: Chief Ava Hill, Six Nations of the Grand River Territory , ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
 - i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. The Assembly of First Nations through the resolution process has mandated the Aboriginal Firefighters Association of Canada (AFAC) as the national body to improve conditions of fire prevention, fire suppression training and all aspects of fire department organization to reduce fire and emergency related loss of life and property to First Nations.
- C. The fire death rate on reserve is ten times the national mainstream average.
- D. No national standard for fire protection exists on reserve.
- E. Fire and emergency data is not being collected in a systematic and comprehensive manner that would allow First Nations to use it to determine how to make their communities safer.
- F. No fire protection standards, including mandated building codes and life safety codes, apply to First applicable building and fire codes.

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- G. First Nations have no established fire marshal support, services or programs while mainstream jurisdictions have provincial fire marshal offices that provide support, services and programs to enhance provincial jurisdiction for community fire safety.
- H. AFAC's fire protection strategy of 2016 advocates for the implementation of an Indigenous Fire Marshal that would work towards building safer First Nation communities.

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

- 1. Direct that the development of the Indigenous Fire Marshal's Office be collaborative with First Nation leadership to ensure that it incorporates the needs of the communities it will serve and that this collaboration begins in the planning phase so that First Nations can help to define the function of the Office.
- 2. Direct the Assembly of First Nations to support the Aboriginal Firefighters Association of Canada (AFAC) in the creation and implementation of an Indigenous Fire Marshal Office with the intent of creating safer communities without putting any new financial burdens on the First Nation communities.
- 3. Recommend that the AFAC continue to develop and implement the Indigenous Fire Marshal Office.
- 4. Recommend that the Indigenous Fire Marshal Office shall be independent of Indigenous and Northern Affairs Canada and would report to a governance body comprised of fire specialists and First Nation leadership as determined by First Nations.
- 5. Recommend that the Indigenous Fire Marshal Office shall be operational and provide services to First Nations community as soon as feasible.
- 6. Recommend that the Indigenous Fire Marshal Office shall be funded with new federal funds and no existing fire or emergency service programs that meet the standards set by the Indigenous Fire Marshal's Office be devolved as a result of this initiative.
- 7. Acknowledge and support the work of First Nations and First Nation organizations on fire safety planning and prevention initiatives, such as the Nishnawbe Aski Nation's *Amber's Fire Safety Campaign*.

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TITLE: Support for a Cannabis Working Task Force

SUBJECT: Health

MOVED BY: Chief Laurie Carr, Hiawatha First Nation, ON

SECONDED BY: George E. Daniels, Proxy, Long Plain First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security.
- B.** Call to Action #18 of the Truth and Reconciliation Commission of Canada to calls upon the federal, provincial, territorial, and Indigenous governments to acknowledge that the current state of unfavourable Indigenous health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Indigenous people as identified in International law and constitutional law, and under the Treaties.
- C.** The Government of Canada will be legalizing Cannabis via Bills C-45 and C-46 in July 2018.
- D.** The Government of Canada implemented the Marijuana for Medical Purposes Regulations and more recently the Access to Cannabis for Medical Purposes Regulations for the purpose of ensuring access to quality-controlled cannabis products by individuals with medical needs.

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- E. That as self-determining Indigenous Nations, which is a cornerstone of the UN Declaration, First Nations people across Canada require the appropriate time and capacity to determine a response and action plan to the legalization of cannabis.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Support the establishment of an Assembly of First Nations Cannabis Task Force (Task Force) comprised of leadership, technicians and knowledge keepers to undertake the work required to formalize a response and position on the legalization of cannabis and implementation of new laws.
2. Direct that as a priority, the Task Force begin their work immediately, including research on revenue generated by Canada, provinces, and territories.
3. Direct the working group to hold their inaugural meeting at the Chippewa's of Rama First Nation.
4. Direct the Task Force to report to the Chiefs on a monthly basis.

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TITLE: Support for a Fully Independent Specific Claims Process

SUBJECT: Specific Claims

MOVED BY: Kukpi7 Judy Wilson, Neskonlith Indian Band, B.C.

SECONDED BY: Chief Calvin Sanderson, Chakastaypasin First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:

- i. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- ii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- iii. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

B. First Nations have consistently expressed concern with Canada's specific claims policy and process.

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- C.** In 2008, Canada announced *Justice at Last: A Specific Claims Action Plan* (JAL). The *Specific Claims Tribunal Act* (SCTA), a key component of JAL, was a critical step towards a more independent specific claims process. Despite this, First Nations have continued to express frustration with Canada's implementation and management of JAL.
- D.** In 2016, Canada released its Five-Year Review of the SCTA. In addition, the Office of the Auditor General released a report on specific claims. Both documents highlighted Canada's failure to adequately implement JAL, and the need for comprehensive reform.
- E.** In fall 2016, Canada agreed to work with the Assembly of First Nations (AFN) to reform the specific claims policy and process, forming an AFN – Canada Joint Technical Working Group on Specific Claims (JTWG) with a mandate to review Canada's specific claims policy and process and make recommendations for change. The JTWG is comprised of the AFN, First Nation technical experts, and the Specific Claims Branch.
- F.** AFN hosted two dialogue sessions on specific claims in 2017, one in Eastern Canada (Ottawa) and one in Western Canada (Vancouver). In addition, the AFN and First Nations have participated in numerous reviews on specific claims over the years. These include the Joint Task Force Report, the 2006 Senate Standing Committee, JAL and the Five-Year Review, AFN Expert Panel Parallel Process Review, the 2016 Auditor General's Report, and the current JTWG process.
- G.** First Nations have been consistent: Canada's management of the specific claims process constitutes a conflict of interest and the just resolution of specific claims requires a fully independent process. All past attempts to reform the process have failed because the conflict has never been fully addressed.
- H.** AFN Executive Committee passed a motion on September 24, 2017, supporting the work of the JTWG and calling for a truly independent specific claims process.

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

- 1.** Support the work of the Assembly of First Nations – Canada Joint Technical Working Group and call on Canada to commit to jointly develop a fully independent specific claims process with the goal of achieving the just resolution of Canada's outstanding lawful obligations through good faith negotiations.

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TITLE: Support the Spirit Bear Plan to End Inequities in all Federally Funded Public Services for First Nations Children, Youth and Families

SUBJECT: Child Welfare

MOVED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

SECONDED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** The Chiefs-in-Assembly have passed Resolutions 40/2017 *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders*, 83/2016 *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy* and 62/2016 *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle* requiring Canada to fully and immediately comply with the Canadian Human Rights Tribunal (CHRT) rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.
- C.** There is longstanding, credible evidence of inequities in federally funded public services available to First Nations children, youth and families and these inequities have never been fully addressed.
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- D.** The Spirit Bear Plan, as developed by the First Nations Child and Family Caring Society of Canada, is designed to address all inequities in federally funded public services by:
- i. Calling on Canada to immediately comply with all rulings by the CHRT ordering it to immediately cease its discriminatory funding of First Nations child and family services and to fully and properly comply with Jordan's Principle.
 - ii. Calling on Parliament to ask the Parliamentary Budget Officer to remedy with public funds the shortfalls in all federally funded public services provided to First Nations children, youth and families (i.e., early childhood education, K-12 education, health, water, child welfare, etc.).
 - iii. Ensure that government departments providing services to First Nations children and families undergo a thorough and independent evaluation to identify any ongoing discriminatory ideologies, policies and practices and address them, which must be made public upon completion.
 - iv. Ensure that all public servants, including those at a senior level, receive mandatory training to identify and address government ideology, policies and practices that fetter the implementation of the Truth and Reconciliation Commission's Calls to Action.

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

1. Support the Spirit Bear Plan as developed by the First Nations Child and Family Caring Society of Canada.
2. Direct the Assembly of First Nations to write a letter of support for the implementation of the Spirit Bear Plan to the Prime Minister of Canada, the Minister of Indigenous Services, the Minister of Health and the Minister of Indigenous and Crown Relations.

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TITLE: Legal Recognition for Kichizibi (Ottawa River) Watershed

SUBJECT: Environment

MOVED BY: Chief Harry St Denis, Wolf Lake First Nation, QC

SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B.** The Trudeau Government will leave 99% of waterways unprotected in Canada under current changes to the *Navigation Protection Act*. This move breaks the Liberal promise to restore lost protections when the *Navigable Waters Protection Act* was eliminated by the Harper government.

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- C. It is unclear whether the Working Group of Ministers will ensure the Crown is meeting its constitutional obligations with respect to Aboriginal and Treaty rights within ongoing environmental and regulatory reviews, including the *Fisheries Act*, *Navigation Protection Act*, *Canadian Environment Assessment Act*, and National Energy Board Modernization. Furthermore, it is unclear new legislation will provide innovative, effective, enforceable and specific Indigenous and environmental protections to the great watershed of the Kichizibi(Ottawa River) and other watersheds across Turtle Island.
- D. In March 2017, New Zealand Parliament passed a historic bill to recognize the special relationship between the Whanganui River and Whanganui iwi. The law provides for the river's long-term protection and restoration by making it a person in the eyes of the law.
- E. The great watershed of the Kichizibi (Ottawa River) is an ancient trade and travel route through the territory of the Algonquin Nation, as are the shores, islands and portages along the route.
- F. The Trudeau Government in May 2017 passed private member's motion M-104 and mandated the Ministry of Environment and Climate Change to undertake a detailed study with regard to the creation of an Ottawa River Watershed Council. The Ministry is open to exploring different governance structures, mandates and watershed management activities.

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

- 1. Mandate the Assembly of First Nations (AFN) to explore what steps can be taken to address the legislative shortcomings of protecting our sacred waterways and jurisdiction including, but not limited to, the pursuit of separate legal rights for waterways.
- 2. Direct the AFN to support efforts by Wolf Lake First Nation and Kebaowek First Nation and their respective tribal councils to explore options for the legal recognition of the Kichizibi watershed.
- 3. Direct the AFN to share the results of the Ottawa River watershed legal designation case study with other First Nations through regional information sessions to assist other Nations seeking redress of legal rights related to traditional waterways.

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TITLE: Support for the Immediate Inclusion of First Nations in the Development of
Emergency Management Agreements

SUBJECT: Emergency Management

MOVED BY: Chief Peter Beatty, Peter Ballantyne Cree Nation, SK

SECONDED BY: Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** 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.
 - ii.** Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- B.** Wildfires on Peter Ballantyne Cree Nation (PBCN) Reserve and traditional territorial lands have had a significant negative impact on the lives of First Nation people.
- C.** PBCN members rely on the many benefits from our lands to nurture their social, economic and cultural way of life.
- D.** Treaty Six provides our First Nations a guarantee to continue our way of life which includes hunting, fishing, trapping and gathering.

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- E. The land that was destroyed by the fire has resulted in PBCN members not being able to hunt, trap, and gather medicines and other plants.
- F. Canada has unilaterally determined that agreements related to the provision of emergency response services between Indigenous and Northern Affairs Canada (INAC) and the provinces and territories shall be developed in a bilateral manner between INAC and the provinces and territories without the involvement and inclusion of the affected First Nations and their representative organizations.
- G. The current and past practices of the Provincial Government of Saskatchewan, including their “LET IT BURN POLICY” have been implemented without First Nations free, prior, and informed consent, and these practices have caused and continue to cause suffering to First Nation people and their traditional lands.
- H. Assembly of First Nation Resolution 03/2015 *First Nation Involvement in Emergency Preparedness* calls on the Government of Canada to include First Nations and their duly-mandated organizations in the development of trilateral or bilateral emergency management agreements between First Nations, Canada, and the provinces and territories, yet there has been little progress on this front despite suffering and loss of livelihood due to emergency situations.

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

- 1. Call on the Government of Canada to immediately include and engage with First Nations and their duly mandated emergency management organizations in the development of current and future emergency management agreements through transparent and thorough engagement process.
- 2. Direct that these agreements be developed on a regional basis whereby First Nations can input which emergency management services they wish to deliver, and have the provincial and territorial emergency management organizations play a supporting role by delivering services First Nations may not have the ability to deliver themselves.
- 3. Direct that provincial and territorial emergency management policies that impact First Nations be reviewed as part of the engagement process and, in cases where they may negatively impact First Nations rights be changed to reflect traditional use and practices and to respect the nation-to-nation relationship between First Nations and the Government of Canada as mandated by Prime Minister Justin Trudeau.

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TITLE: **INAC Default Management Policy and Oversight**

SUBJECT: Finance, Governance

MOVED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

SECONDED BY: Chief Charles Morven, Gitwinksihlkw Village Government (Nisga'a), B.C.

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
 - i. Article 21: Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions; and that States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions.
- B.** Thunder Bay consultant Giuseppe (Joe) Crupi, who was appointed by the Government of Canada as co-manager for Kashechewan First Nation and as third-party manager for the community's health services programming, plead guilty in November 2017 to fraudulently obtaining more than \$1.2 million from the National Child Benefit Reinvestment Program between 2007-2012, and misappropriating nearly \$700,000 for his personal use.
- C.** Kashechewan First Nation was robbed by someone entrusted by the federal government to support the daily management of their community and facilitate funding for vital programs and services.
- D.** There is currently no mechanism for the federal government and funding agencies to monitor and take action when fraudulent actions are suspected and reported by First Nations under default management.

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- E. The defrauding of funding meant to assist vulnerable First Nation children by a consultant appointed by the federal government raises serious concerns about the Government of Canada's process for appointing and monitoring default management in First Nation communities.
- F. There are a wide range of concerns pertaining to the federal government's Default Prevention and Management Policy, many of which are outlined in Default Prevention and Management 2017: Report of the Standing Committee on Indigenous and Northern Affairs, 42nd Parliament, 1st Session.

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

- 1. Call upon the Government of Canada to review and reform all default management policies and implement a rigorous oversight process that ensures that First Nations achieve lasting financial stability.
- 2. Call upon the Government of Canada to develop a responsive mechanism to monitor and act when concerns arise regarding a default management company, including when fraudulent actions are suspected and reported by First Nations.
- 3. Call upon the Government of Canada to ensure that this oversight mechanism includes quality assurances that the default managers are proactively building community capacity as swiftly as possible, and ensures that default managers are not incentivized to remain in the community for lengthy periods of time.
- 4. Call upon the Government of Canada to establish a separate pool of resources, apart from core and program funding, to fund consultants appointed to First Nations under default management, so that First Nations do not have to claw back vital community programming to pay for default managers.
- 5. Call upon the Government of Canada to implement the recommendations made by the Standing Committee on Indigenous and Northern Affairs in their May 2014 report, Default Prevention and Management.
- 6. Call upon the Assembly of First Nations to actively advocate for and monitor the federal government's progress and report back to the Chiefs at the 2018 Assembly of First Nations Annual General Assembly.
- 7. Call upon Health Canada to return financial control of health services funding to the Kashechewan First Nation.

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TITLE: **Support Six Nations of the Grand River's Intent to Host the 2020 North American Indigenous Games (NAIG)**

SUBJECT: Health, Sport

MOVED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

SECONDED BY: Chief Charles Morven, Gitwinksihlkw Village Government (Nisga'a), B.C.

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on Rights of Indigenous Peoples states:

- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- ii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- iii. Article 31 (2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

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- B.** The North American Indigenous Games (the NAIG) is a multi-sport, multi-disciplinary event involving Indigenous youth from Canada and the United States of America. The NAIG is governed by the NAIG Council as the International Governing Body that promotes and encourages holistic individual development that assures mental, physical, emotional and spiritual growth.
- C.** The Truth and Reconciliation Commission (TRC) of Canada's Call states:
- i. Calls to Action 88: We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the NAIG, including funding to host the games and for provincial and territorial team preparation and travel.
 - ii. Calls to Action 90: We call upon the federal government to ensure national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - iii. Calls to Action 90 (1): In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.
- D.** The Chiefs-in-Assembly passed resolution 12/1996 *North American Indigenous Games* that calls upon the Assembly of First Nations to fully endorse and support any future North American Indigenous Games, and resolution 108/2016 *North American Indigenous Games Residency Rule* that calls upon the federal and provincial governments to provide funding to ensure long-term Indigenous athlete development and growth, and continued support for the NAIG.
- E.** Consistent with resolutions 12/1996 and 108/2016, TRC Calls to Action 88, 90, 91 (1) and the NAIG Council's mandate, having the NAIG hosted on First Nations territories will:
- i. Build off the success of the previous NAIG 2017 competition that was hosted in the Greater Toronto Area.
 - ii. Support the expertise and knowledge within communities to execute large platforms that display the athletic achievements of Indigenous peoples, such as the NAIG 2020.
 - iii. Align with the cultural, spiritual and traditional values of First Nations that view the NAIG as an opportunity for cultural sharing and renewing of bonds spirituality between all indigenous people.

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

1. Direct the Assembly of First Nations to write a letter of support regarding the Six Nations of the Grand River's intent to Host 2020 North American Indigenous Games (NAIG).
2. Call upon the federal and provincial governments to provide stable and increased funding to the 2020 NAIG and future NAIG's.

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TITLE: Support for Bill C-262, “An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous People”

SUBJECT: Legislation on the Human Rights of Indigenous Peoples

MOVED BY: Grand Chief Edward John, Proxy, Tl'azt'en First Nation, B.C.

SECONDED BY: Chief Charles Morven, *Nisga'a Village Government of Gitwinksihlkw*, B.C.

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) is a consensus international human rights instrument which elaborates and upholds standards for the survival, dignity, security and well-being of the Indigenous peoples of the world.
- B. Indigenous nations, First Nations and organizations have been involved in the development, promotion and implementation of the UN Declaration.
- C. The Truth and Reconciliation Commission has embraced the UN Declaration as “the framework” for reconciliation, to redress Indigenous peoples’ human rights violations throughout Canada’s history.
- D. The Report of the Truth and Reconciliation Commission included the following calls to action with respect to the UN Declaration:
 - i. 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
 - ii. 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

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- E.** Member of Parliament Romeo Saganash's private members bill on implementation of the UN Declaration, Bill C-262, will begin debate at second reading in Parliament on December 5, 2017. Bill C-262 has been developed with significant engagement and involvement of First Nations.
- F.** Key elements of Bill C-262 include: repudiation of colonialism and doctrines of superiority; affirmation that the standards set out in the UN Declaration have application in Canadian law; and review and reform of federal legislation to ensure consistency with the minimum standards set out in the UN Declaration. In addition, Bill C-262 requires that a national action plan for implementation be developed in consultation and cooperation with Indigenous peoples.

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

- 1.** Call upon all Canadian federal parliamentarians to support Bill C-262 which represents a principled human rights legislative framework to advance reconciliation.

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TITLE: **Distinct First Nations Accessibility Legislation**

SUBJECT: Economic Sector, Disabilities, Health, Housing, Education, Languages, Treaties

MOVED BY: Chief Reginald Bellerose, Muskowekwan First Nation, SK

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take the effective measure and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and person with disabilities.

B. The Convention of the Rights of Persons with Disabilities states:

- i. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.

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- C. International treaties and human rights standards serve to support First Nations persons with disabilities with an unprecedented opportunity to develop and implement full and meaningful legislation.
- D. The Assembly of First Nations (AFN) has been mandated by several resolutions, including 55/2016, *"First Nations Federal Accessibility Legislation"*; 75/2015, *"Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities"*; and 48/2014, *"Support for Persons with Disabilities"*.
- E. In Resolution 55/2016, the AFN has been mandated work with Employment and Social Services Development Canada (ESDC) to develop a First Nations specific engagement process to parallel the Ministers broader consultation process with provinces and territories in creating federal accessibility legislation that is specific and distinct to First Nation's needs.
- F. The Honourable Kent Hehr is the Minister of Sport and Persons with Disabilities and is mandated by the Prime Minister to "Lead an engagement process with provinces, territories, municipalities, and others that will lead to the passage of a Canadians with Disabilities Act" (now referred to as Federal Accessibility Legislation). The federal government plans to table legislation before the House of Commons by early summer 2018.
- G. Budget 2016 allocated \$2 million over two years, starting in 2016–2017, to support the full participation of Canadians with disabilities in this development and for stakeholders to engage their members on the proposed legislation. Some potential thematic areas include, but, are not limited to: employment, procurement, service delivery, transport, the built environment, information and communications.
- H. To facilitate a First Nations specific engagement process, an allocation of \$286,433 dollars for fiscal year 2016/2017, supports on-going activities to March 31, 2018 as follows: dialogue circles, key informant interviews, national webinars, surveys and a final report on First Nations views, gaps, barriers along with key findings to inform legislation that is culturally safe and distinct to First Nations.
- I. Resulting from the present First Nations engagement sessions, an early recurrent key finding is the call for the development of a separate and distinct First Nation accessibility legislation.
- J. Indigenous peoples are estimated to have a disability 20-50% greater than the general population.
- K. The Employment Equity Act (EEA) requires federal employers to proactively engage practices to increase the representation of First Nations; and requires special measures to accommodate differences.
- L. The EEA in the federal public service failed to achieve fairness for First Nations persons with disabilities, First Nations women, and First Nations overall.
- M. The AFN recognises the important contributions of First Nations persons with disabilities, and that a disability lens is to be applied at the onset of initiatives; to ensuring equality, accessibility and inclusion of First Nations persons with disabilities.

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

1. Direct the Assembly of First Nations (AFN) to revise the resolutions template to address the diverse and unique needs of First Nations persons with disabilities across all work and policy areas. Disability is not an afterthought; and First Nations persons with disabilities deserve to receive the dignity and respect that is theirs.
2. Direct the AFN to work with Employment and Social Development Canada (ESDC) to develop distinct legislation to support First Nations unique accessibility needs.
3. Direct the AFN to continue to advocate and build awareness about First Nations persons with disabilities; and draft a policy paper to inform a Memorandum to Cabinet that will serve to establish meaningful and culturally safe programs and services for this population; and secure financial resources for this work from ESDC for post March 31, 2018.
4. Direct the AFN to advocate for regional level funding to support capacity building for First Nations' persons with disabilities for full and meaningful inclusion.
5. Direct the AFN Chiefs Committee on Human Resources Development to provide updates on activities and report back to Chiefs-in-Assembly.

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TITLE: Recognition of The Dakota Oyate

SUBJECT: Recognition

MOVED BY: Chief Keith Pashe, Dakota TiPi Nation, MB

SECONDED BY: Chief Lee Crowchild, Tsuu T'ina Nation, AB

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- iii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

B. The Dakota Oyate in Manitoba, and in Canada, have a unique and distinct history, culture and language and have always, and continue, to govern themselves in accordance with their distinct culture and traditions.

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- C. The Dakota Oyate have a historical relationship and connection to their traditional territory that is integral to their culture and must be recognized, and the traditional territory of the Dakota Oyate includes what is now part of the provinces of Manitoba, Saskatchewan and Alberta, and they retain all rights and privileges related to their land and people, and cannot be dispossessed of their lands and rights without their free, prior and informed consent.
- D. The Dakota Oyate did not enter into Treaties with the Crown.
- E. Despite the unique history of the Dakota Oyate and the connection to their traditional territory, Canada has referred to them as “refugees” in Canada.
- F. Such political positions by Canada are disrespectful and insulting to the Dakota Oyate and all First Nation peoples.

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

- 1. Affirms its support of the unique and distinct status of the Dakota Oyate and recognizes their unextinguished rights to their governments and territories.
- 2. Call upon Canada to recognize the Dakota Oyate Indigenous peoples living in Canada, and seek to resolve the recognition of their rights and lands by way of Treaty or mutually agreeable arrangements on a nation-to-nation basis.
- 3. Direct the Assembly of First Nations National Chief to inform Canada about this position and follow up to ensure it begins a respectful, nation-to-nation relationship with the Dakota Oyate, based on the recognition of their inherent rights and title in Canada.

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TITLE: Chiefs Committee on Claims-Change of Name and Clarification of Mandate

SUBJECT: Land Rights

MOVED BY: Kukpi7 Judy Wilson, Neskonlith Indian Band, B.C.

SECONDED BY: Chief Harry St. Denis, Wolf Lake First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - iv. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

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- v. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - vi. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources.
- B.** The Chiefs Committee on Claims is a longstanding Advisory Committee of the Assembly of First Nations and has been tasked over time to seek changes to and/or replacement of the federal specific and comprehensive claims policies.
- C.** In 2015, the federal government committed to recognize and respect Aboriginal title and rights in accordance with Canada's Constitutional obligations, and further those enshrined in the UN Declaration.
- D.** In 2015, the federal government undertook to conduct a full review of regulatory laws, policies, and operational practices, in full partnership and consultation with First Nations to ensure that the Crown is fully executing its consultation, accommodation, and consent obligations, including on resource development and energy infrastructure project reviews and assessments, in accordance with their constitutional and international human rights obligations.
- E.** In July 2017, the federal government unilaterally issued "Principles respecting the Government of Canada's relationship with Indigenous peoples", which have serious implications for the land rights of First Nations.
- F.** In August 2017, the federal government announced it was dissolving the Department of Indian Affairs and Northern Development and creating two new departments: The Department of Indigenous Services and the Department of Crown-Indigenous Relations, which has serious implications for the machinery of government regarding the reform/replacement of federal land claims policies and processes.
- G.** In October 2017, Prime Minister Justin Trudeau issued a Mandate Letter to the Minister of Crown-Indigenous Relations to "Increase the number of comprehensive modern treaties and new self-government agreements in a manner that reflects recognition of rights approach and reconciliation. Accelerate progress on existing rights and recognition tables to identify priorities for individual Indigenous communities", which have serious implications for Aboriginal rights and title.

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

1. Direct the National Chief and Assembly of First Nation Executive Committee to rename the Chiefs Committee on Claims to the Chiefs Committee on Lands, Territories and Resources (CCLTR).

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2. Mandate the CCLTR to examine and develop a proposed United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) implementation strategy for the consideration of the Chiefs-in-Assembly regarding the UN Declaration Articles related to land rights, changes to the federal machinery of government, and a rights-based community process for input into the federal policy and law review regarding land rights.
3. Call on the Government of Canada to support this work on a priority basis.
4. Direct the CCLTR to issue a report to the Chiefs-in-Assembly if sufficient resources are provided for the technical work.
5. Direct the CCLTR to ensure that the work of this Committee involve and include all First Nation title and rights holders.

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TITLE: **Supporting First Nations' Participation in International Climate Action**

SUBJECT: Environment

MOVED BY: Grand Chief Ed John, Proxy, Tl'azt'en Nation, B.C.

SECONDED BY: Chief Wilf Adam, Lake Babine Nation, B.C.

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** Climate change is significantly altering our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.
- C.** At the Twenty-First Session of the Conference of the Parties (COP21) of the United Nations' Framework Convention on Climate Change (UNFCCC), 196 Parties adopted the Paris Agreement beginning a new age of international efforts to combat climate change.

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- D. Canada signed the Paris Agreement in April 2016, and the Agreement entered into force on November 4, 2016.
- E. In the Paris Agreement, State Parties agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous Peoples.
- F. Paragraph 135 of the Paris Agreement refers to the establishment of "...a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner."
- G. At the Twenty-Third Conference of the Parties (COP23), the Parties adopted a decision on the Local Communities and Indigenous Peoples Platform, identifying a new pathway for its further operationalization at COP24 to take place in December 2018 in Katowice, Poland.
- H. The Parties agreed on the objectives of the Platform: to strengthen the knowledge, technologies, practices and efforts of Indigenous peoples; to facilitate the exchange of experience and best practices on mitigation and adaptation; and to enhance the engagement of Indigenous peoples in the UNFCCC process.
- I. The Parties also agreed to convene a multi-stakeholder workshop, to be co-moderated by the Subsidiary Body for Scientific and Technological Advice chair and a representative of local communities and Indigenous peoples' organizations at the May 2018 session.
- J. The Assembly of First Nations (AFN) passed resolution 97/2017 "*First Nations Full and Meaningful Inclusion in Climate Action*", on this process.

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

- 1. Reaffirm that First Nations' traditional knowledge, teachings, innovations and practices of sustainable management and conservation serve as positive contributions in addressing climate change adaption and mitigation strategies, as well as First Nations' community-based climate change education.
- 2. Call on the Parties to the United Nations' Framework Convention on Climate Change (UNFCCC) to support all efforts, including changing the draft rules of procedure, to improve First Nations' full and effective participation in the UNFCCC.
- 3. Direct the Assembly of First Nations to continue working on the operationalization of the Local Communities and Indigenous Peoples Platform, advocating for the principles of full and effective participation, equal status, including in leadership positions, the self-selection of representatives, and adequate funding for First Nations' participation.
- 4. Call on the federal government to provide needs-based financial support for all First Nations to: participate in UNFCCC processes; address climate change adaption and mitigation domestically; and support First Nations' community-based climate change education.

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TITLE: **Call on the Government of Canada to Withdraw Bill C-58**

SUBJECT: Land rights and claims

MOVED BY: Kukpi7 Judy Wilson, Neskonlith Indian Band, B.C.

SECONDED BY: Chief Harry St. Denis, Wolf Lake First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) clearly states:
- i.** Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent.
 - ii.** Articles 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.** Fair and equal access to information is an essential part of any effective mechanism for redress, and First Nations must be consulted about any legislative and administrative changes that will affect their ability to access information for land claims and other purposes.
- C.** The majority of evidence related to land claims, historical claims, and disputes with Canada is in the possession of the federal government. Canada is in a conflict of interest, being able to control what information is available in claims against it.

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- D. First Nations have a recognized right of access to federal records to document their claims, grievances, and disputes with the Government of Canada, as articulated in section 8(2)(k) of the *Privacy Act* and as articulated by the Federal Court and the Federal Court of Appeal.
- E. Bill C-58, *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts*, creates significant new barriers for First Nations trying to access information for land claims and other purposes and will therefore hinder efforts by Canada to meet UN Declaration standards of redress for historical wrongs. It ignores the Crown's duty to disclose records to First Nations and instead provides many new ways for officials to delay or deny access to information, thereby impeding First Nations' ability to document their claims, grievances, and disputes with the Government of Canada.
- F. Bill C-58 was created unilaterally, without consultation with First Nations. Recommendations made by National Claims Research Directors (in a submission to the Standing Committee on Access to Information, Privacy and Ethics (ETHI) in June 2016) were completely ignored. The honour of the Crown depends on Canada's ability to systematically facilitate—rather than undermine—First Nations' access to information. First Nations and claims research units know what legislative and administrative changes are needed, but Canada has failed in its duty to consult.
- G. In October 2017, 21 claims research units from across Canada made a formal submission to the ETHI committee. This submission, titled *Impaired Access*, was endorsed by over twenty First Nations and Tribal Councils, as well as by several Indigenous and like-minded organizations and representatives, including the Assembly of First Nations. It called for the immediate withdrawal of the bill and meaningful consultation with First Nations and claims research units regarding any legislative change on this issue.
- H. Suzanne Legault, Information Commissioner of Canada, stated that "Bill C-58 results in a regression of the rights of access to information" and proposed 28 amendments to the bill, all of which were endorsed by the authors and supporters of *Impaired Access*.
- I. Recent proposed amendments to the Bill fail to adequately address the concerns of First Nations and the Information Commissioner. After hearing numerous challenges to the Bill, the Liberal-dominated committee made only about ten amendments, most of which were technical rather than substantive. The deeply flawed bill is now headed to the Senate. It represents a threat to First Nation's right of access to information held by the federal government.

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

1. Reject Bill C-58, including the amendments made by Canada in the recent iteration of the bill.
2. Direct the Assembly of First Nations (AFN) to call on the federal government to immediately withdraw Bill C-58 until such time as meaningful consultations have taken place, and First Nation rights of access are considered and accommodated.
3. Direct the AFN to call on the federal government to engage in full, substantive consultation with First Nations and claims research organizations regarding current and future legislative or administrative changes related to the access to information regime.
4. Call upon the government of Canada to consider, recognize and accommodate First Nations' rights of access to information in current and future legislative or administrative changes related to the access to information regime.

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TITLE: Carbon Pricing Regimes

SUBJECT: Environment

MOVED BY: Chief Byron Louis, Okanagan Indian Band, BC

SECONDED BY: Chief Calvin Sanderson, Chakastaypasin Band of the Cree Nation, SK

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. Climate change is significantly altering our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.

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- C. In the Paris Agreement, signed by Canada in April 2016, Parties agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous Peoples.
- D. At a First Ministers Meeting in Ottawa in December 2016, the First Ministers adopted the Pan-Canadian Framework on Clean Growth and Climate Change (PCF) outlining four pillars: pricing carbon pollution; complementary mitigation actions to reduce emissions across all sectors; adaptation and climate resilience; clean technology, innovation and jobs.
- E. First Ministers also agreed, while implementing the PCF, to recognize, respect, and safeguard the rights of Indigenous Peoples.
- F. A central pillar of the PCF is carbon pricing, which was outlined in the *Pan-Canadian approach to pricing carbon pollution* on October 3, 2016. This requires all Canadian jurisdictions to have a carbon pricing system in place by 2018.
- G. Under the Pan-Canadian Approach, all revenues generated by carbon pricing will remain in the jurisdiction of origin allowing each jurisdiction to use carbon pricing revenues according to their needs, including addressing impacts on vulnerable populations and sectors.
- H. Several provinces, including British Columbia, Alberta, Quebec, Ontario, and Manitoba, have or are expected to implement carbon pricing regimes.
- I. Those jurisdictions without a carbon pricing regime will be subject to the Federal Carbon Pricing Backstop. It would be comprised of two key elements: i) a levy on fossil fuels; and ii) an output based pricing system for facilities producing greater volumes of carbon emissions.
- J. The PCF recognizes that pricing carbon pollution can have disproportionate impacts on northern and remote communities due to the high costs of, food, transportation, fuel and energy.
- K. The Government of Canada has committed to:
 - i. Work with the territories to find solutions that address their unique circumstances, including high costs of living and of energy, challenges with food security and emerging economies.
 - ii. Engage with Indigenous peoples to find solutions that address their unique circumstances.
 - iii. Undertake a review of the overall approach in 2022 to confirm the path forward, and an interim review in 2020.
- L. Given that all revenue will remain in the jurisdiction of origin, there are no existing mechanisms that can ensure First Nations' full and meaningful participation in the transition to a clean energy economy, including in direct investment to First Nations to pursue energy security.

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

1. Direct the Assembly of First Nations to advocate Ministers involved in carbon pricing to respect First Nations inherent rights, Treaties, title and jurisdiction, and recognize First Nations inherent responsibilities to their traditional territories.
2. Call on the federal government to explore innovative solutions to address the unique circumstances of First Nations, and support First Nations as stewards of the environment and leaders of climate action.
3. Call on the Ministers of Environment and Climate Change Canada, Finance, and other mandated departments to provide adequate financial support for First Nations to explore the implications of carbon pricing on their territories, as well as opportunities for their participation in the clean energy economy.
4. Call on Premiers to design carbon pricing regimes that include revenue recycling options that ensure First Nations' full and meaningful participation in the transition to a clean energy economy, including direct investment to First Nations to pursue energy security, and minimize the disproportionate impacts of carbon pricing.

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TITLE: **Establishing a First Nations Advisory Committee under Section 6 of the Department of Foreign Affairs, Trade and Development Act**

SUBJECT: Economic Development – Trade

MOVED BY: Chief Byron Louis, Okanagan Indian Band, B.C.

SECONDED BY: Chief Wayne McKenzie, Timiskaming First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water or other resources.
 - ii. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - iii. Article 36 (2): States, in consultation and cooperation with Indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B.** Self-determination is a fundamental right of First Nation peoples acknowledged in the UN Declaration and international human rights law.
- C.** Pursuant to section 35 of the Constitution Act, 1982, the Crown in right of Canada has recognized and affirmed First Nations' inherent rights and title.

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- D.** The Government of Canada has made strong commitments to work with First Nations on a nation-to-nation basis. Indigenous peoples have the inherent and Treaty right to trade within and between nations domestically and internationally as pursued since time immemorial. The UN Declaration recognizes that First Nations have the right to own, use, develop and control the lands, territories and resources that they possess on their traditional lands.
- E.** The inherent right of First Nations to trade has been recognized in international Treaties, starting with the Treaty of Utrecht in 1713 and The Treaty of Amity, Commerce, and Navigation, Between His Britannic Majesty and the United States of America (Jay Treaty) and Peace and Friendship Treaties, which are economic Treaties entered into between First Nations and settlers to our lands.
- F.** The Government of Canada is renegotiating the North American Free Trade Agreement with the United States and Mexico, and is involved at various stages in approximately 88 international trade and investment agreements, including the implementation of the Comprehensive Economic and Trade Agreement with the European Union and the renegotiation of the eleven-nation Comprehensive and Progressive Agreement for Trans-Pacific Partnership.
- G.** Many First Nation are considering international trade and investment activity as an opportunity to further support First Nations economic options and economic growth and are expanding and seeking new markets, trade and business opportunities with other Indigenous nations at the local, regional and international levels.
- H.** The Department of Foreign Affairs, Trade and Development Act is an Act that mandates the Department of Foreign Affairs and International Trade which is continued under the name of the Department of Foreign Affairs, Trade and Development. The Minister of Foreign Affairs and the Minister of International Trade, who is to assist the Minister of Foreign Affairs in their responsibilities relating to international trade, are appointed by commission under the Great Seal, pursuant to this Act.
- I.** Pursuant to section 6 of this Act, the Governor-in-Council may establish advisory and other committees to advise or assist the Minister or to exercise and perform any powers, duties and functions that the Governor in Council specifies and may fix the remuneration and expenses to be paid to the members of the committees so established.
- J.** Establishment of a Section 6 Advisory Committee, supported by First Nations leadership and trade experts, is needed to assist in the development of a First Nations trade strategy that is grounded in the recognition of the First Nations inherent and Treaty right to trade.

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

- 1.** Affirm the inherent and Treaty rights of First Nations to trade as a means to pursue economic self-determination.

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2. Affirm that First Nations aboriginal rights and title must be considered and respected by Canada and other States when negotiating international Treaties, agreements and covenants amongst themselves.
3. Direct the Assembly of First Nations (AFN) to work with the federal government to establish a Section 6 Advisory Committee of First Nations advisors is to assist and provide support the Ministers of Foreign Affairs and International Trade to advocate for First Nations effective participation in trade initiatives and existing trade mechanisms.
4. Direct the AFN to call upon the federal government to provide funding to First Nations to support First Nations trade and economic priorities, trade research, trade development and trade capacity.
5. Advise and support the National Chief to seek out the necessary resources to develop the institutional support for our direct participation in international trade and foreign direct investment engagement processes to further the objectives of this resolution for the benefit of all First Nations.
6. Direct the National Chief and the Chief's Committee on Economic Development to encourage and work with Canada to include an Indigenous Chapter in all trade agreements.
7. Must be consulted and included in advising, developing and providing guidance in the drafting of a framework for such an Indigenous Chapter.

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE: **Medical Supplies' Coverage for First Nations First Responders through the Department of Indigenous Services Canada**

SUBJECT: Health

MOVED BY: Kukpi7 Ronald Ignace, Skeetchestn Indian Band, B.C.

SECONDED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The following articles of the United Nations Declaration on the Rights of Indigenous Peoples state:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B.** First Nation First Responders are essential health service providers for First Nation communities.

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- C.** In many First Nations communities First Responders are first on-site in any emergency, who carry-out life-saving duties, and need important emergency management plans, professional development, continued training and re-certification, and need updated supplies and equipment including, but not limited to, blood pressure cuffs, gloves and masks, defibrillators, and oxygen tanks.
- D.** First Nation First Responders require an immediate needs assessment on activities and supplies essential to help them respond adequately to emergency health situations in their communities.

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

- 1.** Direct the Assembly of First Nations to urge the federal government to increase funding for First Nation First Responders to immediately conduct needs assessments for emergency health situations in communities.
- 2.** Direct the Assembly of First Nations to urge the federal government to respond with the required funding identified by those needs assessments.

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TITLE: Support For International Repatriation of Sacred Items

SUBJECT: Repatriation, history, culture, reconciliation

MOVED BY: Ernie Daniels, Proxy, Long Plain First Nation, Manitoba

SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 12 (1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
 - ii. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- B.** First Nations communities across Canada have had their human rights violated when ancestral remains, sacred objects, funerary objects, and objects of cultural significance have been disturbed, stolen excavated, exchanged, taken under duress, studied, exhumed, moved beyond the boundaries of their First Nation territories and Canada without the free, prior, and informed consent of First Nations.
- C.** This human rights disruption is extended through the sustained display, possession, profit, or study, from their ancestral remains, sacred objects, funerary objects, and objects of cultural significance.
- D.** First Nations communities across Canada should be able to maintain, protect, and have access to their religious and cultural sites and should have the collective right to repatriation of their ancestral remains, sacred objects, funerary objects, and objects of cultural significance.
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- E. First Nations communities across Canada have expressed their need for the creation and implementation of legal protections to ensure the repatriation of all ancestral remains, sacred objects, funerary objects, and objects of cultural significance, which were taken, exhumed, excavated, exchanged, studied, and are residing in repositories worldwide.

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

1. Direct the Assembly of First Nations (AFN) to support First Nations across Canada in their efforts to repatriate stolen ancestral remains, sacred objects, funerary objects, and objects of cultural significance from international repositories.
2. Direct the AFN to call upon the federal, provincial and territorial governments to acknowledge their moral and fiduciary responsibilities to assist First Nations across Canada in their repatriation efforts.
3. Direct the AFN to advocate on behalf of First Nations across Canada to ensure that the issue of international repatriation is addressed nationally and internationally.
4. Direct the AFN to call upon the Government of Canada to stop using the provisions of the *Heritage Act* to prevent the repatriation of sacred items.

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TITLE: Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service

SUBJECT: Policing, Public Safety

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief Régis Pénosway, Conseil des Anicinapek de Kitcisakik, QC

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - 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.** First Nations communities require and deserve stable, adequately funded policing services that are comparable to those provided to other communities in Canada. The current First Nations Policing Program (FNPP) is failing First Nations communities by creating unsafe situations for officers and community members.
- C.** First Nations police services are essential services necessary for the safety and security of First Nations citizens. As such First Nations police services must be recognized and supported as essential services. The current “grants and contribution program status” creates systemic barriers to the long term creation and sustainability of quality First Nation police services.
- D.** At its Annual General Meeting in October 2017, the First Nations Chiefs of Police Association, through resolution 001-2017, called on the Government of Canada to entrench First Nations Policing as an essential

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service, with adequate, predictable, and sustained funding to meet the needs of each department. The resolution calls for the replacement, not the renewal, of the FNPP.

- E. The 2017 federal budget proposed investing \$102 million over 5 years, starting in 2018-19, to address the most immediate needs of Indigenous police services while the federal government considers ways to increase the effectiveness of the FNPP. The First Nations Chiefs of Police Association (FNCPA) and its member services have received no response to requests to discuss and negotiate that funding. There has been no information regarding the ways in which the government proposes to increase program effectiveness.
- F. The current funding agreement for the FNPP will end on March 31, 2018. The FNCPA and member police services have received no indication that a funding agreement for First Nations policing will be in place by April 1, 2018.

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

- 1. Support Resolution 001-2017 of the First Nations Chiefs of Police Association (FNCPA).
- 2. Direct the Assembly of First Nations (AFN) to communicate with the Minister of Public Safety and Emergency Preparedness on the urgent need for the First Nations Policing Program to be renewed, on an interim basis and with the funding increases committed to in the 2017 federal Budget, until such time as First Nations police services are fully entrenched as essential community services.
- 3. Direct the AFN to urge the federal government to undertake the necessary legislative change to ensure that First Nations police services are viewed as essential services and supported equitably with federal, provincial and municipal police services.

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TITLE: Case Management Services for Income Assistance Recipients

SUBJECT: Social Development

MOVED BY: Chief Arnold Paul, Temagami First Nation, ON

SECONDED BY: Proxy, George E. Daniels, Long Plain First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security;
- B.** The Department of Indigenous Services Canada (ISC) On-Reserve Income Assistance program is to ensure individuals and families on-reserve have access to essential income assistance when in need. This is done within an integrated framework that actively supports individuals achieving greater financial and economic independence where this is possible.
- C.** In 2006, the Social Development Policy Framework was co-developed with First Nations and the Department and outlines a need to assist On-Reserve Income Assistance recipients to achieve greater economic independence. The framework emphasizes an Active Measures approach towards the implementation of the On-Reserve Income Assistance program, that utilizes a system of integrated case management that includes assessment and pre-employment programs, life skills, intervention and diversion programs such as keeping students in school, access to day care and training and employment incentives for employers both on and off reserve.
- D.** The Department has extended funding for case management services (formerly the Enhanced Service Delivery initiative) within the On-Reserve Income Assistance program for 2017-18.

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- E.** While the current case management initiative targets youth aged 18-24, it has a limited reach, serving only 110 First Nation Bands through 28 First Nation service delivery organizations.
- F.** The Ontario Works program, which provides income assistance services for First Nations in Ontario, offers case management and pre-employment supports to an additional 79 First Nation Bands.
- G.** Despite the limited scope and reach of the case management initiative, there have been indications from those delivering services that this approach is effective in supporting income assistance recipients to achieve greater economic independence.

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

- 1.** Direct the Assembly of First Nations (AFN) to call upon the Department of Indigenous Services Canada (ISC) to extend funding for case management services within the On-Reserve Income Assistance Program for 2018-19 to ensure ongoing support for income assistance recipients to achieve greater financial and economic independence
- 2.** Direct the AFN to call upon ISC to support a First Nation engagement process that will consider and gather best practices and approaches, input from key income assistance administrators and recipients for the development of policy recommendations that support long term, sustainable, and expanded case management services for income assistance recipients.
- 3.** Direct the AFN to call upon ISC to work collaboratively with First Nations and the Ontario Government to enhance and expand the Ontario Works program, supporting long term, and sustainable client focused services for income assistance recipients.

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TITLE: Supporting First Nations Environmental Protections

SUBJECT: Health Treaty Rights, United Nations Declaration on the Rights of Indigenous Peoples, Sacred Sites, Environment

MOVED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

SECONDED BY: Chief Patricia Faries, Moose Cree First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples, which Canada has adopted without qualifications, states:
- i. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the Indigenous peoples concerned.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - iii. Article 29 (2): States shall also take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.
 - iv. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

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- v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - vi. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources.
- B.** In November 2017 a pipeline owned by Calgary-based Mount Bastion Oil & Gas Corp. leaked 89,000 litres of an oil and water mixture contaminating 5,000 square metres of muskeg, 65 kilometers northwest of Red Earth Creek, Alberta.
- C.** In February 2017, a pipeline owned by Enbridge spilled 200,000 litres of crude oil in Strathcona County, Alberta.
- D.** In January 2017, a pipeline owned by Calgary-based Tundra Energy Marketing Ltd. burst and leaked 200,000 litres of oil covering agricultural land of the Ocean Man First Nation, near Stoughton, Saskatchewan.
- E.** In July 2016, a pipeline owned by Husky Energy spilled 250,000 litres of crude oil into a river 40km upstream from North Battleford, Saskatchewan.
- F.** Alberta has experienced an average of two crude oil spills a day, every day, for the past 37 years, making 28,666 crude oil spills in total, plus another 31,453 spills of other pipeline projects including liquid petroleum.
- G.** In the last 15 years, over 30 major oil spills have occurred in North America.
- H.** Pipeline spills pose an unacceptable risk to the health, safety, and livelihoods of First Nations throughout Canada, and will contribute to the negative environmental and health impacts experienced by Indigenous peoples downstream of the tar sands, and all peoples throughout the world as a result of accelerating global climate change.
- I.** Current environmental protections fall woefully short of ensuring the survival and well-being of our communities.

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

1. Call upon the Government of Canada to support First Nations in their calls for increased environmental protections and to hold resource companies operating on First Nations territories and homelands to account for any and all irresponsible and sub-standard production and transportation practices that pose an unacceptable risk to the lands, waters, and health of our communities, including the establishment of an independent oversight body for the monitoring, and operation, of production, transportation and spill response practices.

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2. Call upon the Government of Canada to ensure that resource companies recognize the Indigenous right to free, prior and informed consent, as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, which Canada has committed to implement without qualification.
3. Call upon the Government of Canada to ensure resource companies recognize the Constitutional and international First Nations right to be appropriately and expeditiously compensated for any impacts, infringement and environmental damages to our lands, waterways, territories and peoples.

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TITLE: Support to Delay Cannabis Legalization

SUBJECT: Health, Social, Economic, Justice

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

SECONDED BY: Chief Scott McLeod, Nipissing First Nation, ON

DECISION: Carried; 3 objections

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security.
- B. Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Indigenous governments to acknowledge that the current state of unfavourable Indigenous health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Indigenous people as identified in International law and constitutional law, and under the Treaties.
- C. The Government of Canada will be legalizing Cannabis via bills C-45 and C-46 in July 2018.
- D. The Government of Canada implemented the Marijuana for Medical Purposes Regulations and more recently the Access to Cannabis for Medical Purposes Regulations for the purpose of ensuring access to quality-controlled cannabis products by individuals with medical needs.
- E. The Quebec government and other provinces have tabled legislation on cannabis legalization which are expected to enter force by July 2018.
- F. Cannabis legalization in Canada will have social, child welfare, health, policing, legal and economic impacts on First Nation communities.

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- G.** As self-determining Indigenous nations, which are a cornerstone of the UN Declaration, First Nation people across Canada require the appropriate time and capacity to determine a response and action plan to the legalization of cannabis.
- H.** First Nation leadership presently do not feel fully equipped or informed about the proposed legislation in order to be responsive in a manner that is in alignment with our community values.

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

- 1.** Direct the National Chief and the Assembly of First Nations to advocate on behalf of the Chiefs in Assembly to delay federal legislation enabling cannabis legalization to allow time for First Nations to develop community-level public health and jurisdictional responses.
- 2.** Require a commitment from Canada, provinces and territories, to delay the entry into force of the cannabis legislation by one year to enable First Nations governments to:
 - a.** Adequately consult their communities in order to fully understand the impacts of the legislation on their members, as well as, the specific needs and priorities of First Nations with respect to cannabis legalization.
 - b.** Develop and adopt community specific drug policies that complement by-law and legislation focusing on wellness promotion.
 - c.** Identify and develop culturally adequate strategies and tools necessary to address the impacts of cannabis legalization on First Nation communities such as for example, in the area of youth education, prevention, addiction treatment, public safety, monitoring of impacts, etc., in accordance with First Nation priorities and actual needs.
- 3.** Call on Canada to provide equitable funding to support community efforts to identify and adequately address the needs of First Nations as a result of cannabis legalization, as outlined above.

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