



ASSEMBLY OF FIRST NATIONS
2017 ANNUAL GENERAL ASSEMBLY— REGINA, SK
FINAL DRAFT RESOLUTIONS

Following the AFN Resolutions Procedures revised by Executive in October 2013, resolutions to be considered at Chiefs Assemblies are required the Friday a full two weeks prior to the first day of the Assembly. Notices of this deadline and related procedures are distributed to all First Nations via broadcast fax and posted on the AFN website.

Resolutions are provided in this package for review by Chiefs-in-Assembly. The Resolutions Committee will receive late resolutions until 12:00 pm ET on Wednesday, July 26, 2017.

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DRAFT RESOLUTION # 01 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Four Corner Table Processes on Community Safety and Policing

SUBJECT: Health, Community Safety, Policing

MOVED BY: Chief Clifford Bull, Lac Seul First Nation, ON

SECONDED BY: Chief Alice Jerome, Lac Simon First Nation, QC

WHEREAS:

- A. The United Nations Declaration of 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 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;
 - 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; and
 - iv. 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. The Truth and Reconciliation Commission (TRC) recognized that actions must be taken for health and community safety rights. Call to Action #55 calls upon all levels of government to report on "progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence and other crimes."
- C. Indigenous peoples either living or visiting urban centres across Canada have become victims of racism, senseless violence, and have been murdered, or are missing. Such incidents appear to be increasing in urban centres across Canada.
- D. Community Safety and Policing is one of the immediate priorities to be dealt with under the June 2017 *Assembly of First Nations -- Canada Memorandum of Understanding on Joint Priorities*.
- E. Since actions to improve community safety and policing for First Nations citizens requires engagement of multiple jurisdictions, Four Corner Table processes involving leadership at the First Nation, federal, provincial, and municipal levels must be established in the coming months.

D R A F T R E S O L U T I O N # 0 1 / 2 0 1 7

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

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

1. Support the creation of Four Corner Table processes, when requested, involving leadership at the First Nation, federal, provincial, and municipal levels to address public safety issues and discrimination directed at First Nation individuals.
2. Call upon the Assembly of First Nations (AFN) to support First Nations leadership in their political advocacy for community safety engagement, and begin discussions with relevant federal ministries prior to the September 2017 meeting on the Memorandum of Understanding on Joint Priorities.
3. Direct the relevant AFN Regional Chiefs to report back to Chiefs-in-Assembly on progress made on the establishment of Four Corner Table processes at subsequent AFN Assemblies.

DRAFT RESOLUTION #02/2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Chiefs Committee on AFN Charter Renewal

SUBJECT: AFN Renewal

MOVED BY: Chief Dean Sayers, Batchewana First Nation, ON

SECONDED BY: Jackie Bird, Proxy, Skawahlook First Nation, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) affirms:
 - i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- B. There has been an evolution in the social, political, legal and constitutional status of First Nations since the Assembly of First Nations (AFN) was first established in 1982.
- C. First Nations continue to develop their own institutions promoting nation building, affecting social justice for their citizens, promoting their respective priorities for economic prosperity, and protecting the natural environment while strengthening the cultural heritage of First Nations, consistent with the Declaration, which affirms the right to self-determination of Indigenous peoples.
- D. The federal government has signaled its commitment to renewing the nation-to-nation relationship between the Crown and First Nations, which requires the AFN to be responsive to the evolving political landscape across Canada.
- E. The Chiefs-in-Assembly identified the need to establish the AFN Chiefs Committee on Charter Renewal due to conflicting 2016 AFN draft resolutions, *AFN Charter – Chiefs Committee on Nation-building and AFN Restructuring Full Exemption: Proposed Charter Amendments re: Confederacy of Nations* and *Chiefs Committee on Nation-building and AFN Restructuring-Proposed Charter Amendments*.
- F. AFN's Chief's Committee on Charter Renewal seeks the views of First Nations on the appropriate role and structure of the AFN as a result of the changing political landscape with the Trudeau government to guide the Committee's ongoing work to develop proposed options for organizational renewal that will be brought forward for consideration and deliberation to Chiefs-in-Assembly.

D R A F T R E S O L U T I O N # 0 2 / 2 0 1 7

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

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

1. Call for the Assembly of First Nations (AFN) to establish a Chiefs Committee on AFN Charter Renewal with a mandate to consult with First Nations about the structure of the AFN and assist their work in developing viable options on AFN restructuring.
2. Direct that the Chiefs Committee on AFN Charter Renewal compile the submissions of First Nations and develop a report and recommendations for AFN renewal and viable charter amendments for discussion at a future AFN Chiefs Assembly.
3. Direct that the work of the Chiefs Committee on AFN Charter Renewal take into account:
 - a. The role and nature of the AFN to ensure appropriate governance is consistent with nation building.
 - b. The governance structure of the AFN to enable leaders of traditional governance systems, clans and modern governance arrangements to participate in the decisionmaking.
 - c. The structure of the AFN to ensure all First Nation citizens, regardless of where they reside or their status under the colonial Indian Act, are represented.
4. Direct the AFN to seek financial resources for the Chiefs Committee on AFN Charter Renewal to effectively and meaningfully engage with First Nations from coast to coast to coast.
5. Direct the AFN to convene a Special Chiefs Assembly no later than December, 2018 and before any decisions are taken place on future AFN Charter reforms, to consider, deliberate and vote on proposed amendments to the AFN Charter that would allow the AFN to evolve.

DRAFT RESOLUTION #03/2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Post-Secondary Education Federal Review

SUBJECT: Post-Secondary Education

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

SECONDED BY: Chief Stanley Grier, Piikani Nation, AB

WHEREAS:

- A. The United Nations Declaration on Rights of Indigenous Peoples 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 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iii. 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.
 - iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - v. 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.
 - vi. 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 through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education.
- C. The federal government is obliged to uphold and honour the authority of First Nations to exercise control over education. The Chiefs-in-Assembly have passed Assembly of First Nations (AFN) resolutions 36/2016 *Inherent and Treaty Right to Post-Secondary Education* and 40/2016 *Call on Canada to address the backlog for eligible First Nation post-secondary student* that affirm and uphold this autonomy.

D R A F T R E S O L U T I O N # 0 3 / 2 0 1 7

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- D. The federal government is required to obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nation education administered by Indigenous and Northern Affairs Canada (INAC) or other federal departments or agencies.
- E. The 2017 Federal Budget announced a comprehensive and collaborative review, with Indigenous partners, of all current federal programs that support Indigenous students who wish to pursue post-secondary education. The purpose of the review will be to ensure that these programs meet the needs of individual students while supporting attendance at, and completion of, a post-secondary degree or credential.
- F. The Chiefs Committee on Education's (CCOE) Terms of Reference states that "The CCOE will perform the following objectives: Advocate for the protection of education Treaty rights and advance First Nations jurisdiction over First Nations education."
- G. The National Indian Education Council's (NIEC) Terms of Reference states that "The NIEC will perform the following objectives: Provide technical advice and assistance to the CCOE and the AFN Education Sector in the form of recommendations. Undertake technical lobbying in cooperation with the CCOE. Assist in the process of policy development in First Nations education that is initiated from First Nations and First Nations institutes."

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

1. Call on the federal government to ensure the federal post-secondary review will have a First Nations specific review, separate from the broader review and have a separate First Nations report and/or submission.
2. Direct the Chiefs Committee on Education (CCOE) to lead the First Nations portion of the federal post-secondary review, with support from the National Indian Education Council (NIEC), and to work in partnership with Indigenous and Northern Affairs Canada and Employment and Social Development Canada.

DRAFT RESOLUTION #04/2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Creation of a First Nation Directors of Education Association

SUBJECT: Education

MOVED BY: Chief Leroy Denny, Eskasoni First Nation, NS

SECONDED BY: Chief Stanley Grier, Piikani Nation, AB

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 education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 23: Indigenous peoples have the right to determine to 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 2016, the Assembly of First Nations (AFN) and First Nations Directors of Education from across Canada identified the essential need to support the professional development and capacity of First Nation Directors of Education.
- C. In 2017, a survey was conducted by the AFN and the results determined that the vast majority of First Nations Directors of Education polled identified the creation of a national association as essential to the capacity development of First Nations.
- D. A National First Nations Directors of Education Association could support, develop and offer: professional services, education systems development services, communication services, conferences, seminars and events, legal services.
- E. A National First Nations Directors of Education Association could also offer opportunity to establish a formal network of expertise aimed at increasing knowledge, skills, and capacity of First Nation education.
- F. Directors of education and senior education staff working in Canadian education systems have local and national bodies that support their capacity and professional development. For example, the Council of Ontario Directors of Education.
- G. The Chiefs-in-Assembly supported similar national associations in finance and health such as the development of the National Association of Aboriginal Financial Officers and the First Nations Health Managers National Association through resolutions 70/1998 and 46/2009, respectively.

D R A F T R E S O L U T I O N # 0 4 / 2 0 1 7

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

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

1. Support the creation of a national First Nation Directors of Education Association.
2. Direct the Assembly of First Nations (AFN) to work with the Chiefs Committee on Education to define and outline the next steps required in creating a First Nations Directors of Education Association, including seeking funding and establishing an organizational structure.
3. Direct the AFN to report back to the Assembly in December 2017 on progress of this resolution.

DRAFT RESOLUTION #05/2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Support for the University of Victoria's Indigenous Law Program

SUBJECT: Post-Secondary Education

MOVED BY: Kukpi7 (Chief) Wayne Christian, Splatsin te Secwepemc First Nation, BC

SECONDED BY: Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation, ON

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 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. The Government of Canada has accepted, and agreed to implement the *Truth and Reconciliation Commission of Canada: Calls to Action*. The Calls to Action state:
- i. Recommendation 28: We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
 - ii. Recommendation 50: In keeping with the United Nations Declaration on the Rights of Indigenous Peoples, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.
- C. The University of Victoria has proposed to the federal and British Columbia governments an Indigenous Law Program – a four-year dual-degree program through which students would acquire degrees in both the Common Law (JD) and Indigenous Legal Orders (JID). Since Indigenous legal traditions are rooted in Indigenous communities, students will participate in practical, hands-on learning in field schools and work on Indigenous territories, learn from local knowledge holders and contribute to the operation of Indigenous institutions. As Indigenous legal traditions differ among themselves in their institutions and principles (though there are commonalities), students will be exposed to a representative sample of traditions, acquiring skills for accessing and working within different traditions.

D R A F T R E S O L U T I O N # 0 5 / 2 0 1 7

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- D. The Indigenous Law Program would be housed in the Indigenous Legal Lodge, which would serve as a national forum for critical engagement, debate, learning, public education, and partnership on Indigenous legal traditions and their use, refinement, and reconstruction today. The programming of the Indigenous Legal Lodge would extend throughout Canada by means of collaborations with law schools and other agencies.
- E. The University of Victoria has approached the Government of Canada for a financial contribution towards the construction of the Indigenous Legal Lodge. The University of Victoria will work with other funding partners to cover the costs of the JD/JID Program and student supports.

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

1. Support the University of Victoria Indigenous Law Program and the development of the Indigenous Legal Lodge.
2. Direct the Assembly of First Nations (AFN) to respectfully call upon the Government of Canada to support the establishment of the University of Victoria's Indigenous Legal Lodge and for delivering the transformative Indigenous Law Program, including both the Common Law (JD) and Indigenous Legal Orders (JID) degree programs.

D R A F T R E S O L U T I O N # 0 6 / 2 0 1 7

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: National Indigenous Youth Entrepreneurship Camp

SUBJECT: Education

MOVED BY: Chief Derek Sunshine, Fishing Lake First Nation, SK

SECONDED BY: Chief Elsie Jack, Carry the Kettle First Nation, SK

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, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. The First Nations University of Canada has a national mandate to provide post-secondary education with an emphasis on Indigenous knowledge and worldviews.
- C. The mission of the First Nations University of Canada is to enhance the quality of life, and to preserve, protect and interpret the history, language, culture and artistic heritage of First Nations.
- D. The First Nations University School of Business and Public Administration created the Aboriginal Youth Entrepreneurship Camp in order to cultivate an interest in business and entrepreneurship in Indigenous youth enrolled in grades 10 to 12.
- E. The Aboriginal Youth Entrepreneurship Camp is a week long, in residence opportunity for youth to develop the necessary skills and tools needed for successful entrepreneurship with a focus on community building and sustainability.
- F. First Nations in Canada are increasingly engaged in development within their communities and many face human resource capacity issues. The Aboriginal Youth Entrepreneurship Camp encourages youth to pursue post-secondary business education with an emphasis on giving back to their communities.
- G. The objective of the Aboriginal Youth Entrepreneurship Camp program is to grow the numbers of First Nation individuals with a post-secondary degree to fill the human resource gap within First Nations.

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

- 1. Support the First Nations University of Canada's launch of the 10th Anniversary Aboriginal Youth Entrepreneurship Camp with a national focus that will allow First Nations youth from across Canada to participate.

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2. Call on the AFN to seek resources to support the launch, and where resources are secured, to develop jointly branded AFN/First Nations University National Indigenous Youth Entrepreneurship Camp products in the summer of 2018.
3. Direct the AFN to write letters of support for the First Nations University of Canada in seeking funding for the launch of the 10th Anniversary Aboriginal Youth Entrepreneurship Camp.

DRAFT RESOLUTION #07/2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Resetting the Role of First Nations in Environmental and Regulatory Reviews

SUBJECT: Environment

MOVED BY: Chief Byron Louis, Okanagan First Nation, BC

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

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. The Crown has a duty to consult and accommodate First Nations on matters impacting First Nations' rights, and the honour of the Crown is always at stake in these situations.
- C. The Assembly of First Nations (AFN) has passed five resolutions concerning this process: AFN resolution 86/2016: *Meaningful consultation and Engagement with First Nations in the Environment and Regulatory Review*; 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*.
- 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."

DRAFT RESOLUTION #07/2017

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- E. 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. Following months of engagement across the country, four separate reports were released:
 - i. The NEB Expert Panel released its report, entitled *Forward, Together – Enabling Canada's Clean, Safe, and Secure Energy Future* on May 15, 2017.
 - ii. The CEAA Expert Panel released its report, *Building Common Ground*, on their proposed vision on how to improve environmental assessment in Canada, on April 5, 2017.
 - iii. The Standing Committee on Fisheries and Oceans released its report, *Review Of Changes Made In 2012 To The Fisheries Act: Enhancing The Protection Of Fish And Fish Habitat And The Management Of Canadian Fisheries*, on February 24, 2017.
 - iv. The Standing Committee on Transportation, Infrastructure, and Communities released its report, *A Study Of The Navigation Protection Act*, on March 9, 2017.
- H. Using these reports as inputs, the federal government, through Environment and Climate Change Canada (ECCC), Transport Canada (TC), the Department of Fisheries and Oceans (DFO) and Natural Resources Canada (NRCan) went through a comment period soliciting input from a wide-range of stakeholders and Indigenous peoples.
- I. 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 some opportunities for additional funding for Indigenous nations.
- 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 that First Nations and their representative organizations made to Canada, and from some technical sessions.
- K. Under the current structure of engagement, it is clear that the mandate given to the AFN by the Chiefs-in-Assembly through various resolutions to pursue joint-legislative drafting will not be met.

D R A F T R E S O L U T I O N # 0 7 / 2 0 1 7

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

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

1. Reaffirm the Assembly of First Nations (AFN) position 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.
2. Direct the AFN to press the Prime Minister and the federal Cabinet to extend the timelines in order to take into consideration the need for a First Nations-specific parallel process that fully respects the constitutional and other legal obligations of the Crown, including the minimum standards set by the United Nations’ Declaration on the Rights of Indigenous Peoples.
3. Support the following interim principles to strengthen and improve federal environmental and regulatory processes, consistent with a long-term vision of First Nations’ self-determination and autonomy:
 - a. Ensure the inherent rights, title and jurisdiction of First Nations as governing authorities are recognized, including their decision-making powers using a “one assessment” approach.
 - b. Respect the free, prior, and informed consent standard throughout a full and honourable joint process.
 - c. Rights-based collaboration and jurisdiction-based engagement with First Nations in decision-making.
 - d. Mandatory inclusion of traditional knowledge, when shared, and following the OCAP® (ownership, control, access and possession) principles.
 - e. Ensure adequate core capacity arrangements.
 - f. Recognize and support First Nation led assessments.
4. Continue to support the interventions of First Nations, regional organizations, and provincial/territorial organizations to strengthen and improve the federal environmental and regulatory processes, and call on all responsible Ministries to concretely demonstrate where First Nations’ comments and ideas have been implemented.

DRAFT RESOLUTION #08/2017

AFN Annual General Assembly, July 25-27, 2017, Regina, Saskatchewan

TITLE: Addressing the Shortcomings of the Review of the Navigation Protection Act

SUBJECT: Environment, Fisheries

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

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

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
 - 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 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 coasts seas and other resources and to uphold their responsibilities.
 - 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.
 - v. 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 legislative review of the *Navigation Protection Act* was announced in June 2016 and the Minister of Transport mandated the Standing Committee on Transport, Infrastructure and Communities to conduct a legislative review of the 2012/13 changes to the *Navigation Protection Act* – formerly the *Navigable Waters Protection Act*.
- C. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nation rights, including the changes to laws, policies, and programs that infringe or may infringe First Nation rights.

DRAFT RESOLUTION #08/2017

AFN Annual General Assembly, July 25-27, 2017, Regina, Saskatchewan

- D. The Assembly of First Nations (AFN) has passed five resolutions concerning this legislative review process: Resolution 86/2016: *Meaningful consultation and Engagement with First Nations in the Environment and Regulatory Review*; Resolution 12/2016: *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; Resolution 35/2016: *First Nations' inclusion in the review of Environmental and Regulatory processes*; Resolution 24/2012: *Consultation and Engagement on Amendments to the Fisheries Act*; and Resolution 47/2012: *Opposition to Unilateral Changes in Fisheries Management in Canada*.
- E. First Nations are disappointed and dissatisfied with the Standing Committee on Transport, Infrastructure and Communities review process and report: *A Study of the Navigation Protection Act; the Government Response to the eleventh report of the Standing Committee on Transport, Infrastructure and Communities*; and the Government of Canada's *Environmental and Regulatory Reviews Discussion Paper* (June 2017).
- F. First Nations support the efforts to correct the damage to the *Navigation Protection Act* caused by previous federal government administration, and support a continued joint approach on the *Navigation Protection Act* legislative review, and the accompanying regulatory and program reform.
- G. Any legislative reform to the *Navigation Protection Act* must recognize the unique relationship of First Nations to the lands, waters, and resources, and respect the rights and interests of First Nations.
- H. To date, the issues and recommendations put forward by First Nations in relation to their rights and interests have not been incorporated into the reports following the Standing Committee review process.
- I. The legislative review of the *Navigation Protection Act* has failed to demonstrate that the rights and interests of First Nations will be respected and protected through this review process and subsequent legislative amendments.
- J. The structure of the legislative review process failed to establish a First Nation-specific process commensurate with the constitutionally protected nature of First Nation rights and improperly heard the views of rights-holders alongside stakeholders.

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

1. Call on the Assembly of First Nations (AFN) to continue to advocate that any legislative, policy, and program reform to the *Navigation Protection Act* must respect First Nation Treaties, rights, title and jurisdiction, and recognize First Nation responsibilities to their traditional territories.
2. Direct the AFN to urge the federal government to provide a firm commitment to core funding for First Nations that goes beyond Indigenous participant funding and that supports the joint responsibility of navigation issues with First Nations.
3. Mandate the AFN to call on the federal government to implement joint navigation management with First Nations as equal partners.
4. Mandate the AFN to call on the federal government to answer how the recommendations by First Nations in the ongoing review process have been considered and will be integrated into proposed legislative, policy, and program reforms in relation to the *Navigation Protection Act*.

D R A F T R E S O L U T I O N # 0 8 / 2 0 1 7

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5. Mandate the AFN to pursue joint legislative drafting and/or a parallel legislative reform process specifically for Indigenous Peoples, to address issues specific to First Nations waterways, and to hold the federal government accountable in addressing First Nation interests into the *Navigation Protection Act* and its accompanying regulations and policies.
6. Mandate the AFN to call on Prime Minister Trudeau and the Government of Canada to work jointly with First Nations in a full review of the legislation unilaterally imposed on Indigenous peoples, as well as to call on the Prime Minister to ensure that the required mechanisms and processes are in place to ensure legislation is not unilaterally imposed on Indigenous peoples.

DRAFT RESOLUTION #09/2017

AFN Annual General Assembly, July 25-27, 2017, Regina, Saskatchewan

TITLE: Addressing the Shortcomings of the Review of the Fisheries Act

SUBJECT: Fisheries

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

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

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
 - 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 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 coasts seas and other resources and to uphold their responsibilities.
 - 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.
 - v. 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 legislative review of the *Fisheries Act* was announced in June 2016 and the Minister of Fisheries and Oceans mandated the Standing Committee on Fisheries and Oceans to conduct a legislative review of the 2012/13 changes to the *Fisheries Act*.
- C. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nation rights, this includes the changes to law, policies, and programs that infringe or may infringe First Nation rights.

DRAFT RESOLUTION #09/2017

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- D. The Assembly of First Nations (AFN) has passed five resolutions concerning this legislative review process: Resolution 86/2016: *Meaningful consultation and Engagement with First Nations in the Environment and Regulatory Review*; Resolution 12/2016: *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; Resolution 35/2016: *First Nations' inclusion in the review of Environmental and Regulatory processes*; Resolution 24/2012: *Consultation and Engagement on Amendments to the Fisheries Act*; and Resolution 47/2012: *Opposition to Unilateral Changes in Fisheries Management in Canada*.
- E. All First Nations are deeply disappointed and dissatisfied with the Standing Committee on Fisheries and Oceans review process and report: *Review of changes made in 2012 to the Fisheries Act: enhancing the protection of fish and fish habitat and the management of Canadian fisheries*; the *Government Response to the sixth report of the Standing Committee on Fisheries and Oceans*; and the Government of Canada's *Environmental and Regulatory Reviews Discussion Paper* (June 2017).
- F. First Nations support the efforts to correct the damage done to the *Fisheries Act* caused by the previous federal government administration, and support a continued joint approach on the *Fisheries Act* legislative review, and the Aboriginal fisheries policies and programs review.
- G. Any legislative reform to the *Fisheries Act* must recognize the unique relationship of First Nations to the lands, waters, and resources, and respect the rights and interests of First Nations.
- H. To date, the issues and recommendations put forward by First Nations in relation to their rights and interests have not been incorporated into the reports following the Standing Committee review process.
- I. The legislative review of the *Fisheries Act* has failed to demonstrate that the rights and interests of First Nations will be respected and protected through this review process and subsequent legislative amendments.
- J. The structure of the legislative review process failed to establish a First Nation specific process commensurate with the constitutionally protected nature of First Nation rights and improperly heard the views of rights-holders alongside stakeholders.

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

1. Call on the Assembly of First Nations (AFN) to continue to advocate that any legislative, policy, and program reforms to the *Fisheries Act* must respect First Nation treaties, rights, title and jurisdiction, and recognize First Nation responsibilities to their traditional territories.
2. Direct the AFN to urge the federal government to provide a firm commitment to core funding for First Nations that goes beyond Indigenous participant funding and that supports the joint responsibility of fisheries issues with First Nations.
3. Mandate the AFN to call on the federal government to implement joint fisheries management with First Nations as equal partners.
4. Mandate the AFN to call on the federal government to answer how the positions and perspectives of First Nations in the ongoing review process have been considered and will be integrated into proposed legislative, policy, and program reforms in relation to the *Fisheries Act*.

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5. Mandate the AFN to pursue legislative drafting and/or a parallel legislative reform process specifically for Indigenous Peoples, which will work to address issues specific to First Nations fisheries, and to hold the federal government accountable in respecting First Nation rights into the *Fisheries Act* and its accompanying regulations and policies.
6. Mandate the AFN to call on Prime Minister Trudeau and the Government of Canada to work jointly with First Nations in a full review of the legislation unilaterally imposed on Indigenous peoples, as well as to call on the Prime Minister to ensure that the required mechanisms and processes are in place to ensure legislation is not unilaterally imposed on Indigenous peoples.

DRAFT RESOLUTION # 10 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Joint Committee on Climate Action

SUBJECT: Climate Change

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

SECONDED BY: Chief Aaron Sam, Lower Nicola Indian Band, BC

WHEREAS:

- A. A. The following articles of 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. International leaders have set global targets to reduce carbon emissions as part of the 21st Conference of the Parties (COP 21), which led to the Paris Agreement, signed by Canada in April 2016.
- D. All of the parties to the Paris Agreement agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous Peoples.
- E. 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), agreeing to recognize, respect, and safeguard the rights of Indigenous Peoples.
- F. This was followed by a joint-statement between the National Chief and the Prime Minister, as well as a joint release of a "Process Document for Ongoing Engagement on the PCF".
- G. The Process Document outlined a commitment to establish a Joint Committee on Climate Action, in order to "...contribute to, and advise the AFN and Canada on, real and meaningful approaches that support meaningful and sustained engagement between the Government of Canada and First Nations on issues related to climate change based on the inclusion of Indigenous Knowledge Systems and the standard of free, prior, and informed consent (FPIC)."

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- H. Given the diverse nature of First Nation regions and their experiences with climate change, the work of the Joint Committee will attempt to reflect regional differences and concerns, as well as coordinate regional engagement opportunities for First Nations.
- I. This joint commitment to climate action does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional and national level on issues related to climate change, including mitigation and adaptation activities
- J. The AFN has passed numerous resolutions supporting First Nations involvement in Climate Change discussions including: *First Nations Full and Meaningful Inclusion in Climate Action* (Resolution 97/2016); *Engaging in Climate Action and the Environment* (Resolution 29/2016); *Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action* (Resolution 48/ 2016); *Support First Nations in Addressing Climate Change* (Resolution 59/ 2015); and *Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies* (Resolution 51/2015).

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

1. Support the establishment of the Joint Committee on Climate Action (JCCA) between First Nations and the Government of Canada to ensure First Nations full and meaningful inclusion with the Pan-Canadian Framework on Clean Growth and Climate Change (PCF) and other related priorities identified by First Nations.
2. Direct the Assembly of First Nations to ensure regional First Nation representatives are appointed to the JCCA in order to reflect regional differences and concerns, as well as coordinate regional engagement opportunities for First Nations.
3. Direct the Assembly of First Nations (AFN) to urge all Ministers involved in climate action to ensure the full and effective participation of Traditional Knowledge holders in all aspects of climate action, including mitigation and adaptation, with equal weight given as that of Western science.
4. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) to provide adequate financial capacity to support First Nations, regions, provincial and territorial organizations, and women, Elders and youth to participate in these activities and to maintain their important role as stewards of the environment in successfully managing Canada's climate action.
5. Direct the AFN to call upon the Prime Minister, Minister of Environment, and Minister of Indigenous and Northern Affairs Canada to support First Nations and provide financial resources for assessments of climate change impacts and for the preparation and implementation of mitigation and adaptive measures.

DRAFT RESOLUTION # 11 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Parks Canada Pathway to Canada Target 1: Conservation 2020 Initiative

SUBJECT: Environment

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

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

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 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. No relationship is more valuable to First Nations than that with the natural environment and the wildlife contained within.
- C. 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.
- D. The Crown has the duty to obtain the free, prior and informed consent of First Nations on matters impacting First Nations rights and the honour of the Crown is always at stake in these scenarios.
- E. The Assembly of First Nations (AFN) has agreed to participate as a member of the Conservation 2020 initiative to the extent that it could provide a forum for engagement on conservation.
- F. First Nations are seeking a more formal relationship with all levels of government as it relates to environmental conservation as we move forward in building the important nation-to-nation relationship referenced by the current federal government and supported in AFN resolution *63-2011 Protection and Conservation of Lands and Waters*.

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- G. 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 First Nations to obtain fair and reasonable compensation as a result of these impacts.

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

1. Support the Assembly of First Nations (AFN) involvement in the *Pathway to Canada Target 1: Conservation 2020 Initiative* including, but not limited to, that of the National Advisory Panel, National Steering Committee and the Indigenous Circle of Experts.
2. Direct the Assembly of First Nations (AFN) to engage with the Minister of Environment and Climate Change Canada and the Chief Executive Officer of Parks Canada in order to participate in the *Pathway to Canada Target 1: Conservation 2020 Initiative*.
3. 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 programs decisions, including the creation of opportunities for dialogue with all levels of government.
4. Urge the Minister of Environment and Climate Change Canada and the Parks Canada Agency 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 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 located on federal lands.

DRAFT RESOLUTION # 12 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Support for the recognition and respect of Stk'emlupsemc te Secwepemc (SSN's) Pípsell decision

SUBJECT: Environment

MOVED BY: Chief Ron Ignace, Skeetchestn Indian Band, BC

SECONDED BY: Chief Fred Seymour, Tkemlups te Secwepemc, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - 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 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.
 - iv. 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.
 - 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.
- B. In December 2016, Prime Minister Justin Trudeau outlined his plan to reset Canada's relationship with its Indigenous peoples and stated, "*It is time for a renewed, nation-to-nation relationship with First Nations peoples, one that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation.*"
- C. The Stk'emlupsemc te Secwepemc Nation (SSN) developed its own Indigenous Environmental Assessment Process, in accordance with their stsq'ey', governance, laws, traditions, and customs, to facilitate informed decision-making by their communities.

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- D. SSN developed the assessment process to review the proposed Ajax mine by KGHM Ajax Mining Inc. (KGHM) in the area known as Pípsell, declaring that no project will proceed without the informed consent of Stk'emlupsemc te Secwepemc Nation.
- E. The project proponent for KGHM Ajax is KGHM International, a subsidiary of KGHM Polska Miedz SA, a Polish state controlled company where Poland owns an 80 percent stake in the proposed project. Poland is a 2007 signatory to the UN Declaration.
- F. On March 4, 2017, at a Ceremonial Release Event at Tk'emlúps, the SSN shared their Pípsell Decision regarding the KGHM copper and gold mine proposal within Stk'emlúpssemc te Secwepemcúl'ecw. The key highlights of the decision include:
 - i. The SSN does not give its free, prior and informed consent to the development of the lands and resources at Pípsell for the purposes of the Ajax Mine Project.
 - ii. For the Secwepemc people, Pípsell is a cultural keystone area which must be preserved in a state consistent with its traditional importance.
 - iii. The decision of the SSN Joint Council is made in accordance with Stk'emlúpssemc te Secwepemc Nation's laws, traditions, customs and land tenure systems supported by the evidence and assessments as presented in the Pípsell Report and SSN Panel Recommendations Report.
- G. Despite this momentous decision and operationalization of a First Nations right to govern their territory, the federal and provincial governments have yet to recognize and respect SSN's decision.
- H. On February 22, 2017, the Prime Minister announced a Working Group of Ministers to review all federal laws and policies as they relate to Indigenous peoples, which does not include the Minister of Environment and Climate Change
- I. On March 10, 2017, Federal Environment Minister Catherine McKenna stated her support for a greater role for First Nations in creating new protected areas and managing the ones Canada already has as a means of meeting its international goal of conserving 17 percent of its land by 2020.
- J. Minister McKenna further stated that, "We also believe that Indigenous protected areas will be an important approach to meeting our targets [and] also responding to the desire of Indigenous peoples to determine how best to create healthier, more prosperous communities while protecting their land."
- K. On June 11, 2017, SSN held a gathering and ceremony to mark and designate Pípsell as a Secwepemc Heritage site.

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

1. Direct the Assembly of First Nations (AFN) to call upon the federal and provincial governments to recognize, respect, and implement the Stk'emlúpssemc te Secwepemc Nation's (SSN) Pípsell decision.
2. Direct the AFN to call upon the federal government to undertake discussions on a nation-to-nation basis with the SSN to ensure their Pípsell Decision is fully recognized, respected and integrated in the Minister of Environment and Climate Change's decision.

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3. Direct the AFN to call upon the Prime Minister to include the Minister of Environment and Climate Change in its Working Group of Ministers tasked with reviewing all federal laws and policies as they relate to Indigenous peoples.
4. Direct the AFN to call upon the Minister of Environment and Climate Change to undertake discussions on a nation-to-nation basis with SSN to create an Indigenous protected area to protect and recognize the cultural heritage status of Pípsell and restore and revitalize Pípsell to its historical state prior to non-Indigenous use.
5. Direct AFN to urge the Canadian and Polish Ambassadors to call on the Government of Poland to direct its KGHM Polska Miedz SA Supervisory and Management Board to:
 - a. Uphold its commitments under the United Nations Declaration on the Rights of Indigenous Peoples.
 - b. Respect the SSN's Pípsell Decision to withhold their consent for the Ajax Project.
 - c. Withdraw its application for the Ajax project and enter into a negotiated agreement to return, protect and restore Pípsell as an Indigenous Cultural Heritage Site to the SSN.

DRAFT RESOLUTION # 13 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Safe Drinking Water for First Nations Act

SUBJECT: Water, Infrastructure

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

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

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 to future generations in this regard.
 - ii. 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
- B. Canada's failure to ensure that First Nations have access to safe drinking water on par with other Canadians is a violation of the rights to life, liberty and security of the person and the right to equality under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*, respectively. Several United Nations (UN) human rights instruments ratified by the Government of Canada recognize the right to safe drinking water including: the *International Covenant on Economic, Social and Cultural Rights*; the *Convention on the Rights of the Child*; the *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*; and, the UN General Assembly Resolution recognizing the right to safe drinking water as a basic human right.
- C. The *Safe Drinking Water for First Nations Act* (SDWFNA) came into force on November 1, 2013. The SDWFNA enables the federal government to develop enforceable regulations to ensure access to safe, clean, and reliable drinking water; the effective treatment of wastewater, and the protection of sources of drinking water on First Nation lands.
- D. The SDWFNA provisions seek to shroud the moral and legal responsibilities of the Government of Canada for safe drinking water for First Nations and gives the Crown in Right of Canada sweeping protection from liability from injury and death from unsafe drinking water in First Nation communities.
- E. The SDWFNA garnered widespread criticism from First Nations across Canada for lack of meaningful engagement and consultation with First Nations as well as insufficient resources to enable First Nations to comply or implement the regulations.

D R A F T R E S O L U T I O N # 1 3 / 2 0 1 7

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- F. The Ermineskin Cree Nation, Kainai First Nation (Blood Tribe), Tsuut'ina Nation, and the Sucker Creek First Nation commenced litigation against the Government of Canada on June 16, 2014, seeking confirmation of Canada's obligations to ensure safe drinking water for First Nations (the Legal Action).
- G. AFN resolution 29/2014 supports the legal action against Canada for breach of its fiduciary duty and legal obligations under the Charter of Rights and Freedom to ensure safe on-reserve drinking water.
- H. At the 2015 Annual General Assembly, Justin Trudeau, then the Liberal Party Leader, indicated that the SDWFNA, was an example of "the government dictating terms rather than working in partnership to support First Nations governance." The Prime Minister further promised, on December 8, 2015, to conduct a full review of legislation imposed on First Nations, and indicated that any legislation that was in conflict with rights, inconsistent with the principles of good governance, or made no public policy sense would be repealed.
- I. Despite Resolution 76/2015 calling for the repeal of the SDWFNA, the Government of Canada under Prime Minister Trudeau has failed to repeal the SDWFNA and ensure that all First Nations have safe drinking water.
- J. Many First Nations continue to face urgent drinking water safety issues. As of May 31, 2017, there were 154 drinking water advisories (DWAs) in 106 First Nations communities south of the 60th parallel excluding: the Saskatoon Tribal Council; and, systems with five connections or less. Many communities across Canada have faced water advisories for over 10 years.
- K. The current federal government's approach to engagement on the review of the SDWFNA clearly lacks meaningful engagement with First Nations and is not in compliance with First Nations Inherent and Treaty Rights and the UN Declaration.

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

- 1. Direct the Assembly of First Nations (AFN) to immediately communicate to the Office of the Prime Minister and the Minister of Indigenous and Northern Affairs Canada, to acknowledge AFM resolution 76/2015 that calls for the Safe Drinking Water for First Nations Act (SDWFNA) to be repealed.
- 2. Direct the AFN to immediately communicate to the federal government that the engagement sessions for review of the SDWFNA must be terminated, and the federal government must work directly with First Nations to determine the appropriate next steps for a joint legislative process developed in full partnership with First Nations that is respectful of First Nations rights.
- 3. Call on the federal government to develop, in partnership with First Nations, the appropriate legislation for the provision of safe drinking water that is respectful of First Nations rights. This includes the identification of necessary funds for capital investments, operations and maintenance funding, and personnel, and training for all First Nations communities, to improve the state of First Nations water systems while a new legislative framework is in development.
- 4. Fully support the legal action by Ermineskin Cree Nation, Kainai First Nation (Blood Tribe), Tsuut'ina Nation, and Sucker Creek First Nation in its pursuit to establish, in Canadian law, the right to clean drinking water for all First Nations and encourage other First Nations with drinking water issues to join the legal action.

DRAFT RESOLUTION # 14 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Development of a First Nations National Housing and Infrastructure Strategy

SUBJECT: Housing

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

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

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 programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations continue to assert their role and responsibility in determining their future vision for housing and infrastructure in a truly nation-to-nation relationship with Canada. First Nations care and control of housing and infrastructure has been the guiding principle.
- C. Assembly of First Nations (AFN) resolution 96/2016 directed the AFN to work with the federal government to establish a relationship protocol to guide the relationship between Canada and First Nations, and ensure the effective development and delivery of sustainable housing and infrastructure programs and services to First Nation communities.
- D. AFN resolution 98/2016 supported the development of a First Nations National Housing and Infrastructure Strategy, based on the outcomes of regional engagement processes, to facilitate First Nation control of Housing and infrastructure. Canada Mortgage and Housing Corporation (CMHC) is leading the development of a comprehensive National Housing Strategy for Canada, and Indigenous and Northern Affairs Canada (INAC) is leading the development of a First Nations National Housing Strategy.
- E. The First Nations National Housing Strategy cannot be unilaterally developed by the Government of Canada through a top-down or imposed one-size-fits-all approach. Canada must seek First Nations free, prior and informed consent through consultation.
- F. First Nations must lead the development of a First Nations National Housing and Infrastructure Strategy to ensure the future of housing and infrastructure reform is envisioned from a First Nations perspective. A new approach to meeting First Nations housing and infrastructure needs requires long-term sustainable investments and respect for regional approaches.

D R A F T R E S O L U T I O N # 1 4 / 2 0 1 7

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- G. The AFN Chiefs Committee on Housing and Infrastructure (CCoHI) and Technicians are supportive of a joint collaborative approach between the AFN, CCoHI, INAC, CMHC and Health Canada which will seek to improve relationships between First Nation leaders and communities and the Federal Government for the purpose of housing and infrastructure reform. An honourable and joint collaborative process will guide engagement processes on the development and implementation of a First Nations National Housing and Infrastructure Strategy.

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

1. Direct the Assembly of First Nations (AFN) and Chiefs Committee on Housing and Infrastructure (CCoHI) to jointly develop, with the federal government, a Terms of Reference for the establishment of a joint Working Group that will develop a First Nations National Housing and Infrastructure Strategy, which will include housing both on- and off-reserve.
2. Direct the AFN and the CCoHI to work in partnership with First Nations and the Government of Canada on the co-development of a strategic plan with short, medium and long-term objectives and outcomes, which will be implemented to contribute to the development of a National First Nations Housing and Infrastructure Strategy.
3. Direct the AFN to call upon the Government of Canada that any drafting of legislation, regulations and 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 CCoHI, and any resulting legislation be ratified by the Chiefs-in-Assembly before being introduced into the federal House of Commons with a commitment to long-term investments for the work ahead.

DRAFT RESOLUTION # 15 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Restore Technical Services back to First Nations for CMHC's Housing Programs

SUBJECT: Housing

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

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

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous People 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 programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. There have been significant investments in training and professional development for First Nations, Tribal Councils and Technical Service Providers (TSPs), their prompt and thorough services allowed the TSPs to proceed with undertaking quality progress and physical condition reviews for Canada Mortgage and Housing Corporation's (CMHC) On-Reserve Non-Profit Housing Program (Section 95) and the Residential Rehabilitation Assistance Program (RRAP). They have the capacity and in-depth knowledge of their own communities, and have the expertise and many years of experience providing these essential services.
- C. Despite First Nations opposition, CMHC made a unilateral decision to change its service delivery approach by awarding a national contract to a single provider, OZHI First Nations Professional Services, to provide progress and physical condition reviews for CMHC's On-Reserve Non-Profit Housing Program (Section 95) and the RRAP.
- D. First Nations have expressed concerns to CMHC about the awarding of a sole source national contract and of the selected contractor's readiness, responsiveness and capacity to carry out the work in a manner that meets the required service standards and program deadlines as was previously provided by First Nations Technical Service Providers.
- E. Consultation with First Nations and their organizations is required to develop an agreement for the future of this essential service that is respectful and recognizes the role and experience of the affected TSPs.
- F. CMHC needs to restore the agency agreements with First Nations, Tribal Councils and First Nations TSPs and return the responsibility back to the First Nation and their organizations where it rightly belongs.

D R A F T R E S O L U T I O N # 1 5 / 2 0 1 7

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

1. Direct the Assembly of First Nations (AFN) to urge the Minister of Families, Children and Social Development and Canada Mortgage and Housing Corporation to rescind the contract with OZHI First Nations Professional Services immediately and restore the agency agreements with First Nations, Tribal Councils and First Nations Technical Service Providers.
2. Direct the AFN to request that consultation begin immediately with First Nations and their organizations to develop an agreement for the future of this essential service that is respectful and recognizes the role and experience of the affected First Nations Technical Service Providers.

DRAFT RESOLUTION # 16 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Support for principles to guide a new First Nations-Crown fiscal relationship

SUBJECT: Fiscal Relations

MOVED BY: Grand Chief Edward John, Proxy, Tl'azt'en Nation, BC

SECONDED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

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. First Nations as the original owners and stewards, have an intimate, unique and spiritual connection to the lands, resources and waters of their homelands. First Nations have the inalienable sovereign right to self-determination and each respective Nation is free to pursue its own economic, social, health and well-being, and cultural development.
- C. Aboriginal title derives "from the prior occupation of Canada by Aboriginal peoples" (*Delgamuukw v British Columbia* 1997, para. 114), which must be fully addressed, but should not be a barrier to progress on establishing a new First Nations-Crown fiscal relationship that meets First Nation communities needs and objectives.
- D. The Supreme Court of Canada has articulated that: "Three aspects of Aboriginal title are relevant here. First, Aboriginal title encompasses the right to exclusive use and occupation of land; second, Aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of Aboriginal peoples; and third, that lands held pursuant to Aboriginal title have an inescapable economic component." *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010 at para. 166.
- E. The current First Nation fiscal relationship is not a nation-to-nation one because it does not recognize a plurality of laws and responsibilities of Indigenous Nations and the Crown. Nor does it sufficiently recognize or provide space for First Nation tax or service jurisdiction. Therefore, the current relationship is failing because it does not provide stable, long-term revenues to support First Nation services and infrastructure at national standards.
- F. Many of the fiscal financing issues remain impediments to achieving stable First Nations governments, Treaties, agreements and other constructive arrangements and addressing such issues must be considered a high priority.

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- G. Since the October 2015 federal election of the new Liberal Government, the Prime Minister has committed to a new nation-to-nation relationship with Indigenous Peoples.
- H. Further, at the December 2015 Assembly of First Nations (AFN) Special Chiefs Assembly, Prime Minister Trudeau stated: "It's time for a new fiscal relationship with First Nations that gives your communities sufficient, predictable and sustained funding..." While this statement is helpful, it only addresses one piece of a new fiscal framework. It must go beyond reliance on government funding for program and service delivery to close the socio-economic gap and support First Nation governments.
- I. There is a pressing need for First Nations to secure an economic base through revenue options, including: taxation, resource royalties and revenue sharing, and others.
- J. It is acknowledged that Canada has initiated a discussion with the AFN on a new fiscal relationship. Further, the Government of Canada and self-governing and negotiating Indigenous governments are engaged in a collaborative fiscal policy development initiative.
- K. On June 7, 2017, First Nations in British Columbia participated in a province-wide strategic dialogue session on defining a new First Nations fiscal relationship with the Crown, focusing on the importance of adequately resourcing all First Nations Governments through a comprehensive section 91(24) path to implement section 35 jurisdiction.
- L. At that session, a number of principles for a new First Nations fiscal relationship with the Crown were discussed by First Nations. The principles are a high-level, minimum starting point for discussion and include: Expanded Tax Powers and Clear Jurisdiction & Authorities; Incentives for Economic Development; Revenues Related to Service Responsibilities; Comparability; Improved Statistics; and Institutional Support.
- M. It is acknowledged that First Nations will continue to discuss the principles of a new fiscal relationship with the Crown within their respective communities and may amend or tailor the above-noted principles to meet the specific, unique requirements of communities.

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

1. Support, in-principle, the document, *Principles for a new First Nations–Crown Fiscal Relationship*, as a minimum starting point to guide discussions of a new First Nations-Crown fiscal relationship.
2. Direct the Assembly of First Nations (AFN) representatives on the AFN-Canada Fiscal Relations Working Group to review and consider these principles in its work on fiscal issues.

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3. Encourage First Nations to:
 - a. review and discuss the principles for a new First Nations–Crown Fiscal Relationship within their respective communities.
 - b. amend or refine the principles as necessary to meet the unique needs and circumstances of each community.

DRAFT RESOLUTION # 17 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Increasing Fiscal Support for First Nations Governments

SUBJECT: Fiscal Relations

MOVED BY: Chief Brenda Joly, Kehewin Cree Nation, AB

SECONDED BY: Chief Eddy Makokis, Saddle Lake Cree Nation, AB

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. Prime Minister Justin Trudeau, the Liberal Party of Canada and the Government of Canada have committed to work with First Nations to co-develop a new fiscal relationship with First Nations.
- C. First Nations are in a state of crisis and unable to meet basic needs of water, waste water, housing, infrastructure, and suffer from a chronic lack of fiscal support in all other areas.
- D. First Nations are seeking long-term sufficient, predictable and sustainable funding to support their citizens and build strong communities and strong nations.
- E. First Nations have been struggling under a 2 percent cap on annual funding increases since 1995 that have not kept pace with our rapidly growing population and inflation. The 2% cap has forced First Nations to provide more services to more people with the appropriate purchasing power resulting in a growing gap in the quality of life between First Nations people and Canada.
- F. At the Assembly of First Nations (AFN) Special Chiefs Assembly in December 2015, Prime Minister Justin Trudeau committed to working with First Nations to create a new fiscal relationship that gives First Nations sufficient, predictable and sustained funding.
- G. AFN resolution 70/2015 mandates the AFN "to establish a new fiscal framework and identify funding and programs to close the gap."
- H. At the 2016 AFN Annual General Assembly, National Chief Bellegarde and Indian and Northern Affairs Canada (INAC) Minister Carolyn Bennett signed a Memorandum of Understanding (MOU) on fiscal relations. Under the terms of the MOU, the AFN and INAC are examining options for a new fiscal relationship including defining what 'sufficient' funding means, and looking at the most effective and efficient ways for transferring funds to allow for strategic planning and getting results on the ground.
- I. The federal government announced increased funding of \$8.4 billion in Budget 2016, and an additional \$3.4 billion in Budget 2017, for Indigenous peoples, with a total of \$11.8 billion of new announcements covering 6 fiscal years.

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- J. First Nations have heard many commitments for new fiscal resources in recent years but have not seen that funding make its way to its organizations, communities and people. In some cases, First Nations have realized decreases in their budgets over the past two years.

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

1. Urge the Government of Canada, Prime Minister Justin Trudeau, Minister Carolyn Bennett, and the national Fiscal Relations working groups to prioritize the need for new funding commitments to flow to First Nation governments by April 1, 2018, and to seek additional funding to support First Nations to address basic needs.

DRAFT RESOLUTION # 18 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Inherent Authority to Define Citizenship

SUBJECT: Citizenship

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

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

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
 - ii. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
- B. There is a long history of hardship and discrimination imposed on Indigenous Peoples by the *Indian Act's* Indian status provisions.
- C. Federal legislation enacted in the past and implemented still today was designed to assimilate and erode First Nation citizenship.
- D. Canada's *Bill C-31: An Act to Amend the Indian Act* was passed to end discrimination against Indian women, and new provisions ensured that all Indian peoples would continue to suffer losses related to Indian status over generations. However, the discrimination or inter-marriages continues.
- E. Indian children lose Indian status after two generations of out-marriage, and with the current rate of out-marriage many First Nations communities will disappear within a few generations due to rapid decline in numbers of Status Indians within their citizenship.
- F. First Nations have always asserted their jurisdiction to determine and define their citizenship, regardless of Canada's unilateral imposition of the *Indian Act* that determines Indian status.

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

- 1. Affirm the authority of First Nations to determine their own citizenship and eligibility for registration,
- 2. Direct the Assembly of First Nations to call on the Government of Canada to end the practice of legislative assimilation and to provide adequate funding to First Nation governments to establish their own citizenship laws and processes.

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3. Support the work of Fort William First Nation and all other First Nations who now exercise their jurisdiction over their citizenship and restore their children with their rightful heritage, which was lost due to the colonial and racist impacts of sections 6(1) and (2) of the *Indian Act*.

DRAFT RESOLUTION # 19 / 2017

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TITLE: Support for Cross Canada Walk To Support Missing and Murdered Women

SUBJECT: Indigenous Women and Girls

MOVED BY: Carlene Keeshig, Proxy, Chippewas of Nawash Unceded First Nation, ON

SECONDED BY: Chief James Cutfeet, Kitchenuhmaykoosib Inninwug First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
 - i. Article 18: Indigenous peoples have the right to participate in decision- making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own [I]ndigenous decision-making institutions.
 - ii. Article 22 (2): States shall take measures, in conjunction with [I]ndigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. Indigenous individuals are free and equal to all other people 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 identify.
- C. The Assembly of First Nations Chiefs-in-Assembly have supported the creation of a National Inquiry into Missing and Murdered Indigenous Women and Girls and has supported a “families first” approach to addressing the root causes of this national tragedy.
- D. In an effort to create awareness for murdered and missing women and girls, Chippewas of Nawash Unceded First Nation band member, Brandon Emmerson, will be embarking on a cross Canada walk.
- E. The Chippewas of Nawash Unceded First Nation and eleven other First Nations in Ontario hereby acknowledge and support Brandon in his efforts to raise awareness on this important issue.

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

1. Direct the Assembly of First Nations (AFN) to write a letter of support to Brandon Emmerson in his efforts to create awareness on this important subject. This letter will be used to help the process of coordination and fundraising for his cross Canada walk to support missing and murdered Indigenous women and girls
2. Call upon the National Chief, AFN Regional Chiefs and First Nation leadership to elevate the issue of missing and murdered Indigenous women and girls as Brandon makes his way across the country.

DRAFT RESOLUTION # 20 / 2017

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TITLE: 100 Wellington Street

SUBJECT: Reconciliation

MOVED BY: Chief Kirby Whiteduck, Algonquins of Pikwàkanagàn First Nation, ON

SECONDED BY: Chief Thomas Bressette, Chippewas of Kettle & Stoney Point, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states that:
 - i. Article 11: Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- B. On June 21, 2017 the Prime Minister of Canada announced in Ottawa that the 100 Wellington Street building is to become a space for Indigenous Peoples.
- C. There is a need for First Nations to establish their own process to determine the preferred use, function, and governance of the 100 Wellington Street space.

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

1. Mandate the Assembly of First Nations (AFN) to initiate a process to determine the most effective use of the 100 Wellington Street space.
2. Direct the National Chief and the AFN to make sure that the appropriate protocols with the Algonquin Nation are engaged to ensure a respectful process is initiated.

DRAFT RESOLUTION # 21 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Natural Resources Transfer Act

SUBJECT: Land and Resources

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

SECONDED BY: Chief Todd Peigan, Pasqua First Nation, SK

WHEREAS:

- A. The United Nations Declarations on the Rights of Indigenous Peoples provides that:
- 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 *Natural Resources Transfer Act* (NRTA) represents a significant breach of the Numbered Treaties signed between First Nations and the Crown in the provinces of Manitoba, Saskatchewan and Alberta, through Canada's attempt to modify the treaties without First Nations consultation and consent.
- C. The NRTA purports to provide authority to the federal Crown to transfer responsibility for resources to Manitoba, Saskatchewan and Alberta.
- D. AFN Resolution 35/2012, "Assertion of Inherent and Treaty Rights to Lands, Traditional Territories and Resources," calls on the federal and provincial governments to ensure that revenue sharing, benefit sharing, resource access arrangements and "legacy" initiatives be a condition of any further government approvals of energy, water, mining and natural resource development projects in Manitoba, Saskatchewan and Alberta.

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

1. Direct the Assembly of First Nations (AFN) Secretariat to undertake research, assemble background information and conduct a legal and technical review of the *Natural Resources Transfer Act* (NRTA) to support First Nations interested in challenging NRTA.
2. Direct the AFN Secretariat to seek financial resources in order to host a Forum on the NRTA for the affected First Nations in Manitoba, Saskatchewan and Alberta and to include First Nation leadership, elders and technicians.

DRAFT RESOLUTION # 22 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Distinct First Nations Labour Market Strategy

SUBJECT: Employment, Training

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

SECONDED BY: Chief Stan Grier, Piikani Nation, AB

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 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. First Nations peoples in Canada require a future that fosters improvements to the socio-economic circumstances of First Nation communities and citizens by addressing personal and systemic barriers to labour market opportunities and thereby increasing access to these opportunities.
- C. The First Nations leaders and labour market service organizations have recommended that a distinct First Nations Labour Market Strategy be developed, and the Chiefs Committee on Human Resources Development (CCHRD) has made recommendations to the federal government in that respect.
- D. The recommended approach by the CCHRD outlines the necessary structural change required for First Nations to maintain and manage their own distinct forum with a new authority and resources that will address the distinct needs of First Nations.
- E. The CCHRD and its technical team have developed and provided Government of Canada officials with the necessary documentation and information that can serve as the basis of a Cabinet submission that respects the recommendations of the CCHRD to establish a new long-term First Nations specific labour market strategy that will assist our First Nations in addressing the unique needs of our people and communities.
- F. The Minister of Employment, Workforce Development and Labour has been apprised of the recommended new approach that will make fundamental changes to the current labour market program; one that is rooted in a government-to-government, nation-to-nation relationship between Canada and First Nations and upholds proper recognition of rights, respect, co-operation and partnership.

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

1. Direct the Chiefs Committee on Human Resources Development (CCHRD) to establish a Technical Working group of experts that will work with Employment and Social Development Canada officials on the implementation of the new, distinct First Nations Labour Market Strategy.
2. Direct the CCHRD to call on the Minister of Employment, Workforce Development and Labour to provide the necessary financial supports that will lead to the successful implementation of a long-term, distinct First Nations Labour Market Strategy before April 1, 2018 and to provide sufficient time to ensure successful and timely implementation of the new strategy.

EMERGENCY DRAFT RESOLUTION # 23 / 2017

AFN Annual General Assembly, July 25 – 27, 2017, Regina, SK

TITLE: Federal Response to the Crisis of Suicide

SUBJECT: Mental Health

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

SECONDED BY: Chief Byron Louis, Okanagan First Nation, BC

WHEREAS:

- A. The following articles of 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 Indigenous Peoples and governments to acknowledge that the current state of 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 Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- C. First Nations communities across Canada are declaring a state of crisis due to high incidences of suicide. Suicide rates are five-to-seven times higher than the Canadian population and addiction and prescription drug abuse rates are also reaching crisis -levels in many communities.
- D. Many First Nations have found the federal response to be slow and inadequate.
- E. The Assembly of First Nations (AFN) Thunderbird Partnership Foundation (TPF), First Peoples Wellness Circle (FPWC), Indigenous mental health leaders and Health Canada have worked collaboratively to develop a First Nations Mental Wellness Continuum Framework that uses culture as the foundation and provides a roadmap to address mental health needs along a continuum of care.
- F. The First Nations Mental Wellness Continuum Framework is a strength-based approach to prevention, intervention and healing, and outlines opportunities to strengthen existing mental wellness programming within our communities. This work is based on the social determinants of health, and more importantly demonstrates that there is no 'one size fits all' approach to community wellness.

EMERGENCY DRAFT RESOLUTION # 23 / 2017

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- G. Chiefs-in-Assembly supported the First Nations Mental Wellness Continuum Framework in AFN resolution 26/2015, resolution 22/2014, and resolution 30/2013; however, to date very little funding has been dedicated to the implementation of the First Nations Mental Wellness Continuum Framework.
- H. In June of 2017, the Standing Committee on Indigenous and Northern Affairs issued a report entitled *“Breaking Point: The Suicide Crisis in Indigenous Communities”* which provides recommendations to the government on addressing suicide which span the determinants of health and implicate multiple federal departments.
- I. While implementation of the First Nations Mental Wellness Continuum Framework is necessary to ensure long-term community-driven mental wellness services in First Nations, there is an immediate need to adequately respond to the suicide crises that are ongoing and as they arise.

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

1. Call on the federal government to recognize the First Nations suicide crisis as a priority of the highest order and, as such, to develop a whole-of-government response, in partnership with First Nations, to support communities in all areas related to suicide including prevention/life promotion, intervention, postvention and crisis response.

DRAFT RESOLUTION # 24 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: NIHB Coverage of Medical Cannabis

SUBJECT: Health

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

SECONDED BY: Chief Leroy Denny, Eskasoni First Nation, NS

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous People 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.
- B. Call to Action #18 of the Truth and Reconciliation Commission of Canada to call 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 implemented the Marijuana for Medical Purposes Regulations (MMPR) and more recently the Access to Cannabis for Medical Purposes Regulations (ACMPR) for the purpose of ensuring access to quality-controlled cannabis products by individuals with medical needs.
- D. The Government of Canada has opted to reimburse Canadian veterans authorized to access and consume cannabis products for medical purposes to ensure that they are not faced with undue financial hardship.
- E. Current federal policy excludes cannabis products from the Non-Insured Drug Benefit (NIHB) formulary creating inequity amongst comparable drug benefit programs falling within federal jurisdiction.
- F. Failure to change said policy may result in First Nations individuals being unfairly deprived of effective cannabis therapies due to the inability to bare financial costs of such therapy.
- G. Given the emerging evidence indicating the potential positive contribution of medical cannabis to the treatment of a variety of conditions prevalent amongst First Nations, the Government of Canada has an obligation to ensure that First Nations have reasonable access to medical cannabis through the NIHB program.

D R A F T R E S O L U T I O N # 2 4 / 2 0 1 7

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

1. Direct the Assembly of First Nations to call on the First Nations and Inuit Health Branch of Health Canada to provide open benefit coverage of medical cannabis through the Non-Insured Drug Benefit (NIHB) program to ensure that First Nations requiring such access do not face undue financial hardship.

DRAFT RESOLUTION # 25 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Maximizing the Reach and Responsiveness of the AFN Health Sector

SUBJECT: Health

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

SECONDED BY: Chief Byron Louis, Okanagan First Nation, BC

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 institution.
- B. Supported by Resolution 104/2016, the Assembly of First Nations (AFN) Chiefs Committee on Health (CCOH) directed the development of the First Nations Health Transformation Agenda (FNHTA) which seeks to increase Federal and Provincial/Territorial investments in First Nations health, reaffirm First Nations inherent and Treaty rights to health and self-determination over health systems, and support First Nation communities in their efforts to transform their health systems.
- C. First Nations are currently navigating an unprecedented level of engagement, both from government and the non-profit sector, on programs and policies, which has resulted in increased pressures on community, regional and national First Nation health staff.
- D. In order to support the aspirations for health and wellness of First Nations across the country and the advancement of the FNHTA, the AFN Health Sector must ensure its administrative and operational structure is responsive, that appropriate experts are informing CCOH decisions, and that communications on health (to and from regions and communities) are both adequate and timely.

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

1. Direct the Assembly of First Nations (AFN) Health Sector, guided by the Chiefs Committee on Health, to undertake a review of its administrative and operational structure to identify and address strengths, weaknesses, and gaps in order to support health transformation from a national perspective.

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2. Direct the AFN Health Sector to identify and pursue innovative avenues for increasing and improving communications with First Nations health directors, program managers, technical experts and both local and regional leadership.
3. Direct the AFN Health Sector to report its progress to the December 2017 AFN Special Chiefs Assembly, and for work to be completed by the 2018 AFN Annual General Assembly.

DRAFT RESOLUTION # 26 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Sulphur Contaminant Air Emissions from Petroleum Refineries near Aamjiwnaang First Nation

SUBJECT: Health, Environment

MOVED BY: Shawn Plain, Proxy, Aamjiwnaang First Nation, ON

SECONDED BY: Chief Thomas Bressette, Chippewas of Kettle & Stoney Point First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 29: 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 programs for Indigenous peoples for such conservation and protections, without discrimination.
- B. Aamjiwnaang First Nation is situated in the epicenter of Canada's "chemical valley" where 40 percent of Canada's chemical industry is located. Aamjiwnaang is bordered on three sides by industrial facilities, the closest of which are literally across the street from community meeting locations including the band office, church, cemetery, community resource center, as well as members' residences. There are an additional 62 chemical producing facilities within a 25 km radius.
- C. Using the World Health Organization's 2011 Urban Outdoor Air Pollution Database, the 2013-2014 Environmental Commissioner of Ontario's Annual Report indicated that as a result of the concentration of industrial facilities, Sarnia suffers some of the worst air pollution in Canada. Over 110 million kilograms of pollution were released into the air in 2009, and approximately 60% of this volume was released within five kilometers of Aamjiwnaang First Nation.
- D. Exposure to higher levels of sulphur dioxide and other toxic chemicals can cause a significant increase in respiratory conditions such as asthma and bronchitis, posing significant risk to people with respiratory conditions. Many Aamjiwnaang community members suffer from these respiratory conditions.
- E. The cumulative impact created by generations of exposure to sulphur dioxide and other toxic chemicals is not fully known. However, the negative health effects cannot be ignored. As such, members of Aamjiwnaang First Nation are deeply concerned about Ontario's new sulphur dioxide standards and the potential impact on their health.
- F. Aamjiwnaang First Nation met with the Ontario Ministry of the Environment and Climate Change (MOECC) in July of 2016, whereupon Minister Glen Murray assured Aamjiwnaang that an air standard for sulphur dioxide would be provided by the end of 2016.

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- G. The continuous delay by the MOECC in announcing an air standard for sulphur dioxide levels exposes members of Aamjiwnaang First Nation to unpredictable levels of pollution and deleterious substances which may further impact the health of their community members.
- H. There are large amounts of sulphur dioxide emitted during acid gas flaring events, also known as Transitional or Periodic Operating Conditions. This, combined with the lack of dispersion provided by flares, results in high ground level concentrations of sulphur dioxide that adversely impacts the Aamjiwnaang community. Despite these adverse impacts, Ontario continues to not consider the compelling body of engineering knowledge.

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

- 1. Support Aamjiwnaang First Nation, as well as all other First Nations, to advance and uphold the integrity of their lands, communities and environments and ensure that their constitutionally protected Aboriginal, Treaty and inherent rights as Indigenous peoples are honoured and upheld and are not impacted or undermined by environmental harm.
- 2. Support Aamjiwnaang First Nation in its call for the Ministry of the Environment and Climate Change (MOECC) to develop and release Ontario's new sulphur dioxide standards without delay.
- 3. Direct the Assembly of First Nations (AFN) to:
 - a. Call upon the MOECC to share all information MOECC has related to the sulphur contaminate air emissions within the vicinity of the Aamjiwnaang First Nation.
 - b. Request MOECC to implement the new Transitional Operating Conditions for any intermittent flaring that results in the release of, at minimum, 500 pounds of sulphur dioxide.
 - c. Call upon the provincial government to initiate a Multi-Agency effort (including the MOECC; Ministry of Labour; Ontario Fire Marshal's Office; and Emergency Management Ontario) to review the range of process and risks that may affect the public and health safety of the Aamjiwnaang people.

DRAFT RESOLUTION # 27 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Supporting First Nations Community Healing from Sexual Abuse

SUBJECT: Health

MOVED BY: Chief Byron Louis, Okanagan First Nation, BC

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

WHEREAS:

- A. The following articles of 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 Indigenous governments to acknowledge that the current state of disadvantageous 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 Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- C. Due in part to the existence and legacy of residential schools, a disproportionate number of First Nations people have been either directly or distally impacted by sexual victimization and identified a priority for healing from the consequences of domination, displacement and assimilation that has severely damaged the social fabric of First Nation communities due to colonial policies.
- D. Intergenerational trauma and childhood sexual abuse is often described as a root cause of high rates of youth suicide in some First Nation communities and high incidences of opioid, alcohol, and substance misuse.
- E. First Nations people have carried the burden of intergenerational trauma from Indian Residential Schools and in this time of reconciliation, the federal, provincial and territorial governments must do more to support First Nation communities in healing from trauma and breaking the silence around sexual abuse
- F. First Nations communities lack the necessary funding and human resources to effectively respond to the need for community healing. This includes initiating formal partnerships with local child protection services and justice systems to engage support for a community focused healing response to intergenerational trauma such as sexual abuse.

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- G. Many First Nation communities have not yet developed effective policies, models and procedures for dealing with abuse in their communities as community-based programs do not have adequate resources. As a result, many victims, abusers, family members and other individuals who are impacted by abuse are not getting the help they need to heal.
- H. First Nations seeking to establish an integrated community wellness plan require adequate funding, community-level capacity building, leadership support, and collaborative relationships.

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

1. Call on the federal, provincial and territorial governments to work collaboratively with First Nations to develop safe mechanisms for First Nation communities to pursue community healing that addresses sexual abuse.
2. Direct the Assembly of First Nations (AFN) to work closely with interested First Nation communities and organizations to address the issues and priorities regarding sexual abuse in a culturally competent and relevant way.
3. Direct the AFN to call on the Government of Canada to make available additional resources to develop and/or support First Nations community capacity towards sustainable community healing that is directed by and accountable to First Nations.

DRAFT RESOLUTION # 28 / 2017

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TITLE: Support for Kahnawà:ke First Nation's Indigenous Data Initiative

SUBJECT: Family Safety, OCAP®

MOVED BY: Grand Chief Joseph Tokwirot Norton, Kahnawà:ke First Nation, QC

SECONDED BY: Chief Byron Louis, Okanagan First Nation, BC

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous People states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person;
 - ii. Article 22 (2): States shall take measures, in conjunction indigenous Peoples, to ensure that Indigenous Women and Children enjoy the full protection and guarantees against all forms of violence and discrimination;
 - iii. Article 23: Indigenous Peoples have the right to 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. Community leaders have a responsibility to their communities to work towards improving the lives of its people.
- C. Community leaders recognize the efforts of First Nation social service agencies and require additional tools (that have been proven and exist in other jurisdictions) to assist them in their efforts at protecting and supporting family safety for their communities, both on- and off-reserve.
- D. Guided by the First Nations Information Governance Centre (FNIGC) and its OCAP® principles of ownership, control, access and possession, the use of data generated by Indigenous peoples may play a role in providing solutions to the issues being experienced by Indigenous communities.
- E. As indicated in the Assembly of First Nations Resolution 54-2016, the FNIGC ensures that communities' inherent right to self-determination is respected and continues to be advanced, in alignment with the priorities of First Nations and there is a continued need to support and enhance these information governance efforts nationally, regionally and at the community level.
- F. Presently, Kahnawà:ke Mohawk Territory is collaborating with a private sector company, Forrest Green Inc., to examine innovative technological solutions, guided by OCAP® principles, using secure communications, data and analytic software on sovereign territory to improve family safety.

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

1. Direct the Assembly of First Nations to prepare a letter of support for Kahnawà:ke First Nation in their efforts to collaborate with private sector companies to develop innovative tools to help address family safety.

DRAFT RESOLUTION # 29 / 2017

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TITLE: Aquaculture Legislative and Policy Reviews

SUBJECT: Fisheries

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

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

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. Aquaculture policy has been identified as a priority area for the Assembly of First Nations (AFN) National Fisheries Committee (NFC) and they have re-established the National Aquaculture Working group (NAWG) as a sub-technical working group to engage on aquaculture related legislation, regulations, and policies.
- C. The aquaculture industry in Canada consists of salt and freshwater finfish, shellfish, and marine algae cultivation. Each combination of species and environments presents unique considerations for regulation, policy, management, science, and technical and legal analysis.
- D. These unique considerations coupled with multiple levels of governments and multiple departments involved in the regulatory framework create high levels of complexity.
- E. The Department of Fisheries and Oceans (DFO) has referenced the need to develop an Aquaculture Act in their Departmental Plan 2017-18 and stated that "consultations will also be held to inform the development of a federal Aquaculture Act aimed at providing economic sustainability to the industry while ensuring environmental protection and the creation of new jobs."

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- F. In addition to a proposed Aquaculture Act, there remains a number of outstanding Aquaculture policy items that have not been discussed with First Nations such as Aquatic environmental impacts, mitigation and monitoring plans, access to data, application of Indigenous knowledge, cumulative impacts on fish, fish habitat and potential impacts on human health.
- G. On May 10 2016, the AFN Executive Committee passed a motion to re-establish the NAWG, which will carry out its activities consistent with the mandates outlined in AFN resolutions: *50/2012 Implementation of Cohen Commission Report Recommendations; 66/2011 Successful Aquaculture Governance; 46/2010 Duty to Consult on Aquaculture; as well as 83/2008 Strengthened and Renewed AFN National Fisheries Strategy 2010-2015.*

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

1. Direct the Assembly of First Nations (AFN) to engage with Department of Fisheries and Oceans (DFO) to provide the financial resources to the National Aquaculture Working Group that will address existing policy and regulatory reforms.
2. Call on the DFO to implement its engagement and consultation process with First Nations at the front end to assess the need for an Aquaculture Act.
3. Direct the AFN to request that DFO work with First Nations to co-draft any legislation regarding a proposed Aquaculture Act, as well as provide the funding required to provide First Nations to engage in technical and legal reviews.

DRAFT RESOLUTION # 30 / 2017

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TITLE: First Nation Engagement and Consultation on Bill C-55 *Oceans Act* and Marine Protected Areas

SUBJECT: Fisheries

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

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

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. On Oceans Day (June 8, 2016), the Minister of Fisheries, Oceans and the Canadian Coast Guard announced a 5-point plan for meeting Canada's marine conservation targets, including a plan to examine how the *Oceans Act* can be updated to facilitate the designation process for marine protected areas (MPAs).
- C. On June 15 2017, Fisheries and Oceans Canada (DFO), Natural Resource Canada (NRCan) and Indigenous and Northern Affairs Canada (INAC) recently introduced a Bill C-55: An Act to amend the *Oceans Act* and the *Canada Petroleum Resources Act*.
- D. Under the proposed Bill C-55, responsible Ministers include Fisheries, Oceans, and the Canadian Coast Guard, Natural Resources Canada, and Indigenous and Northern Affairs Canada.
- E. The Prime Minister's mandate letters to the Minister of Fisheries, Oceans and the Canadian Coast Guard directs him to "Work with the Minister of Environment and Climate Change to increase the proportion of Canada's marine and coastal areas that are protected to 5% percent by 2017 and to 10% by 2020." The Minister was also directed to work with the "provinces, territories, Indigenous Peoples, and other stakeholders to better co-manage our three oceans."

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- F. Bill C-55 reflects the Minister's responsibility to establish a national network of marine protected areas and creates a new authority to designate an Interim Protection MPA (IP MPA) through a Ministerial Order (MO).
- G. The legislation leads to a two-stage MPA establishment process:
 - i. An Interim Protection MPA to designate the initial MPA boundary based on preliminary science and consultations and "freeze the footprint" of current activities (i.e. ongoing activities continue, prohibit new activities, some ongoing activities regulated under federal fisheries legislation may be restricted further).
 - ii. Within five years after the IP MPA is established, the Minister is to recommend that the Governor in Council (GiC) designate the final MPA based on additional science and consultations.
- H. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nations' rights, and the honour of the Crown is always at stake in these scenarios.
- I. First Nations have rights under section 35 of the *Constitution Act* of Canada to exercise their traditional activities and responsibilities to protect their territories to ensure any federal legislation, regulation or policies will not infringe on those rights.
- J. First Nations have not had the opportunity for wholesome engagement and consultations on the proposed changes to the *Oceans Act* and would seek to do so before Bill C-55 advances to second reading.

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

1. Direct the Assembly of First Nations (AFN) to request that the Department of Fisheries and Oceans (DFO) provide their engagement plan on Bill C-55: An Act to amend the Oceans Act, and the Canada Petroleum Resources Act, and identify where First Nations will have an opportunity to be fully engaged and provided meaningful consultation.
2. Direct the AFN to call on the Minister of Fisheries and Oceans to provide financial resources to create a First Nations Oceans Act Working Group on the proposed changes to the *Oceans Act* that will focus on providing technical core support for First Nations to assess impacts or benefits to rights holders in the legislative, regulatory and policy changes.

DRAFT RESOLUTION # 31 / 2017

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TITLE: Seeking clarification of the mandate and scope of the Prime Ministers working group

SUBJECT: Environment, Fisheries

MOVED BY: Chief Hugh Braker, Tseshat First Nation, BC

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

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.** On February 22, 2017, 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 United Nations Declaration on the Rights of Indigenous Peoples; and supporting the implementation of the Truth and Reconciliation Commission's Calls to Action.
- C.** At this time, the relationship between the Working Group of Ministers and the ongoing Environmental and Regulatory Reviews, including the Fisheries Act, Navigation Protection Act, Canadian Environment Assessment Act, and National Energy Board Modernization is unclear.

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

- 1.** Call on the Assembly of First Nations (AFN) to seek the immediate release of information concerning the mandate and scope of work of the Ministerial Working Group has undertaken to examine the ongoing Environmental and Regulatory Reviews, including the Fisheries Act, Navigation Protection Act, Canadian Environment Assessment Act (CEAA), and the National Energy Board Modernization.

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2. Urge the AFN to call on the Ministerial Working Group to meet with the AFN to discuss First Nations perspectives and positions respecting the ongoing Environmental and Regulatory Reviews, including the Fisheries Act, Navigation Protection Act, CEAA, and National Energy Board Modernization.
3. Urge the AFN to clarify whether the Ministerial Working Group will be called on to address the inadequacies in the ongoing Environmental and Regulatory Reviews process.

DRAFT RESOLUTION # 32 / 2017

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TITLE: First Nations Trade Relations

SUBJECT: Economic Development

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

SECONDED BY: Chief Matilda Ramjattan, Lennox Island First Nation, PEI

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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 (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 concern.
 - iii. 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. Self-determination is a fundamental right of First Nation peoples acknowledged in international law and by section 35 of the *Constitution Act, 1982*, and, as such, the Crown in right of Canada has a duty to protect First Nation rights and title.
- C. The Government of Canada is renegotiating the North American Free Trade Agreement (NAFTA) with the United States and Mexico, and is involved at various stages in approximately 88 international trade and foreign direct investment agreements.
- D. The Prime Minister of Canada and the federal government have made strong commitments to work with First Nations on a nation -to-nation basis.
- E. Indigenous Peoples have the inherent right to trade within and between nations as pursued since time immemorial, including the right to acquire, possess, store, transport, handle, trade or retain Indigenous manufactured products without restrictions from any foreign government, as to quantity or proposed or actual use or disposition.
- F. Many First Nation communities across Canada have pursued economic initiatives in an effort to improve socio-economic conditions in their communities. International trade and foreign direct investment activity is an opportunity to further support First Nations economic options and economic growth. First Nations communities and businesses are expanding and seeking new markets, trade and business opportunities with other Indigenous nations at the local, regional and international levels.

D R A F T R E S O L U T I O N # 3 2 / 2 0 1 7

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

1. Affirm First Nations inherent right to trade, pursuit of economic growth, and advancement towards greater economic independence.
2. Direct the Assembly of First Nations (AFN), with the guidance from the Chiefs Committee on Economic Development (CCED), to undertake a dialogue with First Nations leaders and trade experts regarding the development of a First Nations trade strategy that is grounded in the recognition of the First Nations inherent right to trade and considers: inter-nation trade cooperation; understanding economic opportunities offered by trade agreements; leveraging existing agreements; leveraging First Nations unique position; First Nations participation in trade negotiations; and establishing First Nations trade capacity.
3. Direct the AFN to advocate for First Nations participation in trade initiatives and existing trade mechanisms on the basis of the recognition of First Nations inherent and Treaty rights affirmed and protected under section 35 of the *Constitution Act, 1982*, international law and First Nations inherent right to trade with and between nations in North America and globally.
4. Direct the AFN to call upon the federal Government to provide funding to First Nations to support their trade and economic priorities and First Nations trade research, trade development and trade capacity.

DRAFT RESOLUTION # 33 / 2017

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TITLE: CANDO Certified Aboriginal Economic Developer Designation

SUBJECT: Economic Development

MOVED BY: Chief Thomas Bressette, Kettle & Stony Point First Nation, ON

SECONDED BY: Chief Wayne Christian, Splitsin First Nation, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. 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.
 - ii. 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. In 1990, Economic Development Officers (EDOs) from across Canada founded and mandated the Council for the Advancement of Native Development Officers (CANDO) to provide a national body to focus on the training, education and networking opportunities necessary to serve their communities and organizations.
- C. CANDO is an Indigenous Peoples controlled, community-based and membership driven organization; its vision is to build capacity which strengthens Indigenous economies by providing programs and services to EDOs working in Indigenous Peoples economic development.
- D. Assembly of First Nations (AFN) resolutions 09/2009 and 20/2009 called for the establishment of a technical coordination table and supported CANDO's economic development designation, respectively.
- E. A national survey conducted by Canada (1993) found that EDOs required additional and relevant training in order to provide them with the skills and knowledge required to effectively meet the demands of their jobs. In response, CANDO developed a national certification process.
- F. CANDO's national certification is recognized by a majority of post-secondary education institutions, corporate Canada, and Indigenous leadership.
- G. The AFN and CANDO agree one of the most effective ways of raising the standard of living for Indigenous people in Canada is by providing them with opportunities to create their own wealth.
- H. The AFN and CANDO will work together with First Nations across Canada to provide mutual support to those communities to build capacity at the grassroots and regional levels.

D R A F T R E S O L U T I O N # 3 3 / 2 0 1 7

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

1. Support and recognize CANDO's certification process when First Nations are hiring Economic Development Officers.
2. Direct the Assembly of First Nations (AFN) to call upon the federal government, specifically Indigenous and Northern Affairs Canada, to make funding available to First Nations for training in the field of economic development.
3. Direct the AFN to work with CANDO to establish a joint technical working committee with the objective of addressing shared areas of interest. The Chiefs Committee on Economic Development and CANDO leadership will oversee this work of the technical committee.
4. Direct the AFN to seek resources to support work with CANDO to jointly conduct research to determine First Nations contribution to the Canadian economy.

DRAFT RESOLUTION # 34 / 2017

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TITLE: Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd

SUBJECT: Environment

MOVED BY: Chief Bruce Charlie, Vuntut Gwitchin First Nation, YT

SECONDED BY: Deputy Chief Jordan Petersen, Gwich'in Tribal Council, NWT

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 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. For thousands of years the Gwich'in Nation, spanning what is now Alaska, Yukon and Northwest Territories, has relied on the Porcupine Caribou Herd to meet the nutritional, cultural and spiritual needs of Gwich'in.
- C. Gwich'in have the inherent right to continue their own way of life, and that this right is recognized and affirmed by Article 1 of both the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights* which read, in part, "In no case may a people be deprived of their own means of subsistence."
- D. The health and productivity of the Porcupine Caribou Herd and the physical and cultural survival of Gwich'in are endangered by ongoing threats of oil and gas exploration and development in the sacred calving and post-calving grounds situated on the North Slope of Alaska and within an area of the Arctic National Wildlife Refuge known to Gwich'in as "Izhik Gwats'an Gwandaii Goodlit" (Sacred Place Where Life Begins).
- E. The entire Gwich'in Nation was called together by their chiefs in Arctic Village in 1988 to carefully address this issue and to seek the advice of our elders. This resulted in Gwich'in of every community from Arctic Village, Venetie, Fort Yukon, Beaver, Chalkyitsik, Birch Creek, Stevens Village, Circle, and Eagle Village in Alaska; and from Old Crow, Fort McPherson, Arctic Red River, Aklavik, and Inuvik in Canada, to reach a consensus in our traditional way, and now speak with a single voice.

D R A F T R E S O L U T I O N # 3 4 / 2 0 1 7

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- F. Since 1988, the Gwich'in Nation and its allies have successfully resisted multiple attempts by the United States Congress to open the Arctic National Wildlife Refuge for oil and gas exploration and development.
- G. The Assembly of First Nations (AFN) Chiefs-in-Assembly passed multiple resolutions articulating their unanimous support for the Gwich'in Nation and their protection of the Porcupine Caribou Herd, including AFN resolution 61/2015: *Prohibit Development in the Calving and Post-Calving Grounds of the Porcupine Caribou Herd* and 110/2016: *Support the Protection of the Arctic National Wildlife Refuge*.
- H. Following eight years of relative peace with former President Barack Obama and his administration, the newly elected President Donald Trump and his administration, as well as the congressional delegation from Alaska, are creating significant uncertainty for the Gwich'in given their renewed and amplified efforts to open the Arctic National Wildlife Refuge for oil and gas exploration and development despite clear opposition.

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

1. Direct the Assembly of First Nations (AFN) National Chief to call upon the United States Congress and President of the United States to recognize the inherent rights of Gwich'in to continue to live their way of life and maintain their sacred relationship with the Porcupine Caribou Herd by prohibiting oil and gas exploration and development within the Arctic National Wildlife Refuge.
2. Support the Gwich'in, through available domestic and international diplomatic avenues, in their efforts to raise awareness of this international human rights issue and to prohibit oil and gas exploration and development within the Arctic National Wildlife Refuge.
3. Direct the National Chief to communicate with the Prime Minister of Canada and the Minister of Environment and Climate Change Canada calling for an ongoing commitment for the support and continued protection of the sacred calving grounds of the Porcupine Caribou Herd.

DRAFT RESOLUTION # 35 / 2017

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TITLE: Treaty Land Entitlement Implementation in Manitoba

SUBJECT: Treaties

MOVED BY: Chief Nelson Genaille, Sapotaweyak Cree Nation, MB

SECONDED BY: Chief Lynn Acoose, Sakimay First Nations, SK

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.
- B. Certain First Nations in Manitoba entered into or adhered to various Treaties, particularly Treaties No. 1, 3, 4, 5, 6 and 10, with Her Majesty the Queen in Right of Canada between 1871 and 1910 which provided, among other solemn and sacred obligations, that Canada would lay aside and reserve tracts of land for the exclusive use and benefit for these First Nations.
- C. These First Nations did not receive the full allocation of lands as promised within the written terms of their respective Treaties with the Crown.
- D. These First Nations established the Treaty Land Entitlement Committee (TLEC) of Manitoba to act as their representative in the negotiation of an agreement to address and remedy their outstanding Treaty Land Entitlement (TLE) claims.
- E. The Manitoba Framework Agreement (MFA) on TLE was signed by the TLEC, on behalf of 21 Entitlement First Nations (EFNs), Canada, and Manitoba, on May 29, 1997, at the Opaskwayak Cree Nation. The MFA provides up to 1.1 million acres of additional Reserve lands to these 21 EFNs.
- F. To date, 15 of these 21 EFNs have signed their individual TLE agreements under the MFA and are currently engaged in the land selection and acquisition process.
- G. As of July 2017, and 20 years after the signing of the MFA, Canada has set aside a total of 482,207 acres of land as reserve for 14 of the 15 EFNs, despite Canada's sluggish reserve creation process in Manitoba.
- H. On October 9, 2015, the Liberal Party of Canada made a written commitment to the TLEC during the 2015 federal election campaign to "...fast track Treaty Land Entitlement in Manitoba and work to complete this long overdue process within the next decade."
- I. In addition, the Liberal Party of Canada stated: "We will ensure that the federal government allocates adequate resources to complete land surveys in a timely manner and cut through red tape to speed up setting TLE lands aside as reserve lands."

D R A F T R E S O L U T I O N # 3 5 / 2 0 1 7

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- J. The Government of Canada has repeatedly stated its commitment to First Nation rights recognition and implementation, including Treaty rights.

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

1. Support the Treaty Land Entitlement Committee (TLEC) as it continues with its efforts to settle and resolve the outstanding Treaty business of Treaty Land Entitlement (TLE) in Manitoba.
2. Demand that Canada uphold the Honour of the Crown, fulfill its obligations under Treaty and work with the TLEC and the Province of Manitoba to fast track the TLE land conversion process under the 1997 Manitoba Framework Agreement.
3. Direct the National Chief to call on the Minister of Indigenous and Northern Affairs Canada to make the outstanding 2015 Liberal Party of Canada TLE campaign pledge a ministerial priority and to incorporate actions on TLE into their direction to officials actioning the Crown's commitments to rights recognition and implementation, and to allocate the required departmental resources to make these commitments a reality.

DRAFT RESOLUTION # 36 / 2017

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TITLE: Support for the Boushie Petition against Systemic Discrimination in Crown Processes

SUBJECT: Treaty

MOVED BY: Chief Roger Redman, Standing Buffalo Nation, Treaty 4 Territory, SK

SECONDED BY: Chief Francis Iron, Canoe Lake First Nation, Treaty 6 Territory, SK

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 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. The Truth and Reconciliation Commission of Canada Calls to Action states:
 - i. Calls to Action (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.
- C. On August 9, 2016, Colten Boushie of the Red Pheasant First Nation was shot and killed on a farmyard northeast of Biggar, Saskatchewan.
- D. This tragedy generated incidents of hate speech and racism directed towards First Nations people in Saskatchewan.
- E. Colonial education and other government processes have been historically discriminatory against First Nations people and do not provide an accurate and true history of the Treaty relationship and partnerships that Canada and Saskatchewan were both built on.
- F. Systemic discrimination which First Nations endure is a learned behavior and lack of education about Treaty people and rights continue to contribute to unenlightened views.
- G. Systemic discrimination must not adversely impact or prejudice the truth-seeking function of the courts.
- H. It is widely known that an overhaul of the provincial education systems and curriculums must be dutifully carried out in order to incorporate meaningful and mandatory Treaty education and racism awareness to properly address the existence of systemic discrimination and racism within colonial education systems.

D R A F T R E S O L U T I O N # 3 6 / 2 0 1 7

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- I. There has been a loss of confidence by many people, including the Boushie family, that prosecution of his murder will be conducted with the vigor and preparation that is required in the specific circumstances of this unique case.
- J. The Boushie family has started a petition calling on the Saskatchewan Ministry of Justice to appoint a prosecutor from outside the Province of Saskatchewan to prosecute the matter of the *Crown and Gerald Stanley*, and to appoint investigators from outside of Saskatchewan to head the investigation into the matter.
- K. The inherent rights to health, peace and good will as promised in the Treaty relationship will be even further compromised unless an outside prosecutor and investigator are appointed.

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

- 1. Support the petition of the Boushie family and encourage First Nation leadership to attend and support the Boushie family during the upcoming trial.
- 2. Direct the Assembly of First Nations (AFN) Executive to express their full support of the Boushie petition to the federal and provincial governments.
- 3. Direct the AFN Executive to continue to press for change in the education and respect for First Nations rights.

DRAFT RESOLUTION # 37 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Support for the National Centre for Truth and Reconciliation

SUBJECT: Indian Residential Schools

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

SECONDED BY: Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. The United Nations Declaration on Rights of Indigenous Peoples states:
 - i. Article 8 (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.
- B. The mandate of the National Centre for Truth and Reconciliation (NCTR) is derived from the Truth and Reconciliation Commission (TRC) in accordance with Schedule N, Indian Residential Schools Settlement Agreement (IRSSA).
- C. The NCTR is bound by a Trust Deed and an Administrative Agreement signed between the Truth and Reconciliation Commission and the University of Manitoba and the *National Centre for Truth and Reconciliation Act*.
- D. These documents reinforce the requirement of the NCTR to conduct its work to the highest of technical and ethical standards while also ensuring all statements and documents collected by the TRC, and transferred to the NCTR, remain subject to access and privacy legislation and a full suite of comprehensive policies and procedures.
- E. The NCTR is governed by a Governing Circle comprised of First Nations, Métis and Inuit survivors or persons representing the families of survivors, partner institutions and University of Manitoba representatives.
- F. The Survivors Circle provides advice and guidance to the NCTR on any matter of relevance to former IRS students.
- G. The NCTR recognizes its solemn responsibility to remember, honour and respect all former IRS students both with us and those that have passed on.
- H. Thousands of former IRS students have entrusted the NCTR with their residential school experiences.
- I. The NCTR holds approximately 5 million documents collected by the TRC from Church and Government Archives.
- J. The NCTR must operate in a manner that is accountable and transparent to Indigenous peoples and is mandated to work in partnership.

D R A F T R E S O L U T I O N # 3 7 / 2 0 1 7

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- K. The mandate of the NCTR includes, but is not limited to: ensuring future generations will never forget what occurred in the Residential Schools and the lasting harms; ongoing research; remember and properly account for all of the children that never returned home from the schools; to broadly educate the public and develop school materials; and ensure the legacy of the truth and reconciliation commission is honoured.

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

1. Hereby rescind AFN Resolution 61/2016.
2. Direct the Assembly of First Nations (AFN) Secretariat to work with the National Centre for Truth and Reconciliation (NCTR) and other parties to the Indian Residential Schools Settlement Agreement to advance the NCTR's mandate which specifically requires protection of the records through access and privacy legislation, OCAP® principles, and other principles consistent with the United Nations Declaration on Rights of Indigenous Peoples.
3. Direct the AFN to commit to tri-annual meetings between the AFN executive and National Centre for Truth and Reconciliation Executive and Governing/Survivor Circle Members to discuss the implementation of the NCTR's mandate.
4. Request the NCTR provide an annual update on the activities of the NCTR to the AFN Chiefs-in-Assembly to ensure matters of strategic or relevant importance are discussed in an open and accountable manner.
5. Direct the AFN to work with the NCTR on matters of mutual interest, including the implementation of the Truth and Reconciliation Commission's Calls to Action and Principles of Reconciliation, the United Nations Declaration on the Rights of Indigenous Peoples, and the mutual and respective mandates of the NCTR and AFN.

DRAFT RESOLUTION # 38 / 2017

AFN Annual General Assembly, July 25 - 27, 2017, Regina, SK

TITLE: Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders

SUBJECT: Child Welfare, Jordan's Principle

MOVED BY: Chief Lynn Acoose, Sakimay First Nation, SK

SECONDED BY: Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous People 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. Calls to Action #1 through #5 of the Truth and Reconciliation Commission of Canada affirm the need to address First Nation child welfare reform and to fully implement Jordan's Principle. The Prime Minister of Canada has formally agreed to implement all of the Calls to Action.
- C. The Government of Canada has acknowledged the decision by the Canadian Human Rights Tribunal (2016 CHRT 2) that found Canada's provision of the First Nations Child and Family Services program, and failure to properly implement Jordan's Principle, to be discrimination on the basis of race and national ethnic origin.
- D. The Chiefs-in-Assembly continue to express deep concern about Canada's ongoing non-compliance with the Canadian Human Rights Orders and failure to accept the direction of the Chiefs noted in Assembly of First Nations (AFN) Resolution 83-2016.
- E. In a letter dated January 23, 2017 to Minister of Finance Bill Morneau, the AFN National Chief urged the Federal Government to comply with the CHRT ruling and the subsequent non-compliance orders, and put an end to the undisputed discriminatory funding regime that continues to negatively impact First Nations children.
- F. The CHRT latest decision (2017 CHRT 14) found Canada's narrow approach to Jordan's Principle to be discriminatory and linked to the tragic deaths of two 12-year old girls from Wapekeka First Nation. This order provides very clear direction to Canada to fully and properly implement Jordan's Principle to First Nations children on- and off-reserve.

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- G. The latest CHRT decision (2017 CHRT) directed Canada to apply the following principles in the implementation of Jordan's Principle:
- i. Jordan's Principle is a child-first principle that applies equally to all First Nations children, whether resident on or off reserve. It is not limited to First Nations children with disabilities, or those with discrete short-term issues creating critical needs for health and social supports or affecting their activities of daily living.
 - ii. Jordan's Principle addresses the needs of First Nations children by ensuring there are no gaps in government services to them.
 - iii. When a government service is available to all other children, the government department of first contact will pay for the service to a First Nations child, without engaging in case conferring, policy review, service navigation or any other similar administrative procedure before funding is provided.
 - iv. When a government service is not necessarily available to all other children or is beyond the normative standard of care, the government department of first contact will evaluate the individual needs of the child to determine if the requested service should be provided. Where such services are to be provided, the government department of first contact will pay for the provision of the services to the First Nations child.
 - v. Jurisdictional disputes between governments are not a necessary requirement for the application of Jordan's Principle.
- H. On June 23, 2017, Canada applied for a judicial review in Federal Court on sections of the Tribunal's order (2017 CHRT 14) that are designed to ensure First Nations children receive services without delays.
- I. Indigenous and Northern Affairs Canada (INAC) commissioned Deloitte to conduct an audit on INAC's First Nations Child and Family Services Program. Canada refuses to release this audit to the National Advisory Committee on First Nations Child and Family Services (NAC) even though it would greatly assist the NAC in providing recommendations for program reform.
- J. Children, young people and families are sacred in First Nations communities and Canada's failure to comply with the CHRT is unnecessarily causing many children to be placed into child welfare care and depriving First Nations children living on- and off-reserves of life saving and life-wellness services. This is completely unacceptable and shall not continue.
- K. The Government of Canada has implied that First Nations are not ready for the resources required to close the gap in child welfare funding and that the resources could somehow do more harm.

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

1. Affirm the definition and approach to Jordan's Principle set out in the Canadian Human Rights Tribunal (CHRT) latest decision (2017 CHRT 14) and direct Canada to comply with all CHRT orders (2016 2; 2017 14).

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2. Direct the Assembly of First Nations (AFN) to again inform the Prime Minister and Honourable Ministers Bennett, Philpott and Raybould-Wilson and federal government officials about the Chiefs-in-Assembly's deep concern regarding Canada's failure to comply with the CHRT orders and failure to comply with Resolution 83/2016 despite Canada's stated commitment to the United Nations Declaration on the Rights of Indigenous Peoples.
3. Direct the AFN to call on the Prime Minister and the Government of Canada to immediately and fully implement the CHRT orders and to drop Canada's appeal of sections of 2017 CHRT 14 designed to prevent service delays to First Nations children
4. Direct the AFN to organize a National Day of Action on August 21, 2017, and further actions if required, in order to ensure Canada's full compliance with the CHRT decisions.

