



**ASSEMBLY OF FIRST NATIONS**  
**2019 SPECIAL CHIEFS ASSEMBLY – OTTAWA, ON**  
**FINAL DRAFT RESOLUTIONS**

Following the AFN Resolutions Procedures revised by Executive in September 2019, resolutions to be considered at Chiefs Assemblies are required the Friday a full three 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, December 4, 2019.

#	Title
01	Endorsement of the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021
02	Support for Continuing Development of Indigenous Services Canada Revised Operations and Maintenance Policy and Full Funding of First Nations Operations and Maintenance Needs
03	Federal Consultation & Transparency in First Nations Housing Program & Funding Changes
04	Action Plan for First Nations Homelessness On and Off Reserve
05	First Nations Control of Emergency Management
06	Call for Emergency Operations Management Planning in First Nations
07	Support for a Proposed Training Institute on Emergency Management
08	Dene Nation Control of Housing in Northwest Territories
09	Re-affirming First Nation Regional Implementation Priorities for <i>An Act Respecting First Nations, Inuit and Métis Children, Youth and Families</i>
10	Continuing First Nations Income Assistance Program Reform
11	Poverty Reduction for All First Nations in Canada
12	Federal Legislation to Create a Framework for Implementation of the <i>United Nations Declaration on Rights of Indigenous Peoples</i>
13	New Process for Negotiation and Implementation of International Treaties
14	Executive Committee Portfolios
15	Chiefs' Committees
16	National Chief Oath of Office
17	Numerical Correction to Article 17 of AFN Charter
18	Regional Chief Oath of Office
19	Support for the Claims of the Survivor Class in Day Scholars
20	Support for the Claims of Descendant Class and Band Class in Day Scholars
21	Reaffirming Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. Al. plaintiffs
22	International Union for Conservation of Nature (IUCN)
23	First Nations Full Partnership in the Implementation of the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada
24	Support for the Implementation of <i>Ahousahst et al</i> (2009) Court Ruling
25	Protection of the Inherent Right of First Nations to Use and Possess Eagles' Feathers and Parts for Social, Cultural and Ceremonial Purposes
26	Sustainable Development and Financial Assurance



#	Title
27	New Investments for First Nations Involvement in the Economy
28	Assembly of First Nations Priorities on Cannabis and Legislative Amendments to Bill C-45, <i>The Cannabis Act</i>
29	National Gathering on Substance Use with Emphasis on Opioids and Crystal Methamphetamine
30	Support for the Complete Reclamation and Remediation of all Closed and Abandoned Oil and Gas Extraction sites, inclusive of all related infrastructure



# DRAFT RESOLUTION # 01 / 2019

AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Endorsement of the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021</b>
<b>SUBJECT:</b>	Water
<b>MOVED BY:</b>	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, B.C.
<b>SECONDED BY:</b>	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

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## 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 or 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 (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. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls has identified the First Nations water and housing crisis as a source of violence against First Nations women and girls.
- C. Call for Justice 4.1 identifies the appropriate response to these crises as follows:
- i. We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.

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- D. The federal government has committed to eliminating all long-term drinking water advisories on public systems on-reserve by March of 2020.
- E. The federal government dedicated in Budget 2016 "... to provide \$1.8 billion over five years to address health and safety needs, to ensure proper facility operation and maintenance, and to end long-term boil water advisories on First Nations reserves within five years."
- F. The Assembly of First Nations (AFN) was recently informed that a 'holdback' was put on the last year of federal government delivery costs associated with the resources dedicated in Budget 2016 intended to fund First Nations water and wastewater infrastructure in Budget 2016; and that these monies will only be released when Indigenous Services Canada tables a 'long-term strategy for First Nations water and wastewater' to the federal Cabinet in March 2020.
- G. The AFN sought feedback from the Chiefs Committee on Housing and Infrastructure on a response to the 'holdback' situation and the requirement that Indigenous Services Canada table the 'long-term strategy for First Nations water and wastewater' in March of 2020 to the new federal cabinet.
- H. The AFN utilized the feedback from the Chiefs Committee on Housing and Infrastructure and commenced a preliminary engagement with First Nations experts on water and wastewater issues across Canada to identify key topics for discussion that could inform the creation of a First Nations Long-Term Strategy for water and wastewater post-2021.
- I. The result of these preliminary meetings was 36 key topics outlined and annotated in a Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021.

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

- 1. Declare that the federal government should proactively inform First Nations of financial matters relevant to the provision of water and wastewater infrastructure.
- 2. Hereby endorse the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021 as a working document to inform future engagement with First Nations across Canada.
- 3. Call on the Assembly of First Nations (AFN) to urge federal acknowledgment that any long-term strategy for First Nations regarding critical infrastructure must be developed by First Nations themselves in a process that conforms to our own governance processes.
- 4. Direct the AFN to seek sufficient resources to support engagement with First Nations throughout Canada in 2020 to develop a preliminary First Nations Long-Term Water and Wastewater Strategy.
- 5. Direct the AFN to seek sufficient resources to support this engagement process with First Nations.
- 6. Direct the AFN to return to the 2020 AFN Annual General Assembly to present the preliminary First Nations Long-Term Water and Wastewater Strategy to the Chiefs-in-Assembly.

## DRAFT RESOLUTION # 02 / 2019

### AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Support for Continuing Development of Indigenous Services Canada Revised Operations and Maintenance Policy and Full Funding of First Nations Operations and Maintenance Needs

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**SUBJECT:** Infrastructure

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

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**SECONDED BY:** Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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#### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions. This section provides the background information for the resolution.
- B. The federal government only funds a portion of the estimated costs for the operations and maintenance (O&M) of on-reserve community infrastructure such as buildings, roads and bridges, etc.
- C. The current funding formulas and cost indices as identified in Indigenous Services Canada (ISC) O&M Policy are outdated, inadequate and do not provide sufficient funding for First Nations to protect and prolong the life of their community assets.
- D. Assembly of First Nations (AFN) Resolution 80/2017, *Support for Review of Canada's Operations and Maintenance Policy*, supported the co-development of new Operations and Maintenance Policy Framework (O&M Policy Framework) with full involvement of First Nations and/or their organizations, the AFN and the Chiefs Committee on Housing and Infrastructure.
- E. The AFN supports First Nations full involvement in the development of a new O&M Policy working in collaboration of ISC's Community Infrastructure Branch (CIB).
- F. An O&M Experts Meeting was held in Ottawa in March 2018, which recommended First Nations move to an Asset Management Plan (AMP) strategy for determining O&M funding requirements and that Asset Management Pilots be carried out in each region to determine the gap between current funding and fully funded O&M funding.
- G. The AFN has developed a draft Asset Management Policy which was presented at ten regional O&M engagement sessions during May and June of 2019. These engagement sessions were attended by

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Leadership, public works and capital management staff, tribal council and regional organizations staff, and water and wastewater operators. These engagement sessions further informed the development of the draft Asset Management Policy.

- H. The AFN also funded Asset Management Pilots in each region to determine the gap between current funding and fully funded O&M funding. The pilots have demonstrated that the operations and maintenance (O&M) funding formulas that ISC uses to determine funding levels are inaccurate and inadequate and that there is a significant backlog of O&M projects awaiting funding.
- I. Further collaboration with ISC's Community Infrastructure Branch and engagement with First Nations will need to occur to arrive at a mutually acceptable final new O&M Policy.
- J. The results of the Asset Management Pilots will serve to inform Canada that substantial increases in O&M funding will be required to support full operations and maintenance funding today and for the future.

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

1. Direct the Assembly of First Nations (AFN) to urge the Federal Government to support and provide resources to fund the continuing development of a new Operations & Maintenance Policy in collaboration with Indigenous Services Canada and with the full involvement of First Nations and First Nation organizations.
2. Direct the AFN to urge the Federal government to begin to fully fund First Nations to develop fully costed Asset Management Plans using industry standards to include awareness, capacity building and implementation of Asset Management Plans.
3. Direct the AFN to urge the federal government to provide resources to First Nations to support their fully costed Asset Management plans now and into the future.



# DRAFT RESOLUTION #03/2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Federal Consultation &amp; Transparency in First Nations Housing Program &amp; Funding Changes</b>
<b>SUBJECT:</b>	First Nations Housing and Related Infrastructure
<b>MOVED BY:</b>	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON
<b>SECONDED BY:</b>	Chief Lance Haymond, Kebaowek First Nation, QC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. On June 12, 2017 the Rt. Hon. Justin Trudeau, Prime Minister of Canada declared, "I am committed to a renewed relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership."
- C. The Prime Minister further committed that key cabinet ministers will have the opportunity to discuss with First Nations leaders how Canada and the Assembly of First Nations (AFN) can work together to advance shared priorities, co-develop policy and promote lasting and meaningful reconciliation.
- D. The process is near completion in which the AFN and Canada are jointly working on a transformative federal First Nations housing policy that will support the transition to First Nations care, control and management of housing and full federal funding to close the gap in First Nations housing.
- E. Through AFN Resolution 57/2018, *National First Nations Housing and Related Infrastructure Strategy*, Chiefs-in-Assembly urged the Federal Government "...to immediately co-develop with the Chiefs Committee on Housing and Infrastructure and the AFN measures to remove barriers and otherwise improve the delivery of Federal Government housing and related infrastructure programs and fiscal tools in the interim of the transition to First Nations care, control and management of First Nations housing and infrastructure".

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- F. The Federal Government;
  - a. ignored AFN Resolution 57/2018 by unilaterally establishing in early 2019 an internal government review called the “Deep Dive on First Nations Housing On-Reserves” (Deep Dive), a process intended to improve the delivery of Federal Government housing and infrastructure programs, and
  - b. ignored its commitment to partnership and collaboration by not inviting the AFN to co-manage the Deep Dive process and by informing the AFN six months after the process was initiated.
- G. The Canada Mortgage and Housing Corporation (CMHC) made unilateral funding allocation decisions that reduced the Residential Rehabilitation Assistance Program (RRAP) funds available to First Nations. First Nations became aware of the reduced amount only in the mid-2019/20 fiscal year.
- H. The Prime Minister provides written mandates to his Ministers that stress the need for the Government’s decisions and actions to be fully transparent in order to build and maintain public trust.
- I. Neither the AFN nor any First Nation begrudges the success of other First Nations that sign agreements with the Federal Government as a result of emergencies declared due to factors that include housing.
- J. The Federal Government is not fully transparent on the program source of emergency housing funds committed and whether those funds effectively diminish the budgets of existing Federal Government First Nations housing programs or whether they are from other sources.
- K. Media reports confirm that the lack of adequate or suitable First Nations housing was raised often with candidates of all political parties in many ridings across the country and by the AFN during the 2019 federal election campaign.

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

- 1. Urge the Minister of Indigenous Services and his/her Canada Mortgage and Housing Corporation (CMHC) counterpart, in the spirit of partnership and collaboration, to adopt and implement without delay the principle that there shall be no Federal Government housing or related infrastructure legislative, regulatory, policy, program, service, formula or regional funding allocation changes affecting First Nations without prior First Nations consultation and consent.
- 2. Urge the Federal Government, once again, to immediately co-develop with the AFN’s Chiefs Committee on Housing and Infrastructure measures to remove barriers and otherwise improve the delivery of Federal Government housing and related infrastructure programs, fiscal tools and initiatives in the interim of the transition to First Nations care, control and management of First Nations housing and related infrastructure; and
- 3. Urge the Minister of Indigenous Services and the Minister Responsible for the CMHC to have their respective department and agency become fully transparent by advising in writing to all First Nations, the AFN and regional First Nations organizations of all changes or new initiatives contemplated at the outset of such consideration regarding the Federal Government’s First Nations housing or related infrastructure legislation, regulations, policy, programs, services, budgets, formulas and regional funding allocations.

# DRAFT RESOLUTION #04/2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Action Plan for First Nations Homelessness On and Off Reserve</b>
<b>SUBJECT:</b>	First Nations Homelessness
<b>MOVED BY:</b>	Guy Louie, proxy, Ahousaht First Nation, BC
<b>SECONDED BY:</b>	Judith Sayers, proxy, Toquaht Nation, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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 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.
  - iii. 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.
  - iv. 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.
  - v. 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. There is an urgent need to address homelessness for First Nations both on and off reserve.
- C. In 2014 Statistics Canada reported that 18% of homeless people were Indigenous- more than twice the rate of non-Indigenous peoples.
- D. The number of First Nations people becoming homeless is increasing every year.
- E. First Nations who are homeless face significant barriers in finding adequate and affordable homes and accessing the proper medical and mental health care they need due to a lack of housing on reserve and affordable housing off reserve.
- F. Government programs and policies have failed to provide sustainable long-term positive housing outcomes and have led to persistent substandard living conditions with negative impacts on health,

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education, economic development, and child welfare, etc. These substandard living conditions are felt more deeply by First Nations women and girls, seniors, youth, homeless, people with disabilities and First Nations people in the north.

- G.** First Nations have the right to freely pursue our social development, including the urgent need to address homelessness of our citizens, put in place measures and institutions to help our people without homes and provide them with the means of subsistence or development.
- H.** The federal government, provinces and municipalities must ensure adequate housing is available to deal with the homelessness crisis facing First Nations.
- I.** In 2018, the Assembly of First Nations (AFN) in partnership with Canada, finalized a National First Nations Housing and Related Infrastructure Strategy. The Strategy seeks to ensure First Nations are able to care, control and manage their housing and infrastructure.
- J.** The AFN Ten Year National First Nations Housing and Related Infrastructure Strategy aims to address one cause amongst many that results in homelessness on and off-reserves and in the north.
- K.** The Strategy also seeks to coordinate housing governance delivery systems across all jurisdictions to better serve First Nations members living away from their community in urban, rural and northern settings.

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

- 1.** Call upon the Assembly of First Nations (AFN) to identify resources to do research, with external partners where possible, to:
  - a.** gather data to determine the number of First Nations people experiencing homelessness, and
  - b.** analyze the data to determine the causes and the gaps in services, including the shortage of housing on reserve that contributes to members leaving their communities and the reasons that prevent the homeless from accessing adequate shelter on and off-reserves.
- 2.** Direct the AFN to seek resources to develop a draft national First Nations Homelessness Strategy that is in alignment with the National First Nations Housing and Related Infrastructure Strategy. This strategy will identify a comprehensive, multi-partner short, medium and long-term solutions, an advocacy plan for presentation to Chiefs-in-Assembly for their input, approval, and occasional updating as required.
- 3.** Call upon the AFN to advocate for a multi-partner solution to address First Nations homelessness and its related causes.
- 4.** Urge the federal government to immediately develop with First Nations, the Chiefs Committee on Housing and Infrastructure and the AFN measures to improve the delivery of Federal Government homelessness programs into the transition to First Nations care, control and management of First Nations housing and infrastructure.
- 5.** Urge the Federal Government to work with First Nations and the AFN on immediately improving social programs and fiscal mechanisms to address homelessness.

# DRAFT RESOLUTION #05/2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>First Nations Control of Emergency Management</b>
<b>SUBJECT:</b>	Emergency Management
<b>MOVED BY:</b>	Chief Joseph Weasel Child, Siksika Nation, AB
<b>SECONDED BY:</b>	Chief Roy Fox, Blood First Nation, AB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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.
  - ii. Article 29 (1): Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.”
- B. Public Safety Canada defines emergency management as “the management of emergencies concerning all hazards, including all activities and risk management measures related to prevention and mitigation, preparedness, response, and recovery.”
- C. Canada reported that in 2018 and 2019 more than 10,000 First Nations people were displaced because of emergencies.
- D. In 2013, the Office of the Auditor General reported that Indigenous Service Canada (ISC)’s Emergency Management Program, which supports First Nations’ emergency mitigation, preparedness, response, and recovery, is insufficiently funded.
- E. ISC has been directed to negotiate tripartite agreements for the provision of emergency services between First Nations, Canada and provinces and territories.
- F. First Nations continue to be inadequately consulted during the negotiation of these agreements, and, even with such agreements in place, receive inadequate emergency response and preparedness support.
- G. Assembly of First Nations (AFN) Resolution 03/2015, *First Nation Involvement in Emergency Preparedness*, further identified issues persist, particularly the response of federal, provincial and territorial governments and the Canadian Red Cross.
- H. First Nations, such as the Siksika Nation in Treaty No. 7, are establishing their own emergency management entities to provide these services directly to their citizens in a culturally-informed and appropriate manner. They do not receive direct investments from Canada to provide these emergency services comparable to the provinces and territories.

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- I. In 2018, the House of Commons Standing Committee on Indigenous and Northern Affairs made several recommendations to further First Nations jurisdiction and authority, including:
  - i. “Recommendation 1: That [ISC], recognizing First Nations as equal partners, work with them and provinces and territories through trilateral agreements to clarify the various roles and responsibilities regarding emergency management in First Nation communities.
  - ii. “Recommendation 2: That [ISC], in cooperation with First Nations, review its Emergency Management Assistance Program to ensure that funding provided addresses the actual needs of First Nations; that in so doing, the department also ensure that sufficient funding is allocated for emergency preparedness activities, such as developing, updating and implementing emergency response plans.”
- J. With the proper tools, funding, and expertise, First Nations can assume jurisdiction to mitigate against, prepare for, respond to, and recover from emergencies and natural disasters in their communities.
- K. First Nations exercising jurisdiction over emergency management may be able to assist and empower other First Nations in building their capacity to develop emergency management regimes and departments, as well as their emergency response functional areas in preparedness plans processes, and policies.

#### **THEREFORE, BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Call on the Assembly of First Nations (AFN) to advocate to the Minister of Indigenous Services Canada and the Minister of Public Safety to initiate an immediate review of the Emergency Management Assistance Program, in collaboration with First Nations, to ensure that First Nations can receive adequate funds for the entirety of the emergency management continuum (mitigation and prevention, preparedness, response, and recovery).
2. Direct the AFN to seek resources to work with First Nations in developing a policy proposal that would provide clear recommendations to government for supporting First Nations control over emergency management and services. This proposal should include considerations for:
  - a. new funding mechanisms and policy changes for First Nations to establish emergency management departments in their communities, including positions for directors of emergency management;
  - b. new funding mechanisms for First Nations to build capacity and training in emergency management through culturally relevant, First Nations-led programs; and
  - c. establishing a national First Nations Emergency Management Office that would support all Nations in creating departments of emergency management.
3. Direct that the policy proposal be presented to the Chiefs-in-Assembly within two years of the passage of this resolution for discussion and approval.

# DRAFT RESOLUTION # 06 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Call for Emergency Operations Management Planning in First Nations

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**SUBJECT:** Emergency Management

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**MOVED BY:** Chief Cornell Mclean, Lake Manitoba First Nation, MB

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**SECONDED BY:** Chief David Traverse, Kinonjeoshtegon First Nation, MB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 10: Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and where possible, with the option of return.
- B. First Nations are facing increasing emergency situations, including fires, flooding, security threats, social and mental health crises, power outages, medical emergencies, communicable disease issues and food safety concerns.
- C. Despite being less than 4% of Canada's population, First Nations comprised nearly one-third of all evacuees and emergency evacuation events in the last decade. With growing frequency, Indigenous peoples find themselves unprepared, ill-served and traumatized by evacuations, which most often is the only available immediate solution.
- D. Further, First Nations who have been evacuated are sent back to their home communities to wait for the next crisis.
- E. Assembly of First Nations (AFN) Chiefs-in-Assembly have repeatedly passed resolutions calling for an end to long standing "lack of emergency management" problems that plague First Nations.

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

- 1. Call upon the Assembly of First Nations (AFN) to engage with the Canadian Safety and Security Program (CSSP) and Indigenous Services Canada (ISC) to support the development of partnerships with First Nations to provide permanent, reliable, appropriate funding and resources to ensure coordinated responses to natural disaster emergency management issues affecting First Nations.
- 2. Direct the AFN to advocate for on-going permanent training programs in emergency operations management which will focus on; awareness, preparedness, response and recovery with the full intent to be community-based, community design, community developed, community driven and community managed that will be nationally and regionally coordinated across Canada.

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3. Call upon federal, provincial, and municipal emergency management agencies to:
  - a. adequately and efficiently respond to opportunities to provide mutual aid for First Nations in a manner that will resolve issues pertaining to emergencies; and,
  - b. ensure that an emergency management training program is culturally and geographically appropriate for First Nations.



# DRAFT RESOLUTION # 07 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Support for A Proposed First Nations Training Institute on Emergency Management

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**SUBJECT:** Emergency Management

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**MOVED BY:** Chief Cornell MacLean, Lake Manitoba First Nation, MB

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**SECONDED BY:** Chief Stanley Grier, Piikani Nation, AB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the 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. A First Nations Training Institute on Emergency Management will provide pathways for emergency planning measures on First Nations to be developed.
- C. A First Nations Training Institute on Emergency Management will provide essential career and employment services to First Nations peoples in the field of Emergency Responders and Management when dealing with natural and man-made disasters.
- D. By creating this new training centre, the First Nations Training Institute on Emergency Management would aim to support First Nations, who may opt in or out to secure resources and training.
- E. A First Nations Training Institute on Emergency Management could develop a new training centre that would include:
- i. a multi-purpose vocational training workshop, to prepare First Nations people for a career in emergency mitigation management;
  - ii. curriculum to support culturally-relevant content; and,
  - iii. special purpose space to support collaboration with other partners.
- F. The Government of Canada, through the Department of Indigenous Services Canada, affirms that economic prosperity is one of their five key priorities, stating that Canada will continue working with First Nations partners and organizations to advance community economic development.
- G. Funding announcements since Budget 2017 have targeted funding supports for First Nations economic development and skills and employment training specifics to urban and non-urban First Nations in areas such as capital and infrastructure.

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- H. Supporting innovative Indigenous-led opportunities, including a First Nations Training Institute on Emergency Management, will further the Truth and Reconciliation Commission's Call to Action #7, which calls upon the Government to work with First Nations to eliminate educational and employment gaps between First Nations and non-First Nations peoples living in Canada.

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

1. Support the creation of a First Nations Training Institute on Emergency Management which will focus on preparing First Nations for natural and man-made disasters.
2. Direct the Assembly of First Nations to seek funding support from the Government of Canada to realize the creation of a First Nations Training Institute on Emergency Management that will benefit First Nations citizens and their communities.

# DRAFT RESOLUTION # 08 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Dene Nation Control of Housing in Northwest Territories</b>
<b>SUBJECT:</b>	Housing
<b>MOVED BY:</b>	Chief April Martel, K'atl'Odeeché First Nation, NT
<b>SECONDED BY:</b>	Chief Wanda Pascal, Tetlit Gwich'in Council, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them.
  - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The commitment in Canada's National Housing Strategy is that "By 2030, everyone in Canada has a home that they can afford and meets their needs" is consistent with the Crown's fiduciary obligation to provide quality housing to First Nations people wherever they live.
- C. Despite an incomplete database of housing conditions, the 27 Dene Nation communities in the Northwest Territories (NWT) face high heating and maintenance costs, inappropriate housing design, no local or regional housing management capacity and a severe lack of affordable, adequate, appropriate, sustainable and quality housing. This results in massive overcrowding, the displacement of Elders to larger centres away from the support of their family and friends and a negative effect on Dene people's health and well-being.
- D. Dene families and communities are denied the same benefits of Federal Government investments in affordable housing made in the south. This colonial approach to the Dene Nation and communities in respect to housing causes them to be poorly served by the NWT Government which has no obligation to ensure Dene communities receive an equitable share of federal funds intended for housing.
- E. This system of federal and territorial exclusive management of housing denies Dene control and oversight of these programs resulting in a system that does not work for the Dene and delivers housing programs whose funding levels are not equitable to those received by First Nations in the provinces.

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- F.** Federal commitments to First Nations that a transformative change in federal housing policy leading to First Nations care, control and management of their own housing must occur, and the Dene people's assertion of their role and responsibility in determining their future vision for housing and infrastructure in a truly nation-to-nation relationship with Canada, must be supported by creating a Dene-specific approach to housing to be implemented in phases.
- G.** There is a need for the Dene to build the human resource capacity necessary to manage their own housing so as to embrace the Federal initiative to support First Nations in the transfer of housing services to entities accountable to and led by First Nations.

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

- 1.** Support the Dene Nation in its efforts to develop a nation-to-nation relationship in housing and related infrastructure that respects Dene Nation rights and fulfills federal obligations to the Dene Nation and communities.
- 2.** Support the Dene Nation in its efforts to obtain federal commitments from Indigenous Services Canada, the Canada Mortgage and Housing Corporation and other federal sources and multi-year funding to enable and empower the Dene Nation to:
  - a.** develop the Dene Nation and Dene communities' on-going capacity to manage their own housing and related infrastructure;
  - b.** engage the Dene communities in the development of a Dene Nation multi-year housing and related infrastructure strategy and a phased implementation plan;
  - c.** research federal and Northwest Territories (NWT) Governments' housing and related infrastructure program allocations to determine equity with their First Nation housing and related infrastructure program funding levels in the south;
  - d.** conduct on-going Dene controlled housing and related infrastructure data collection and develop Dene data storage and analysis capacity;
  - e.** develop capacity to discuss with Canada the transfer of control of housing to the Dene Nation and communities; and
  - f.** ensure that housing and infrastructure program funding for First Nations in NWT is provided directly to the First Nations and not managed by the Government of NWT.
- 3.** Support the Dene Nation in its efforts with Canada and the NWT to ensure their full openness, cooperation and transparency in reaching the Dene Nation's housing and related infrastructure vision and goals.

# DRAFT RESOLUTION #09/2019

AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Re-affirming First Nation Regional Implementation Priorities for *An Act Respecting First Nations, Inuit and Métis children, youth and families*

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**SUBJECT:** Child Welfare

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

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**SECONDED BY:** Chief Frank Roberts, Montreal Lake Cree Nation, SK

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## WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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.
  - ii. Article 22 (2): States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Truth and Reconciliation Commission of Canada Calls to Action #1 through #5 calls on federal, provincial and territorial governments to take actions to improve child welfare.
- C. The overrepresentation of First Nations children and youth in the child welfare system has created a humanitarian crisis requiring immediate legislative, policy and human rights action, including compensation to the victims of discrimination, to respond to this crisis.
- D. The Canadian Human Rights Tribunal's 2016 (CHRT 2) decision and subsequent rulings ordered the Government of Canada (Canada) to fund First Nations Child and Family Services based on the principles of substantive equality, best interests of the child, and the First Nations child's needs, culture and language to distinct circumstances.
- E. *An Act respecting First Nations, Inuit and Métis children, youth and families* (the *Act*) affirms the inherent right of First Nations to enact laws in relation to child and family services and that such inherent rights are protected under Section 35 of the *Constitution Act, 1982*.
- F. On June 21, 2019, the *Act* received Royal Assent. On January 1, 2020, the *Act* will come into force, whereby federal legal principles will apply across Canada.
- G. Canada has yet to set out a process for transition or funding for regional implementation of the *Act*, inclusive of principles of substantive equality, best interests of the child, needs-based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services.

## DRAFT RESOLUTION # 09 / 2019

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- H. Assembly of First Nations (AFN) Resolution 16/2019, *An Act respecting First Nations, Inuit and Metis children, youth and families- Transition and Implementation Planning*, Resolution 30/2019, *An Act respecting First Nations, Inuit and Metis children, youth and families - Support for a British Columbia specific approach to transition and implementation planning*, and Resolution 31/2019, *Ontario Specific Process to Bill C- 92, An Act Respecting First Nations, Inuit, and Metis Children, Youth, and Families*, call for Canada to immediately support and fund a First Nations-led distinctions-based transition and implementation planning process for all stages of the comprehensive reform of child and family services, affirming the inherent rights and self-determination of each First Nation to decide what is most appropriate for their peoples, without interference by Canada or any other Chiefs Committee or technical committee.

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

1. Call on Canada to immediately collaborate and fund discussions and negotiations directly to First Nations and regional bodies, as determined by rights holders (such as: regional organizations, tribal councils, treaty organizations and independent First Nations), and without the interference of provinces and territories, to establish a political pathway to implement *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), consistent with the principles set out in the Canadian Human Rights Tribunal's 2016 orders of substantive equality, best interests of the child, needs-based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services.
2. Call on Canada to immediately support and fund a First Nations-led distinctions-based transition and implementation planning process of all stages of the comprehensive reform of child and family services in all regions, affirming First Nations' inherent right to self-determination and jurisdiction over child and family services, without interference from provinces and territories.
3. Call on Canada to ensure efficient disbursement of funding to First Nation governing bodies, who wish to assert their jurisdiction, for capital and infrastructure for child and family services and programs.
4. Call on Canada to commit to providing funding for implementing the Act in Federal Budget 2020.

# DRAFT RESOLUTION # 10 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Continuing First Nations Income Assistance Program Reform</b>
<b>SUBJECT:</b>	Social
<b>MOVED BY:</b>	Chief David Monias, Pimicikamak, MB
<b>SECONDED BY:</b>	Chief Valerie Richer, Atikameksheng Anishnawbek, ON

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the 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. The First Nations Income Assistance Program (IA Program) is a fundamental social service provided to on-reserve First Nations individuals across the country.
- C. There are longstanding gaps in data collected and published under the IA Program, as well as in services delivered through the IA Program. An example of such gaps includes the provision of the Case Management Services and Pre-Employment Supports, which fall under the IA Program and aim to improve client transitions to education and employment. Budget 2019 only enables 29% of First Nations outside of Ontario to access Case Management Services and Pre-Employment Supports.
- D. Indigenous Services Canada (ISC) has completed engagement on making the IA Program more responsive to on-reserve needs but has not allocated funding in Budget 2019 to implement recommendations from this engagement or continue their work on IA Program reform.

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

1. Direct the Assembly of First Nations (AFN) to pursue funding to conduct a study on identifying data and service gaps under the Income Assistance Program (IA Program).
2. Direct the AFN to urge the federal government to financially invest in the reform of the IA Program, as well as funding for expanding Case Management and Pre-Employment Supports to all First Nations.





# DRAFT RESOLUTION # 11 / 2019

## AFN Special Chiefs Assembly, December 3-5, 2019, Ottawa, ON

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**TITLE:** Poverty Reduction for All First Nations in Canada

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**SUBJECT:** Social, Economic Development

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**MOVED BY:** Chief David Monias, Pimicikamac, MB

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**SECONDED BY:** Chief Valerie Richer, Atikameksheng Anishnawbek, ON

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the 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. Canada has committed to implementing the United Nations' 2030 Agenda for Sustainable Development's Sustainable Development Goals (SDGs), including:
- i. SDG 1: No Poverty: End poverty in all its forms everywhere.
  - ii. SDG 10: Reduced Inequalities: Reduce inequality within and among countries.
- C. Canada released their first national Poverty Reduction Strategy (PRS) in December of 2018 but did not announce funding for the PRS in Budget 2019.
- D. Legislation supporting the PRS, Bill C-87, the *Poverty Reduction Act*, died on the order paper in June of 2019, when Parliament dissolved. Canada has not indicated whether they will reintroduce the legislation in the upcoming Parliamentary session.
- E. Canada did not provide funding for the Assembly of First Nations' (AFN) Technical Working Group on Social Development (TWGSD) to address the PRS, despite AFN Resolution 47/2018, *First Nations Oversight of Canada's National Poverty Reduction Strategy*, mandating the TWGSD to work with Employment and Social Development Canada (ESDC) on the PRS implementation.
- F. Current poverty reduction indicators and measures, like the Market Basket Measure (MBM), exclude many First Nations experiencing unique circumstances, such as remoteness. A study is necessary to produce indicators and measures of poverty which are appropriate for First Nations to use.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to provide long-term and sustainable funding for Canada's Poverty Reduction Strategy (PRS).

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2. Direct the AFN to seek funding for the Technical Working Group on Social Development (TWGSD) to investigate the applicability of the PRS to First Nations and to provide recommendations on how to address poverty.
3. Direct the AFN to seek funding to conduct a study on First Nation-specific indicators and measures of poverty.

# DRAFT RESOLUTION # 12 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Federal Legislation to Create a Framework for Implementation of the <i>United Nations Declaration on Rights of Indigenous Peoples</i></b>
<b>SUBJECT:</b>	United Nations Declaration on the Rights of Indigenous Peoples, Human Rights
<b>MOVED BY:</b>	Chief Ronald E. Ignace, Skeetchestn Indian Band, BC
<b>SECONDED BY:</b>	Chief Matthew Todd Peigan, Pasqua First Nation, SK

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### WHEREAS:

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

- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.
- ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- iii. 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.
- iv. 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.
- v. 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.
- vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.

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

- i. Call 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.
- ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

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- C. On December 7, 2017, Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 97/2017, *Support for Bill C-262, "An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples"*. Resolution 97/2017 called upon all Canadian federal parliamentarians to support Bill C-262, which represented a principled human rights legislative framework to advance reconciliation.
- D. Bill C-262 included the following critical elements:
- i. repudiation of colonial laws, policies and doctrines;
  - ii. a commitment to work collaboratively with Indigenous Peoples in every aspect of implementation of the UN Declaration;
  - iii. a process to reform federal laws, to ensure they meet or exceed the minimum standards set out in the UN Declaration;
  - iv. a commitment to develop a national action plan for collaborative implementation of the UN Declaration's provisions; and
  - v. a requirement for regular reporting to Parliament to ensure transparency and accountability for progress made.
- E. The Liberal Party of Canada, the Green Party of Canada and Canada's New Democratic Party committed to introduce a government bill, supported by First Nations, to implement the UN Declaration that is at least as strong as Bill C-262, if elected.

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

1. Call upon the Parliament of Canada to introduce at the earliest opportunity government legislation that will create a principled human rights framework to implement the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* that is at least as strong as Bill C-262, *An Act to ensure the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*.
2. Call upon the Government of Canada to develop with First Nations a national action plan to implement the *UN Declaration*.

# DRAFT RESOLUTION # 13 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** New Process for Negotiation and Implementation of International Treaties

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**SUBJECT:** International Treaty Implementation

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

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**SECONDED BY:** Okimaw Henry Lewis, Onion Lake First Nation, AB

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### WHEREAS:

- A. The inherent rights and governance structures of the Original Nations and tribes of Turtle Island have existed since time immemorial. The inherent right to self-determination pre-exists contact with foreign colonial governments, including the Canadian Constitution. The international right of self-determination is confirmed in Article 1(1) of the *International Covenant on Civil and Political Rights* and is confirmed by the UN Charter.
- B. Treaties concluded with European powers or their successors are international Treaties of Peace and Friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments. The relationship between First Nations and the Crown has been and must continue to be governed by international law, of which Treaties are a part.
- C. The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples. Non-Treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
- D. Current federal policy and legislation fails to recognize the diversity of Treaties across Turtle Island and instead is based solely on the modern treaty process designed by the Government of Canada.
- E. The modern treaty process is being used as a basis of negotiation for all First Nations. Through this process, the federal government is pushing First Nations towards:
  - i. taxation on reserve;
  - ii. replacing the fiduciary responsibility of the federal government with own source revenue;
  - iii. elimination of First Nations land rights and jurisdiction over traditional territory;
  - iv. domestication of International Treaties; and
  - v. municipalization of First Nations through the creation of 4<sup>th</sup> level "Indigenous Governments."
- F. The Assembly of First Nations (AFN) is mandated to advocate for all member First Nations, but there is currently no space within the AFN system for those Nations that are seeking to implement their International Treaties.
- G. The Government of Canada does not have the power to legislate in regard to First Nations inherent rights, but should establish the Crown's responsibilities, commitments, and legal obligations within their own law.

## **D R A F T   R E S O L U T I O N   # 1 3 / 2 0 1 9**

### **AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON**

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

1. Call on the Assembly of First Nations (AFN) to support First Nations in developing their own nation-building processes as well as new First Nations-led models for negotiation with the Crown in Right of Canada that do not necessitate the loss of Indigenous rights or the domestication of International Treaties.
2. Call on the AFN to inform the Government of Canada of the need for a system of negotiation other than the Modern Treaty process as outlined by federal policy and legislation.
3. Call on the AFN to advocate for a meeting with representatives of the Government of Canada and First Nations seeking to implement their International Treaties and find an alternative to the Modern Treaty process.
4. Call on the AFN to advocate for a First Nations International Treaty representative, appointed by the Chiefs-in-Assembly, to sit on the Privy Council to ensure Cabinet meets the obligations of the Treaty relationship. This representative will be accountable and report to the Chiefs-in-Assembly of the AFN.
5. Call on the AFN and the Government of Canada to ensure the Governor General upholds their original role to guarantee that no legislation is passed unless it supports Canada's International Treaty obligations with First Nations.

# DRAFT RESOLUTION # 14 / 2019

## AFN Special Chiefs Assembly, December 3- 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Executive Committee Portfolios</b>
<b>SUBJECT:</b>	AFN Charter Renewal
<b>MOVED BY:</b>	Chief Dean Sayers, Batchewana First Nation, ON
<b>SECONDED BY:</b>	Chief Melvin Hardy, Rocky Bay First Nation, ON

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### WHEREAS:

- A. The Chief's Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chief's Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.
- C. In practice, portfolios are assigned to Regional Chiefs by the National Chief. Portfolio holders do not have a formal process for reporting, scope of duties, or other structure for their work.

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

1. Direct that the Assembly of First Nations Charter be amended at Article 18, The Executive Committee Function and Powers, provision 9, which currently reads: "In performing their duties or responsibilities, the Executive Committee may establish portfolios and deploy resources as deemed necessary, subject to the approval of the Confederacy of Nations and to the nature of the delegation granted by the First Nations-in-Assembly.", to read:
  - a. "9. The National Chief shall assign and/or re-assign portfolio topics to Regional Chiefs serving on the Executive Committee to lead specific topics of work as required. Upon assignment, the Regional Chief shall report quarterly to the Executive Committee and the First Nations-in-Assembly as well as to their own Regions. If the Regional Chief fails to report quarterly, the National Chief may consider re-assigning the portfolio.
    - a. The portfolio holder shall be responsible for leading the work of the portfolio as directed by resolutions from the First Nations-in-Assembly;
    - b. The portfolio holder shall Chair all Chief's Committee meetings that are associated with their portfolio and oversee the work of the Chief's Committee to ensure that all procedures and processes are being followed and maintained under the Terms of Reference, By-Laws and the AFN Charter."





# DRAFT RESOLUTION # 15 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Chief's Committees</b>
<b>SUBJECT:</b>	AFN Charter Renewal
<b>MOVED BY:</b>	Chief Karen Batson, Pine Creek First Nation, MB
<b>SECONDED BY:</b>	Chief Betsy Kennedy, War Lake First Nation, MB

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### WHEREAS:

- A. The Chief's Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chief's Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

1. Direct that the Assembly of First Nations Charter be amended at Article 7, Function and Powers of the First Nations-in-Assembly, to add a provision 3 as follows:
  - a. "3. The First Nations-in-Assembly shall, by way of resolution, establish a Chief's Committee from time to time that will lead work or take action on a specific subject.
    - a) Chief's Committee members shall be appointed from each region by the Regional Chief.
    - b) The Chief's Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chief's Committee.
    - c) The National Chief shall be an ex officio member of all Chief's Committees and shall assign a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chief's Committee.
    - d) The portfolio holder shall select a Co-Chair from the members of the Chief's Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
    - e) At no time does a Chief's Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chief's Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes."



**D R A F T   R E S O L U T I O N   # 1 6 / 2 0 1 9**

**AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON**

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**TITLE:**                    **National Chief Oath of Office**

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**SUBJECT:**                AFN Charter Renewal

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**MOVED BY:**            Chief Roderick Gould Jr., Abegweit First Nation, PEI

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**SECONDED BY:**        Chief Melvin Hardy, Rocky Bay First Nation, ON

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**WHEREAS:**

- A. The Chief's Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chief's Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

- 1. Direct the Assembly of First Nations Charter be amended at Article 22, Election and Term, to read as follows:
  - a. "6. The National Chief shall swear an oath of office that contains the Role, Function, Authority and Accountability provisions contained in the AFN Charter. The Oath of Office swearing in will include ceremony as guided by the Elders Council."



# DRAFT RESOLUTION # 17 / 2019

AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Numerical Correction to Article 17 of AFN Charter

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**SUBJECT:** AFN Charter Renewal

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**MOVED BY:** Chief Leah George-Wilson, Tsleil-Waututh Nation, BC

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**SECONDED BY:** Chief Melvin Hardy, Rocky Bay First Nation, ON

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## WHEREAS:

- A. The Chief's Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chief's Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.
- C. Article 17: The Executive Committee Composition contains a drafting error and has a provision that requires a number heading only.

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

- 1. Direct that the Assembly of First Nations Charter be amended at Article 17 to include the provision number:
  - a. "4.", to be inserted prior to the text that reads: "The AFN Regional Chiefs shall be elected for a three-year term and shall be eligible for re-election. The term of office may be terminated before the expiry date if the Chiefs of that Region so decide at a meeting called for the purpose."



**D R A F T   R E S O L U T I O N   # 1 8 / 2 0 1 9**

**AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON**

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<b>TITLE:</b>	<b>Regional Chief Oath of Office</b>
<b>SUBJECT:</b>	AFN Charter Renewal
<b>MOVED BY:</b>	Chief Leah George-Wilson, Tseil-Waututh Nation, BC
<b>SECONDED BY:</b>	Chief Melvin Hardy, Rocky Bay First Nation, ON

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**WHEREAS:**

- A.** The Chief's Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B.** There are provisions within the Charter that require amendments and are considered by the Chief's Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

- 1.** Direct that the Assembly of First Nations (AFN) Charter be amended at Article 19, Accountability (Executive Committee), to add:
  - a.** "Each Region shall formally adopt rules, policy and procedures for the operation of the Regional AFN offices."
  - b.** "Regional Chiefs, upon election, shall swear an oath of office that contains the role, function, authority and accountability provisions contained in the AFN Charter. The Oath of Office swearing in will include ceremony as guided by Elders from the Region."





# DRAFT RESOLUTION # 19 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Support for the Claims of the Survivor Class in *Day Scholars*

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**SUBJECT:** Residential Schools Class Action

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**MOVED BY:** Kukp7i Rosanne Casimir, Tk'emlúps te Secwépemc, BC

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**SECONDED BY:** Kukp7i Wayne Christian, Splatsin First Nations, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - ii. Article 7 (2): Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
  - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
  - iv. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for [...] any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- B. The Truth and Reconciliation Commission's Call to Action #29 states: We call upon the parties, and in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
- C. In 2006, Canada entered into the Indian Residential Schools Settlement Agreement (IRSSA), which entitled former students who lived at the schools to a Common Experience Payment in the amount of \$10,000 for the first school year and a further \$3,000 for each subsequent school year of residence.
- D. Day Scholars were students who attended a recognized Indian Residential School, but only during the day. They were subjected to the same abuse and racism as students who were residents. They started the *Day Scholars* case in 2011 because they had been left out of the IRSSA.
- E. Under the IRSSA, Day Scholars who attended the Mohawk Institute were compensated on the same basis as the students who lived at the residential schools, but Day Scholars at other residential schools were excluded.
- F. *Day Scholars* was certified as a class action in 2015, after being contested by Canada for over three years. The Federal Court certified 3 classes – the Survivor Class, the Descendant Class, and the Band Class.
- G. The Survivor Class comprises the Day Scholars who were excluded from the IRSSA.

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- H. Canada has not yet settled the claims of the Survivor Class. Since the *Day Scholars* case started, Canada has settled cases involving the 60's scoop, the Newfoundland Residential Schools, and the Indian Day Schools. *Day Scholars* is the only case involving harms done to Indigenous children which Canada has refused to settle.
- I. The Survivor Class, many of whom are dying, continue to seek compensation in a partial settlement of the case under the same basis as former students who lived at the schools (the 10 + 3 formula).

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

- 1. Call upon the federal government to settle the claims of the Survivor Class of *Day Scholars* quickly, so that former Day Scholars may be compensated for the harms they suffered at Indian Residential Schools while they are still alive.
- 2. Call upon the federal government to provide former Day Scholars with a Common Experience Payment equal to that given to former residents of the schools under the Indian Residential Schools Settlement Agreement (the 10 + 3 formula).
- 3. Direct the Assembly of First Nations to engage with the Day Scholar Executive Council and the federal government and all appropriate bodies to advocate for the resolution of the *Day Scholars* case.

# DRAFT RESOLUTION # 20 / 2019

AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Support for the Claims of Descendant Class and Band Class in *Day Scholars*

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**SUBJECT:** Residential Schools Class Action

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**MOVED BY:** Kukp7i Rosanne Casimir, Tk'emlúps te Secwépemc, BC

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**SECONDED BY:** Kukp7i Wayne Christian, Splatsin First Nations, BC

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## WHEREAS:

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

- i. Article 8 (1): Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- ii. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for [...] any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- iii. Article 11 (1): Indigenous Peoples have the right to practice 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.
- iv. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions, and customs.
- v. Article 13 (1): Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- vi. 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.
- vii. 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.
- viii. Article 14 (3): States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

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- B. The Truth and Reconciliation Commission's Call to Action #29 states: We call upon the parties, and in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
- C. Day Scholars were students who attended a recognized Indian Residential Schools (IRS), but only during the day. They were subjected to the same abuse and racism as students who were residents. They started the *Day Scholars* case in 2011 because they had been left out of the Indian Residential Schools Settlement Agreement.
- D. *Day Scholars* was certified as a class action in 2015, after being contested by Canada for over three years. The Federal Court certified 3 classes – the Survivor Class, the Descendant Class, and the Band Class.
- E. The Descendant Class consists of the first generation of persons descended from Day Scholars or persons who were legally or traditionally adopted by a Day Scholar or their spouse. The Band Class includes 105 bands with members who were Day Scholars or in whose community an IRS was located. The Descendant and Band Classes seek compensation for the loss of culture and language that have resulted from the Day Scholars' forced attendance at IRS.
- F. In 2019, Canada passed *An Act respecting Indigenous Languages*, which recognized that:
  - i. "Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land, world views and self-determination of Indigenous peoples;" and
  - ii. "a history of discriminatory government policies and practices, in respect of, among other things, assimilation, forced relocation and residential schools, were detrimental to Indigenous languages and contributed significantly to the erosion of those languages" (Preamble to *An Act respecting Indigenous Languages*).

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

1. Call upon the federal government to settle the claims of the Descendant Class in *Day Scholars* to compensate families for the cultural and linguistic losses they have suffered, as a result of the Indian Residential School policy.
2. Call upon the federal government to settle the claims of the Band Class in *Day Scholars* to allow bands to revitalize, protect, and maintain their cultures and languages that have been eroded as a result of the Indian Residential School policy.
3. Direct the Assembly of First Nations to engage with the Day Scholar Executive Council, federal government and all appropriate bodies to advocate for the resolution of the *Day Scholars* case.

# DRAFT RESOLUTION # 21 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Reaffirming Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. Al. plaintiffs

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**SUBJECT:** Residential Schools Survivors, Reconciliation

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**MOVED BY:** Chief Willie Blackwater, Gitsegukla Indian Band, BC

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**SECONDED BY:** Chief David Peter-Paul, Pabineau First Nation, NB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 7 (2): Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subject to any act of genocide or any other act of violence, including forcibly removing children of the group to any other group.
- B. The Benchmark historical Supreme Court of Canada decision *Blackwater et. al. vs Her Majesty the Queen in Right of Canada* and *The United Church of Canada* found the Government of Canada and the United Church of Canada were responsible for damages to Survivors of the Port Alberni Indian Residential School.
- C. The Indian Residential School Settlement Agreement and the Truth and Reconciliation Commission (TRC) had been established from the foundation of the Benchmark and Milestone *Blackwater et. al.* court case.
- D. On June 11, 2008, the Prime Minister of Canada made a national apology on behalf of the Government of Canada for the atrocities inflicted on Indigenous children while in Indian Residential Schools (IRS).
- E. The Truth and Reconciliation Commission's Call to Action #80 calls upon the Federal Government, in collaboration with Aboriginal peoples, to establish a statutory holiday for Truth and Reconciliation to honour Indian Residential School Survivors, their families and communities; to ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.
- F. Orange Shirt Day is a legacy of the St. Joseph's Mission Indian Residential School Commemoration Project and the reunion that took place in May 2013. Phyllis Webster shared her story of St. Joseph's Mission Indian Residential School when she had her orange shirt, bought by her grandmother, taken from her as a six-year old girl.
- G. Orange Shirt Day is an opportunity to create meaningful discussion about the effects of IRS and the legacy they have left behind; a discussion all Canadians can tune into and create bridges with each other for reconciliation. Orange Shirt Day is a day of affirmation for Indian Residential School Survivors (IRSS) that they matter, as do those who have been affected.

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- H. The Assembly of First Nations (AFN) has passed several resolutions regarding a national holiday for the commemoration of IRSS. AFN Resolution 18/2014, *Orange Shirt Day*, directs the AFN to declare September 30 as Orange Shirt Day annually.
- I. In September 2018, the AFN Executive Committee passed a motion to advocate for Orange Shirt Day to become a Statutory Holiday for reconciliation.
- J. Chiefs-in-Assembly passed AFN Resolution 72/2018, *Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. Plaintiffs*, calling for September 30 as a national statutory holiday to honour Indian Residential School Survivors, their families and communities.
- K. Resolution 72/2018 also directed the AFN to call upon the federal government to host a national honouring and recognition ceremony for the Blackwater et al. plaintiffs on Orange Shirt Day 2019.
- L. The AFN advocated for the passing of Bill C-369, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Day Code (National Day for Truth and Reconciliation)* which would have created a federal holiday called the National Day for Truth and Reconciliation. The 42<sup>nd</sup> Parliament rose before the Bill could be passed into law.
- M. The Blackwater et. al. Plaintiffs had not been invited to participate on June 11, 2008 with the Prime Minister's apology; and had not been invited to participate in the 7 National Indian Residential School events of the Truth and Reconciliation Commission.

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

1. Reaffirm support for Assembly of First Nations (AFN) Resolution 72/2018, *Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. Plaintiffs*.
2. Support the recognition and honouring of the Blackwater et. al. plaintiffs for their bravery, courage and sacrifice in their benchmark battle for Indian Residential School Survivors (IRSS), intergenerational survivors and their families.
3. Direct the AFN National Chief and AFN Regional Chiefs to call upon the federal government to ensure that public commemoration of the history and legacy of Indian Residential Schools remains a vital component of the reconciliation process.
4. Direct the AFN National Chief to call upon the federal government to introduce a government bill declaring September 30<sup>th</sup> as a national statutory holiday to honour Indian Residential School Survivors, Intergenerational Survivors, their families and their communities.
5. Direct the AFN National Chief and AFN Regional Chiefs to call upon the federal government to work collaboratively and collectively with Assembly of First Nations and BC Assembly of First Nations to host a National and Recognition Ceremony for the Blackwater et. al. Plaintiffs on Orange Shirt Day, September 30, 2020, in Vancouver, British Columbia.
6. Direct the AFN National Chief and AFN Regional Chiefs to call on Prime Minister Justin Trudeau and his opposition Leaders to reaffirm the National Apology committed on June 11, 2008 at the Honouring and Recognition of the Blackwater et. al. Plaintiffs on September 30, 2020.

## DRAFT RESOLUTION # 22 / 2019

**AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON**

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<b>TITLE:</b>	<b>International Union for Conservation of Nature (IUCN)</b>
<b>SUBJECT:</b>	Environment
<b>MOVED BY:</b>	Chief Calvin Sanderson, Chakastaypasin Band, SK
<b>SECONDED BY:</b>	Chief Lance Haymond, Kebaowek First Nation, QC

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### **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 31 (1): Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
  - iii.** Article 31 (2): In conjunction with Indigenous Peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B.** The International Union for Conservation of Nature (IUCN) is a global authority on the status of the natural world. The IUCN is comprised of members from both government and civil society who strive to influence, encourage and assist societies to conserve the integrity and diversity of nature and ensure that any use of natural resources is equitable and ecologically sustainable.
- C.** The Canadian Committee for the International Union for Conservation of Nature (CC-IUCN) is Canada's National Committee responsible for supporting Canada's domestic and international efforts in the following four areas; convening and mobilizing civil society and governments, engaging Indigenous Peoples and youth, building awareness of the importance of nature, and, strengthening organizational governance.
- D.** The IUCN recently voted to create a new membership category specifically for Indigenous Peoples' Organizations (IPO) in an effort to strengthen the recognition of Indigenous rights, participation and overall role of Indigenous Peoples in the IUCN.

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- E. Canada's conservation efforts are driven by its commitments internationally under the Convention on Biological Diversity (CBD), including the establishment and implementation of the federal Species at Risk Act (SARA), and more recently, its efforts to achieve conservation targets under the Pathway to Canada Target 1 as referenced in Assembly of First Nations Resolution 03/2019 *Convention on Biological Diversity*.
- F. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in its May 6, 2019 Global Assessment Report concluded that nature is declining globally at rates unprecedented in human history, with some one million species now threatened with extinction. The Report recognized the important role of Indigenous Peoples and natural solutions in combating the growing global biodiversity crisis.
- G. First Nations have a profound relationship with the land and all of creation that has existed since time immemorial. This relationship is expressed as a cultural responsibility to care for and protect the land.
- H. First Nations traditional territories are under unprecedented pressure from the impacts of climate change, including biodiversity loss. This requires urgent action with adequate financial and technical capacity to ensure that any and all decision-making and associated policy, legislative and program development meets the needs, desires and aspirations of our Nations.
- I. First Nations are responsible for ensuring our traditional knowledge systems and practices are appropriately acknowledged, respected, considered and incorporated in all related decision-making.
- J. There is a growing recognition domestically and internationally of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation outcomes. Examples include efforts related to species/habitat protection, recovery, conservation and management as well as the establishment of Indigenous Protected and Conserved Areas (IPCAs).

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

1. Direct the Assembly of First Nations to explore formal membership opportunities with the International Union for Conservation of Nature (IUCN) and the Canadian Committee for the International Union for Conservation of Nature (CC-IUCN) in support of on-going advocacy efforts to prioritize the recognition and protection of First Nations inherent, Treaty, and constitutionally-protected rights in all conservation-related activities.



# DRAFT RESOLUTION # 23 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** First Nations Full Partnership in the Implementation of the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada

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**SUBJECT:** Environment

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

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**SECONDED BY:** Chief Gordon Planes, T'Sou-ke First Nation, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
  - ii. 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.
  - iii. Article 31 (2): In conjunction with Indigenous Peoples, States shall take effective measures to recognize and protect the exercise of these rights.
  - iv. Article 32 (2): States shall consult and cooperate in good faith with 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. Canada's conservation efforts are driven by its commitments internationally under the Convention on Biological Diversity (CBD), including the establishment and implementation of the federal Species at Risk Act (SARA).

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- C. The United Nations Convention on Biological Diversity (CBD) states:
- i. Article 8 (j): Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.
  - ii. Article 10 (c): Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- D. Assembly of First Nations (AFN) Resolution 120/2016, *Establish a First Nations Specific Committee under the Species at Risk Act*, mandated the creation of the First Nations Advisory Committee on Species at Risk (FNACSAR), a technical advisory committee to the Minister of Environment and Climate Change on the application and implementation of the SARA.
- E. First Nations traditional lands and territories are under unprecedented pressure from the impacts of climate change and development, including biodiversity loss. This requires urgent action with adequate financial and technical capacity to ensure that any and all decision-making and associated policy, legislative and program development meets the needs, desires and aspirations of our Nations.
- F. There is a growing recognition domestically and internationally of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation and biodiversity outcomes.
- G. In June 2018, the Federal Government introduced the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada (Pan-Canadian Approach), signaling a shift to multi-species, ecosystems-based approaches to species at risk protection, conservation and management and a renewed commitment to the principles contained within the National Accord for the Protection of Species at Risk, including efforts to strengthen collaboration with Indigenous Peoples.
- H. Given the diverse nature of First Nations experiences and relationships with federal, provincial and territorial governments regarding SARA implementation, the FNACSAR can provide a leadership function in support of AFN's efforts to advocate for the recognition of First Nations inherent and constitutionally protected Rights, Title and jurisdiction, as well the meaningful inclusion of First Nations interests, priorities and concerns within the Pan-Canadian Approach.

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

1. Direct the Assembly of First Nations (AFN), with the support of the Advisory Committee on Climate Action and the Environment (ACE) and the First Nations Advisory Committee on Species at Risk (FNACSAR), to advocate for the full partnership and meaningful inclusion of First Nations in the implementation of the Pan-Canadian Approach on Transforming Species at Risk Conservation in Canada (Pan-Canadian Approach).
2. Direct the AFN to ensure the Pan-Canadian Approach appropriately reflects and considers regional First Nations differences and concerns through the establishment of coordinated regional engagement opportunities for First Nations.

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3. 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, women, Elders and youth to participate in these activities and to maintain their important role as stewards of the environment and leaders in conservation action.



# DRAFT RESOLUTION # 24 / 2019

AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Support for the Implementation of <i>Ahousaht et al</i> (2009) Court Decision</b>
<b>SUBJECT:</b>	Fisheries, Rights
<b>MOVED BY:</b>	Guy Louie, proxy, Ahousaht First Nation, B.C.
<b>SECONDED BY:</b>	Chief Darcy Gray, Listuguj First Nation, QC

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## WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 20 (1): 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 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
  - iii. 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.
  - iv. 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.
  - v. 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. In a 2009 court case (*Ahousaht et Al. v. Canada*), five First Nations, Ahousaht, Ehattesaht, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht (Five Nations), had their rights affirmed in the B.C. Supreme Court, which recognized their right to fish for any species - in their traditional territories and to sell that fish into the commercial marketplace.
- C. In 2018, commercial and recreational industry groups successfully intervened in a trial concerning justifications for Canada's infringement on the rights of the Five Nations to fish. These groups supported Canada's efforts to narrow the proven right to fish by removing certain species from it.
- D. The Assembly of First Nations Resolution 34/2018, *Support for Intervention in Ahousaht Nation v. Canada*, calls upon the Chiefs-in-Assembly to fully support the five First Nations in their appeal of the justification decision in *Ahousaht v. Canada*.
- E. The Five Nations have negotiated with the Government of Canada for the past 10 years to develop multi-species fisheries in line with their proven rights and to increase opportunities for their membership to participate in the fishing economy.

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- F. After years of negotiations, the five Nations found the accommodations by the Government of Canada to be insufficient with no meaningful effort made to implement rights-based multi-species fisheries. As such, Canada has not honourably implemented the *Ahousaht et al v. Canada* 2009 decision in good faith.
- G. A letter was sent to the Prime Minister from the Five Nations on November 4, 2019 calling for implementation of the *Ahousaht et. al v. Canada* 2009 decision.

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

- 1. Call upon the Assembly of First Nations (AFN) to urge the federal government to immediately implement Aboriginal fishing rights, including the five First Nations of Ahousaht, Ehattesaht, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht (Five Nations), as directed by the courts through the following actions:
  - a. Direct the AFN to advocate to the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Crown-Indigenous Relations for the implementation of existing court decisions related to First Nations' fisheries, including *Ahousaht et al.* (2009).
  - b. Call upon the AFN to send a letter to the Prime Minister echoing the requests of the Five Nations in a November 4, 2019 letter that included the following:
    - i. The Prime Minister direct his Ministers and their staff (Crown-Indigenous Relations and Northern Affairs and Fisheries and Oceans) to conclude a reconciliation agreement with the Five Nations by March of 2020 so that the Five Nations can begin to implement their expanded community fisheries in the 2020 fishing season.
    - ii. The Prime Minister direct the Ministers of Crown-Indigenous Relations and Northern Affairs and the Department of Fisheries and Oceans to meet with representatives of the Five Nations as soon as possible, so they can brief the Ministers directly and from their perspective on the steps remaining to conclude an agreement with Canada.
    - iii. The Prime Minister recognize that regardless of whether an agreement is reached, the Five Nations require and are entitled to meaningful, economically viable fishing opportunities.
    - iv. The Prime Minister direct the Minister of Fisheries and Oceans to revise specific policies and regulations to foster rather than impede the community-based fisheries of the Five Nations.

## DRAFT RESOLUTION # 25 / 2019

### AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Protection of the Inherent Right of First Nations to use and possess Eagles Feathers and parts for social, cultural and ceremonial purposes</b>
<b>SUBJECT:</b>	Culture
<b>MOVED BY:</b>	Chief Ralph Leon, Sts'ailes Nation, BC
<b>SECONDED BY:</b>	Chief Dalton Silver, Sumas First Nation, BC

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#### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11 (1): 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.
  - ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
  - iii. Article 12 (1): Indigenous Peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
  - iv. 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.
  - v. 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.
  - vi. Article 34: Indigenous Peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. First Nations use eagles for feathers and other parts for social, cultural and ceremonial purposes in a holistic and respectful manner.
- C. First Nations have the inherent Aboriginal right to use animals and animal parts – including eagles – for social, cultural and ceremonial purposes such as: traditions, cultural protocols and practices, self-determination, and inter-generational transmission of traditional knowledge and livelihoods.

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- D.** First Nations have the jurisdiction and the responsibility to protect and conserve Mother Earth and all animals, in particular eagles, within their respective territories.
- E.** The Convention on International Trade in Endangered Species and Wild Fauna and Flora (CITES) is an international agreement that regulates the trade of animals and plants for their protection. Under Memorandum D19-7-1: Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Indigenous Peoples crossing the United States (U.S.)-Canada Border are exempted from CITES permit requirements whereas:
  - i.** “Travelers who transport eagle parts and feathers as personal accompanied baggage for religious or ceremonial purposes are exempted from CITES permit requirements for importation into Canada.
- F.** Reported violations to First Nations’ right to use, possess, and transport eagle feathers and parts include: Conservation Agents trespassing onto reserve lands, privacy violations, defamatory media circulation, concealment and fabrication of evidence, and permit requirements.
- G.** First Nations experience wrongful convictions and penalties for the use, possession, and transport of eagle feathers and parts demonstrating a need for greater support for – and the proper implementation of – restorative justice processes to address these rights violations.

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

- 1.** Call on the Assembly of First Nations (AFN) to urge federal, provincial and territorial governments to establish a process to address issues related to the discriminatory practices involving charging First Nations of their rightful use, possession, and transport of eagle feathers and parts.
- 2.** Call on the AFN to immediately call on federal, provincial and territorial governments to work with the appropriate Indigenous restorative justice process for First Nations’ wrongly convicted and/or charged for their rightful use, possession, and transport of eagle feathers and parts.
- 3.** Call on the AFN to urge federal, provincial and territorial agents to provide redress – including restitution, repatriation, and the reversal for convictions – for violations to First Nations’ right to use, possess, and transport eagle feathers and parts.



# DRAFT RESOLUTION # 26 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>Sustainable Development and Financial Assurance</b>
<b>SUBJECT:</b>	Economic Development, Environment
<b>MOVED BY:</b>	Robert Phillips, proxy, Nak'azdli Whut'en, BC
<b>SECONDED BY:</b>	Cheryl Casimer, proxy, Takla Lake First Nation, BC

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### WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 29 (1): Indigenous Peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination.
  - ii.** Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples without their free, prior and informed consent.
  - iii.** Article 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  - iv.** Article 32 (2): States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B.** The Assembly of First Nations (AFN) is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, economic priorities, stewardship, and protection of the environment.
- C.** The mining sector is an important contributor to First Nations employment and business activity, however, environmental harm from non-remediated mines and from the risk of mining disasters can affect the ecosystems that First Nations people rely on for sustenance and cultural uses. Also, it can harm the spiritual connections First Nations have to the local land, water, and wildlife.
- D.** The implementation of the UN Declaration will require that the Government of Canada and provincial and territorial governments address First Nations' calls for change in a way that advances reconciliation and that recognizes First Nations governance and values.
- E.** First Nations affirm the right and ability to pursue strong, up-front, financial assurance to ensure full mine remediation and protect against mine disasters through impact benefit agreements (IBAs). It is important that First Nations require these protections, particularly where the federal, provincial and territorial governments fail to establish full financial assurance mechanisms to protect against the risk of mine non-remediation or disasters.

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- F.** The implementation of financial assurance requirements will ensure that when and where necessary, funds are allocated promptly and fully to ensure mine remediation and disaster clean up. Exploring the development of tiered tools which allow for risk-differentiation, including firm level bonding, insurance requirements, and an industry or public fund can ensure access to adequate resources to protect First Nations lands and territories while also fostering responsible mine development.
- G.** Legislative and policy options are needed to ensure that there is financial assurance in-full and up-front from mining companies so that mining companies bear the cost of cleanup for development on First Nations lands and territories.

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

- 1.** Direct the Assembly of First Nations (AFN), through the Chiefs Committee on Economic Development (CCED) to support and facilitate First Nations' ability to manage mineral resource development that will protect and sustain the environment while enhancing the social, cultural, economic and political well-being of First Nations.
- 2.** Call on the federal, provincial and territorial governments of Canada, guided by the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), to develop, in partnership with First Nations, legislative and regulatory measures that will:
  - a.** improve environmental sustainability; and
  - b.** limit risk by requiring full, hard, up-front financial assurance from mining companies to ensure mine remediation and to protect against the risk of mining disasters.
- 3.** Call on the federal government to bring together First Nations and provincial and territorial governments to explore the development of tools and processes that will ensure the reclamation and remediation of First Nations lands and territories, based on the full respect of the UN Declaration.

# DRAFT RESOLUTION # 27 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>New Investments for First Nations Involvement in the Economy</b>
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Christian Sinclair, Opaskwayak Cree Nation, MB
<b>SECONDED BY:</b>	Chief Mervin Cheechoo, Moose Cree First Nation, ON

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous Peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 20 (1): 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.
  - iii. 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.
  - iv. 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. There are a number of Assembly of First Nations (AFN) resolutions calling on the AFN, with guidance of the Chiefs Committee on Economic Development (CCED), to advocate for new investments for First Nations economic development programs, services and incentives, new trade supports, equipping our labour force and human resources development, involvement in energy and resource projects, improved federal procurement program and support, and a clearer strategy to involve other sectors such as agriculture, connectivity, cannabis, tourism and other parts of the economy.
- C. Federal programs for First Nations economic development and businesses have been under-funded since the 1990's, while increasingly, First Nations are pursuing economic opportunities that require access to financing as well as improved economic development programs.
- D. The Government of Canada has committed to closing the socio-economic gap that exists between Indigenous Peoples and Canadians through joint work on creating new fiscal relationships between Canada and First Nations.
- E. The Government of Canada, through Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs is planning to review the Federal Framework for Aboriginal Economic Development, the current federal approach to Indigenous participation in the economy.

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- F. A coordinated First Nations approach that includes options to improve investments and federal economic strategy supports for First Nations economic involvement and business development locally, regionally, nationally and internationally is required.

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

1. Direct the Assembly of First Nations (AFN) to work jointly with the Government of Canada through Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs to collect information, undertake research and conduct an analysis of funding needs, to develop the elements of a First Nations coordinated policy approach for new investments for First Nations' involvement in the economy.
2. Direct the AFN, with the guidance of the Chiefs Committee on Economic Development (CCED), to:
  - a. develop a First Nations policy approach and business case for new investments for First Nations involvement in the economy; and
  - b. establish an interim technical committee.
3. Call upon the Government of Canada to provide resources for the CCED and AFN to conduct work with First Nations on new investments required for First Nations economic programs, services and incentives, which identifies equity, major project funding and capacity supports for First Nations participation in all aspects of the economy.
4. Direct the CCED to provide an update to the Chiefs-in-Assembly at the July 2020 Annual General Assembly.

# DRAFT RESOLUTION # 28 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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**TITLE:** Assembly of First Nations Priorities on Cannabis and Legislative Amendments to Bill C-45, the *Cannabis Act*

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**SUBJECT:** Cannabis, Legal, Economic Development

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

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**SECONDED BY:** Keith Mathews, proxy, High Bar First Nation, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
  - iii. Article 38: States in consultation and cooperation with Indigenous Peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
- B. On October 17, 2018, the federal government passed legislation, Bill C-45, the *Cannabis Act*, to legalize the sale of cannabis. There was little to no consultation by the federal government and there are still no provisions within Bill C-45, *the Cannabis Act*, which allows for First Nation regulation and law-making of cannabis within their unique circumstances and territories.
- C. Due to the lack of consultation, consideration and respect of First Nation jurisdiction by the federal government through passing Bill C-45, *the Cannabis Act*, First Nations have been isolated and left out of economic opportunities, not given sufficient support for health and safety programs, and must deal with the potential negative legal or illicit impacts of cannabis.
- D. With the federal government isolating First Nations from cannabis discussions and opportunities, it has created circumstances that will aggravate First Nation conflict with the law, potentially increase incarceration rates, perpetuate poverty, and dysfunction within First Nation communities.
- E. Assembly of First Nations (AFN) Resolution 02/2018, *Federal Recognition of First Nations Jurisdiction over Recreational and Medicinal Cannabis*, calls upon Canada to amend Bill C-45 to recognize that First Nations jurisdiction supersedes provincial legislation and regulation on cannabis.
- F. Further onto First Nation jurisdiction, under the *First Nation Lands Management Act*, the Government of Canada committed to implementing the *UN Declaration* and enacting the First Nations right to manage their own lands and the activities conducted on those lands, etc.

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- G. Resolution 54/2019, *Support for First Nations Self-Determined Right to Govern the Cultivation, Processing and Retail of Cannabis*, requests that the Government of Canada work with First Nations, in the spirit of reconciliation, to establish a framework for participation that respects First Nations autonomy and sovereignty.
- H. The federal government must recognize First Nation jurisdiction and any regulatory systems within their territories on cannabis, as they have in such instances as *the First Nations Lands Management Act*, that include, but are not limited to, production, processing, growing, distribution, sale, health and safety, law-making, etc.

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

- 1. Direct the Assembly of First Nations (AFN) National Chief to make First Nation jurisdiction over cannabis a top priority.
- 2. Direct the AFN Chiefs Committee on Cannabis to develop a First Nations federal framework with Canada for a regulatory commission on cannabis that focuses on, but not limited to, production, processing, growing, distribution, sale, health and safety, law-making, etc. on cannabis by April 1, 2020.
- 3. Direct the AFN Chiefs Committee on Cannabis to work with Canada on legislative amendments to the following:
  - a. *the Cannabis Act*;
  - b. *the Excise Tax Act*;
  - c. *the Criminal Code of Canada*;
  - d. *the Canada Health Act*;
  - e. *the Access to Cannabis for Medical Purposes Regulations*; and
  - f. any other Acts or regulations where appropriate.
- 4. Direct the AFN National Chief to call upon Canada to amend Bill C-45 on the following:
  - a. to allow for parallel First Nation processes in regard but not limited to, regulation of cannabis, law-making authority on cannabis with First Nation territories, etc.;
  - b. the development of a cannabis commission developed through the Chiefs Committee on Cannabis that will reflect the regulation of cannabis, law-making authority on cannabis with First Nation territories, etc.; and,
  - c. to allow for Federal Excise Tax revenue sharing agreements to be made with First Nations, similar to the current Coordinated Cannabis Taxation Agreements made with provincial and territorial governments.

# DRAFT RESOLUTION # 29 / 2019

## AFN Special Chiefs Assembly, December 3 - 5, 2019, Ottawa, ON

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<b>TITLE:</b>	<b>National Gathering on Substance Use with Emphasis on Opioids and Crystal Methamphetamine</b>
<b>SUBJECT:</b>	Health
<b>MOVED BY:</b>	Chief Sheldon Kent, Black River First Nation, MB
<b>SECONDED BY:</b>	Chief Dennis Meeches, Long Plain First Nation, MB

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### WHEREAS:

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

- i. Article 15 (2): States shall take effective measures, in consultation and cooperation with the Indigenous Peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all other segments of society.
- ii. Article 18: Indigenous Peoples have the right to participate in decision-making 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.
- iii. 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.
- iv. 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.
- v. Article 24 (1): Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- vi. 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.

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- B. The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action (18): We call upon the federal, provincial, territorial and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the treaties.
  - ii. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C. First Nations recognize the severe opioid, crystal methamphetamine and other substances addiction problem that has been steadily growing within our nations, and acknowledge the devastating, ongoing impacts on First Nations citizens, health systems, Child and Family Services cases, policing, housing and justice.
- D. First Nation-specific opioid, crystal methamphetamine and problematic substance use data and culturally appropriate treatment services are severely lacking within our nations.
- E. On September 5, 2017 the Dakota Ojibway Tribal Council (DOTC) declared a state of emergency to combat the growing concerns related to opioid and substance use. A four-point strategy for their respective seven-member First Nation is under development. This includes: education and prevention strategies; treatment options; advocacy and support and enforcement.
- F. The crisis of opioid, crystal methamphetamine and other problematic substance use is not limited to the DOTC region but is an emerging crisis affecting all First Nations without a coordinated and comprehensive response.
- G. *The Health Status of and Access to Healthcare by Registered First Nations Peoples in Manitoba* Report states that First Nation people were twice as likely to be prescribed a single dose of opioids as other Manitobans. Other opioid specific statistics in the report include:
- i. twice as many opioid prescriptions were dispensed to First Nations people than all other Manitobans;
  - ii. First Nations were 4 times more likely to have multiple prescriptions than all other Manitobans; and
  - iii. the rates of drug and substance use disorder among First Nations are 3 times higher than the rates among all other Manitobans.
- H. The prevalence of problematic substance use is a direct result of colonization, systemic racism and multi-generational trauma. To reduce the incidence of prescription and illicit drug use faced by First Nations people - community-driven, multi-levelled government support and holistic approaches must be the focus of preceding efforts.
- I. Manitoba First Nations have not been engaged in response planning or participatory in external government tables to address this crisis.



## **D R A F T   R E S O L U T I O N   # 2 9 / 2 0 1 9**

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

- 1.** Direct the Assembly of First Nations (AFN) to call-upon Indigenous Services Canada including the First Nations Inuit Health Branch (FNIHB) to support a National Gathering on Opioid, Crystal Methamphetamine and Other Substance Use hosted and administered by the centrally located First Nations Health and Social Secretariat of Manitoba. The National Gathering will elevate existing culturally responsive, land-based treatment services that have been developed by First Nations and others will have the opportunity to replicate this work in their respective nations.
- 2.** Direct the AFN to advocate and learn how to secure resources for all First Nations- including Manitoba First Nations, to develop their own respective Opioid and Crystal Methamphetamine Strategy implementing recommendations brought forward from the national gathering.
- 3.** Direct the AFN to advocate and secure community-based human and financial resources for the implementation of each nations' strategy.



# DRAFT RESOLUTION # 30 / 2019

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**TITLE:** Support for the Complete Reclamation and Remediation of all Closed and Abandoned Oil and Gas Extraction Sites, Inclusive of all Related Infrastructure

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**SUBJECT:** Infrastructure, Environment

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**MOVED BY:** Chief Irvin Bull, Louis Bull Tribe, AB

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**SECONDED BY:** Chief Leonard Standingontheroad, Montana Cree Nation, AB

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## WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities.
  - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.
- B. Under the Alberta Energy Regulator (AER), the Environmental Protection and Enhancement Act (EPEA), and the Conservation and Reclamation Regulations, companies have a duty to:
- i. reduce land disturbance;
  - ii. clean up contamination (known as remediation); and
  - iii. salvage, store, and replace soil; and revegetate the area.
- C. The requirements, process and criteria for pipeline reclamation are the same as the requirements for upstream oil and gas reclamation. To apply for a reclamation certificate, companies are required to clean up subsurface contamination, return the land to how it looked and was used, or similarly, before development, ensure that it returns to the “original state”.
- D. Reclamation certificates are approved when the company can demonstrate that the site is functioning similarly to how it did before it was disturbed and no longer needs intervention. Only companies with a reclamation certificate—which shows that all reclamation requirements have been met—can close their projects and end their surface leases.

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- E. Indian Oil and Gas Canada (IOGC), under the *Indian Oil and Gas Act* and the *Indian Oil and Gas Regulations*, is a special operating agency charged with the responsibility to manage oil and gas on First Nations reserve lands. Under its authority, it can issue reclamation certificates on First Nations Reserves.
- F. When exploration work under an exploration licence is no longer being carried out, whether or not the licence has ended, the licence holder must ensure that all the lands on which the work was carried out are remediated and reclaimed.
- G. Indian Oil and Gas Regulations, 1995 - SOR/94-753 (Section 29) states:
  - i. Where the IOGC Executive Director determines that surface rights in respect of all or a part of the area of a surface lease or right-of-way are no longer required for the extraction, transportation or treatment of oil or gas, the IOGC Executive Director may, with the approval of the band council, terminate the surface lease or right-of-way in respect of that area by notice in writing to the contract holder and may direct the contract holder to conduct reclamation and abandonment operations in respect of any well or surface facility within that area.
- H. If a landowner is not satisfied that the land has been properly reclaimed, the individual can file a regulatory appeal.

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

- 1. Call on Indian Oil and Gas Canada (OIGC) to enact a rigorous reclamation and remediation process that:
  - a. reduces land disturbance;
  - b. ensures contamination clean up (known as reclamation and remediation), inclusive of in-ground pipe and associated infrastructure;
  - c. includes salvage, storage, and replacement of soil; and
  - d. leads to the revegetation of an area.
- 2. Direct the Assembly of First Nations (AFN) to ensure that this process ensures the protection of our inherent, Treaty, and constitutionally-protected rights to hunt, trap, fish, and gather, and aligns with putting the land back as close to its "original state" prior to it first being disturbed.
- 3. Call on the IOGC to:
  - a. approve reclamation and remediation certificates only after the company has shown that all reclamation requirements have been met, including the determination by the IOGC Executive Director;
  - b. approve a reclamation and remediation certificate before a company can close its projects and end surface leases; and
  - c. ensure that companies meet stringent timelines agreed to by affected First Nations to avoid any abandonment issues.

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4. Call on IOGC to withhold approval or provide a reclamation certificate to any company until such company can demonstrate to a respective First Nation that the site is functioning similarly to how it did before it was disturbed and requires no further intervention.

