



**ASSEMBLY OF FIRST NATIONS  
2025 ANNUAL GENERAL ASSEMBLY  
DRAFT RESOLUTIONS**

*The following draft on-time resolutions are expected to be dealt at the upcoming AGA, September 3-5, in Winnipeg. This includes three (3) additional draft on-time resolutions as was indicated in our original posting.*

#	Title
01	AFN Charter Amendment: Separation of Political and Corporate Functions
02	Closing the First Nations Infrastructure Gap as the National Building Project for One Canadian Economy
03	Delay <i>Building Canada Act</i> Implementation Subject to Meaningful Inclusion and Co-Development Directly with First Nations
04	Immediate Federal Intervention to Address the Fentanyl, Opioid, and Substance Abuse Crisis in First Nations Communities
05	Baeleigh's Law
06	Improving NIHB Access to Gender-Affirming Products, Gear and Supplies
07	National Review of Traditional Healer Program and NIHB Transportation Policy
08	Reforming the NIHB Program to Ensure Equitable, Accessible and Culturally safe Healthcare
09	Jurisdiction over First Nations Inherent Right to Traditional Birthing Practices
10	Support for First Nations-Led Engagement on Medical Assistance in Dying
11	Opposition to the Canadian Precision Health Initiative
12	Support for a First Nations-Led Organ and Transplant Program
13	Support for Sustained Funding for Men and Boys Healing Programs to Prevent MMIWG2S and Uphold the 231 Calls for Justice
14	Youth Reintegration Strategy Review
15	National Mothers and Grandmothers Gathering
16	National/ Provincial All Inclusive First Nations Survivors' Day
17	Support for the National Indigenous Elders and Knowledge Keepers Law Society Proposal to Correctional Service Canada
18	Support for a National Day for Indigenous Child Removal Survivors by the Government of Canada
19	Support for Recognition of the Inherent Right of First Nations and Tribal Citizens to Freely Cross the Canada-United States Border
20	Treaty and Inherent Rights to Trade
21	Advancing First Nations Trade and Economies Through a First Nations Trade Strategy
22	Advancing Nation-to-Nation Trade
23	Transition of the First Nations Market Housing Fund to First Nations Control
24	Ensure Adequate and Equitable Levels of Social Housing Funding
25	First Nations Solid Waste Management
26	Implementation of the Supreme Court of Canada's <i>Sparrow</i> Decision
27	Advancing the Recognition, Implementation, and Enforcement of Pre-1975 Treaties
28	Affirmation of Indigenous Jurisdiction and Recognition of the Quatsino First Nation Declaration of Title and Relationship
29	Supporting First Nations Right to Self-Determination beyond Co-development to Advance Distinct First Nations Accessibility Legislation
30	Support for International Partnership with Indigenous Peoples on Joint Climate and Biodiversity Action
31	Response to Canada's 2025–26 Distribution of Specific Claims Research Funding and Erosion of First Nations' Right to Justice
32	Strategic Direction on Land Restitution and Compensation
33	Support For First Nations' Advocacy Related to the Lake Diefenbaker Irrigation Expansion Project
34	Investing in First Nations Freshwater Stewardship
35	Support for the Initiative for Responsible Mining Assurance Standard
36	First Nations-Led Critical Minerals Strategy
37	Repatriation of First Nations Items and Sacred Artifacts
38	Supporting First Nations through the National Indigenous Fire Safety Council
39	Support for First Nations' Multilateral Negotiations and Implementation of Emergency Management
40	Support for the Renewal and Expansion of First Nations Adult Education Funding
41	Support for a Revised First Nations Control of First Nations Education Policy
42	Advancing Federal Recognition and Investment in First Nations Post-Secondary Institutions
43	Five Percent Quota of Indigenous Music on Public and Private Radio
44	Support for Equitable Funding for the AFN National Youth Council
45	Adoption of the Resolution 13 Panel Final Report: Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations
46	Transformative Change of the Access to Information Regime

#	Title
47	Implementation of the First Nations Data Governance Strategy
48	First Nations Early Learning and Child Care Results Framework and Evaluation Strategy
49	Supporting Jordan's Principle Child First Initiative and Upholding the Canadian Human Rights Tribunal 2016 CHRT 2
50	Regional First Nations Child and Family Services Reform Agreements
51	Jordan's Principle Operations
52	Approving Terms of Reference for FNCFS and Jordan's Principle Tables
53	Affirming First Nations Direction on Long-Term Reform

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**TITLE:** AFN Charter Amendment: Separation of Political and Corporate Functions

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**SUBJECT:** Governance

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**MOVED BY:** Khelsilem, Chairperson, Squamish Nation, BC

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**SECONDED BY:** Chief Sean Smith, Kwanlin Dun First Nation, YT

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**WHEREAS:**

- A. Since 1982, the Assembly of First Nations (the “AFN”) as a national organization continues to advocate and support the collective interests and priorities of First Nations from across Canada in accordance with the Charter of the Assembly of First Nations (consolidated December 2022) (the “Charter”).
- B. The AFN operates with a Secretariat that provides legal, technical and administrative supports to implement First Nations-in-Assembly directed mandates.
- C. The Executive Committee, which is comprised of politically elected Regional Chiefs, in addition to the National Chief and the Chairperson of the Knowledge Keepers Council, in effect serves as the corporate board of directors responsible for monitoring and controlling the Secretariat; establishing policies; selecting senior officials for the organization; approving personnel and service contracts for the Secretariat; securing fiscal resources for the AFN; and monitoring and controlling the expenditures of the AFN, governed in accordance with the Charter as well as corporate bylaws, established pursuant to the *Canada Not For Profit Corporations Act*, SC 2009 c. 23 (the “federal legislation”).
- D. Corporate oversight and support to the Secretariat, guided by technical expertise, is necessary for the effective and efficient operations of the AFN.
- E. The Executive Committee, with its current composition of politically elected Regional Chiefs, does not provide the technical expertise necessary to support the Secretariat’s operations; and being governed by the federal corporate bylaws has and continues to restrict the Regional Chiefs’ abilities to advance the political directives of the First Nations-in-Assembly and has resulted, from time to time, in conflicting priorities as Regional Chiefs and the board of directors.
- F. The *United Nations Declaration of the Rights of Indigenous Peoples* states:
  - i. (Article 18): Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
- G. It is recommended that the Charter be amended to alleviate the corporate responsibilities of the Executive Committee so that the Regional Chiefs can focus and provide dedicated political support and advocacy to the First Nations in between assemblies and to enhance the support to the Secretariat with a new corporate board of directors equipped with experienced technical expertise.
- H. The separation of political leadership from corporate governance is consistent with best practices in nonprofit, public, and Indigenous governance models, and is intended to safeguard the integrity, transparency, and operational accountability of the AFN.

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- I. As the scope of AFN's operations, funding, and responsibilities have expanded over time, the existing structure no longer provides the technical capacity required to ensure sound financial management, risk oversight, and strategic planning.
- J. The Executive Committee must be free to focus fully on political advocacy, national policy development, and relationship-building with First Nations and the Crown, unencumbered by the administrative burdens of corporate governance.
- K. The creation of a Secretariat Board of Directors does not replace or override the authority of the First Nations-in-Assembly but rather serves as a technical support mechanism to carry out the Assembly's mandates effectively.
- L. The Charter may be amended in accordance with Article 28 which states:

*This Charter may be amended by consensus or general agreement of the Chiefs or their duly accredited Proxy of the First Nations present at any Annual Meeting or Special Meeting of the First Nations in Assembly provided that at least 60 days written Notice is given to the First Nations in advance of the Annual Meeting or Special Meeting at which such amendment is to be tabled.*

- M. The requirements set out in Article 28 of the Charter have been satisfied.
- N. In accordance with the spirit and intent of this resolution, it is proposed that the Charter be amended, in chronological order, as follows:

ARTICLES	CURRENT LANGUAGE	PROPOSED AMENDMENT
The Executive Committee		
Article 18.7	The Executive Committee shall secure fiscal resources for the Assembly of First Nations and monitor and control the expenditures of the Assembly of First Nations.	Repealed. Replaced with the Secretariat Board of Directors assuming this responsibility in accordance with Article 26.
National Chief		
Article 20.1	The National Chief is a member of and is not separate and apart from the Executive Committee. He functions as a member of a collective leadership.	The National Chief is not independent and is part of a collective leadership within the Assembly of First Nations. The National Chief serves as a member of the First Nations in Assembly, the Executive Committee, and the Secretariat Board of Directors and is obligated to uphold their responsibilities as set out in this Charter.
Article 20.5	The National Chief shall maintain and direct the Secretariat in accordance with the directions set by the Executive Committee, the Confederacy of Nations and the First Nations-in-Assembly.	Repealed.
Article 20.6	The National Chief shall preside over the Executive Committee and Confederacy of Nations meetings.	The National Chief shall preside over the meetings for the Secretariat Board of Directors, the Executive Committee and Confederacy of Nations.
Article 20.7	The National Chief shall develop a budget for the office of National Chief and the rest of the Executive Committee and shall retain support staff to help the Executive Committee carry out	The National Chief shall develop a budget for the office of National Chief and correspondingly also for the Executive Committee, which should include financial resources for the Regional Chiefs to retain

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	their duties and obligations to the First Nations.	support staff and carry out their duties and obligations to the First Nations.
Article 20.8	The National Chief shall operate the Secretariat within the Budget approved each fiscal year by the Confederacy of Nations.	The National Chief shall operate the National Chief's Office within the budget approved each fiscal.
Article 22.3	In the event that the National Chief is removed from Office in accordance with paragraph 2 of this article or in the event that he dies or resigns, or is found to be medically unfit to carry on his duties and complete his term of office owing to physical or mental disability, or in the event that his term of office ends before a new election, the rest of the Executive Committee shall assume his role and function until such time as other arrangements are made by the First Nations-in-Assembly.	The Executive Committee shall appoint from among the Committee members a Deputy National Chief. The National Chief may delegate some of their duties to the Deputy National Chief from time to time or the Deputy National Chief can perform the duties of the National Chief in circumstances where the National Chief is unable perform their duties, due to being medically unfit; or physically or mentally disabled; or if the National Chief has been removed from office, dies or resigns. In circumstances where the National Chief's position becomes vacant the Deputy National Chief shall act until the First Nations-in-Assembly elects a new National Chief pursuant to Article 22.1.
The Secretariat		
Article 25	The Secretariat of the AFN shall be comprised of the Executive Committee and such administrative, technical and support staff as the Assembly of First Nations may require.	The Secretariat shall be comprised of the Secretariat Board of Directors and such administrative, technical and support staff as the Assembly of First Nations may require.
Article 26.1	The Secretariat shall function in accordance with its By-laws but so as to ensure the implementation of the decisions of the First Nations-in-Assembly and those of the Confederacy of Nations consistent with the decisions of the First Nations-in-Assembly.	The Secretariat shall be governed by the Secretariat Board of Directors in accordance with this Charter and the corporate Bylaws and any other applicable laws so as to ensure the implementation of the decisions of the First Nations-in-Assembly and those of the Confederacy of Nations consistent with the decisions of the First Nations.
NEW ARTICLES: Secretariat Board of Directors		
NEW Article 26B.1: Size and quorum of the Secretariat Board of Directors		The Secretariat Board of Directors shall consist of seven (7) members. Quorum shall require four (4) directors to be in attendance. In cases where quorum has been achieved and a director may need to recuse themselves from the discussion, due to a conflict of interest, the director's recusal and removal from the discussion will not impair the quorum.
NEW Article 26B.2: Nominations		The Secretariat Board of Directors will be nominated and selected in accordance with this Charter, AFN policies, corporate bylaws or applicable laws, as required.

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	Every three (3) years, the Secretariat shall issue a nation-wide public call for director nominations, in accordance with a nomination and selection policy.
NEW Article 26B.3: Term of office	Directors shall serve for a three-year term with a maximum of two consecutive full terms. Terms will be staggered to ensure corporate continuity in service.
NEW Article 26B.4: Appointment and Grounds for removal	The First Nations-in-Assembly shall appoint the directors to the Secretariat Board of Directors.  The First Nations-in-Assembly may remove a director from the board on the grounds that the individual has been found to have breached the AFN Charter, their Oath of Office or Independence or AFN Policies; or violated the applicable governing Bylaws or laws.
NEW Article 26B.5: Vacancies on Board	Should a vacancy occur on the Secretariat Board of Directors, mid-term, the Executive Committee may fill the vacancy by selecting a name from a roster of shortlisted candidates. If there are no short list candidates available to fill the vacancy a selection panel, in accordance with AFN policies, will be convened to select and recommend at least two (2) qualified candidates for the consideration and approval of the First Nations-in-Assembly at the next duly called assembly.
NEW Article 26B.6: The authorities, obligations and responsibilities of the Secretariat Board of Directors	The Secretariat Board of Directors shall monitor and control the Secretariat, set policy for the internal operations of the Secretariat, select all senior officers and establish policies for the management of all personnel or service contracts. The Secretariat Board of Directors shall oversee the responsibilities of the Secretariat with particular regard to: <ul style="list-style-type: none"> <li>a. Financial management and performance;</li> <li>b. Audit and risk;</li> <li>c. Human resources and compensation; and</li> <li>d. Operation policies.</li> </ul> To “oversee” for the purpose of this Article means the independent review, direction, and monitoring of the financial management of the Secretariat, human resource practices, operational policies, risk management and performance reviews to ensure compliance with the Charter, Bylaws and applicable law.
NEW ARTICLE 26B.7: Financial plans and annual budgets	In consultation with the Executive Committee, the Secretariat Board of Directors will develop AFN’s

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	<p>multiyear financial plans for 6 year periods with associated strategic plans, to guide the operations of the Secretariat.</p> <p>The Secretariat Board of Directors shall develop the Assembly of First Nations annual budgets, in accordance with the financial plans, for approval by the Executive Committee.</p>
NEW ARTICLE 26B.8: Fiscal Resources	<p>The Secretariat Board of Directors shall secure fiscal resources for the Assembly of First Nations and monitor and control the expenditures of the Assembly of First Nations.</p>
NEW ARTICLE 26B.9: Accountability	<p>The Secretariat Board of Directors shall be accountable to, report to and take direction from the Executive Committee and the First Nations-in-Assembly.</p>
NEW ARTICLE 26B10: Policies and Procedures	<p>The Secretariat Board of Directors shall develop a rules and procedures policy, for the operations of the Board, and to include an “Oath of Office, Independence and code of conduct” for a Director to swear before the First Nations-in-Assembly and to uphold during their service on the board.</p> <p>The Secretariat Board of Directors shall develop a Governance Manual to support the operations of the Board of Directors.</p> <p>The Secretariat Board of Directors is authorized to establish committees to support the Board's duties and responsibilities under this Article.</p>

- O. For the purpose of establishing and maintaining the Secretariat Board of Directors, it is recommended that the Secretariat develop a nomination and selection policy to provide an open and transparent process established in accordance with the following considerations and requirements.
- P. Public Notice. The nomination process shall be publicly advertised on the official AFN website and through all recognized AFN communication channels.
- Q. Delivery of Submissions. Nominations shall be submitted to the AFN Secretariat.
- R. Nomination Submission Requirements. Each nomination must include: a complete biography; a statement of qualifications demonstrating leadership experience and expertise in one or more of the following areas: financial management, human resource management, operations policy or strategic planning; a maximum of two (2) reference that addresses a person's qualifications, based on skill, knowledge, and/or experience; additional information that may be required by the current Executive Committee to assess the individuals' suitability; and an informed consent, in writing, for the AFN to conduct a criminal record and credit bureau check.
- S. Board Composition Requirements. The nomination process should encourage individuals from all regions, gender, generations and cultural representation as well as complementary professional expertise with the goal that at least

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50% of the directors are to be women, Two-Spirit or gender diverse persons. At a minimum there should be at least one (1) Chartered Professional Accountant (CPA) and one (1) senior HR professional (CHRL, CPHR or equivalent).

- T.** Qualifications and Diversity of Candidates. Individuals to be qualified to serve on the Secretariat Board of Directors must possess: proven leadership experience and a demonstrated track record in governance and community leadership; expertise in at least one relevant field of either financial management, human resources, operations policy or strategic planning; a demonstrated history of integrity, transparency and accountability; and public recognition by one's community, for excellence in service and leadership.
- U.** Timelines. The nomination process will commence 180 calendar days before the date of the Assembly in which the Secretariat Board of Directors are to be appointed. All complete nomination submissions must be filed and received by the Secretariat no later than 90 calendar days before the Assembly in which the Secretariat Board of Directors are to be appointed. In establishing the initial Secretariat Board of Directors, the Executive Committee shall review all the nominations submitted and establish a short list of eligible candidates no later than 45 calendar days before the date of the Assembly when the Secretariat Board of Directors is to be appointed.
- V.** Shortlisting Process. The Secretariat shall compile a complete list of nominations and forward to the Executive Committee and an arm's length selection panel, which could include representatives from the AFN Councils of: Youth; Women, Veterans and/or the 2SLGBTQIA for evaluation and to inform a short list. The selection process will aim to identify at least seven (7) and no more than ten (10) candidates with an interest in appointing seven (7) directors. Four (4) of the seven (7) resulting directors are to be independent and cannot be: a current AFN employee or contractor of the Secretariat; a sitting Chief, Proxy or Executive Committee member; or have material financial or familial relationships with an employee of the Secretariat that could or would influence their judgement.
- W.** Appointment and Removal. The First Nations-in-Assembly will confirm the appointment of the Secretariat Board of Directors and may remove any director in accordance with the Charter.
- X.** It is recommended that the Secretariat Board of Directors establish a Governance Manual to guide the Board's oversight and operations of the Secretariat and support the governance of the AFN and should include the following considerations and requirements.
  - i.** Compliance with the AFN Charter. All matters under the Governance Manual should ensure that actions or decisions conducted on behalf of the AFN are to uphold and comply with the AFN Charter.
  - ii.** Noncompliance of the Manual. A substantive noncompliance with the Manual would constitute a breach of the AFN Charter. The Manual should identify the distinction between a substantive noncompliance and a technical noncompliance.
  - iii.** Chair and Deputy Chair. The Secretariat Board of Directors shall choose a Chair amongst the directors as well as a Deputy Chair, to serve, in circumstances when the Chair either delegates their duties or is unable to fulfil their duties.
  - iv.** Establishment of Committees. The Board of Directors at a minimum should establish the following committees to support the ongoing work of the Secretariat: (a) audit and risk; (b) finance and performance; (c) human resources and compensation; and (d) nominations.
  - v.** Terms of Reference. To define the selection, goals, scope and responsibilities of AFN Representatives, including the National Chief.
  - vi.** Annual Review and Amendments. In accordance with the Secretariat Board of Director's authority to establish the Governance Manual the Board may amend the policy from time to time, following either annual reviews or biannual reviews, whichever is appropriate.

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**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Approves removing the corporate board responsibilities from the Executive Committee to allow the Assembly of First Nations (AFN) organ to focus and advance the political leadership that is necessary to realize the mandates directed by the First Nations-in- Assembly and the interests of the First Nations in between assemblies.
2. Approves establishing the AFN Secretariat Board of Directors to be comprised of experienced technical professionals to fulfil the corporate-related responsibilities and obligations to advance and support the administrative operations of the AFN.
3. Approves the considerations and requirements for the development of a nomination and selection process to establish and operate a resulting Secretariat Board of Directors.
4. Approves the considerations and requirements to develop and operate a Governance Manual.
5. Approves amendments to the AFN Charter in accordance with this Resolution and correspondingly directs the AFN, including the AFN Executive Committee and AFN Secretariat, to take the necessary actions to implement the objectives of the Charter amendments as well as update the AFN policies, bylaws and corporate records to reflect and uphold the amendments to the Charter, within **186 calendar** days from the date of this Resolution.
6. Confirms that the Charter amendments as expressed within this Resolution shall come into effect on the date of approval of this Resolution. The application of the AFN Bylaws or policies shall be interpreted and applied in accordance with the new Charter amendments as outlined in this Resolution.

# DRAFT RESOLUTION # 02 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Closing the First Nations Infrastructure Gap as the Nation-Building Project for One Canadian Economy

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**SUBJECT:** Economic Development, Infrastructure, Building Canada Act

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**MOVED BY:** Chief Tyson Bear, Flying Dust First Nation, SK

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**SECONDED BY:** Chief Shelley Bear, Ochapowace First Nation, SK

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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 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories or other resources.
  - iii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Government of Canada committed to implementing the UN Declaration under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2001, c. 14 (UNDA).
- C. Specifically, UNDA Action Plan Measure 15 states that the Government of Canada will “[c]ontinue to work with First Nations on closing infrastructure gaps on reserve – based on priorities identified by communities – with the goal of improving current service delivery (including increasing the number of housing units) as well as supporting increased First Nations capacity for housing governance, management and planning.
- D. Canada and First Nations are facing geopolitical and economic uncertainty with a rise of United States colonialism and the imposition of illegal tariffs.
- E. On June 26, 2025, *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act* (the *One Canadian Economy Act*), received Royal Assent. The legislation intends to remove federal barriers to internal trade and labour mobility, and advance nation-building projects crucial for driving Canadian productivity growth, energy security, and economic competitiveness.
- F. Respectful economic partnership is essential to drive mutual prosperity for Canada and First Nations and must be based on recognition of the collective rights of First Nations rights holders respecting lands, water, resources and First Nations inherent title, rights, jurisdiction, as well as Treaty.

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- G. With the rushed adoption of the *One Canadian Economy Act*, First Nations have expressed concerns around the lack of fulsome consultation in drafting the Bill, information shared prior to introduction of the Bill, and the timeline around how the federal government plans to implement the Bill.
- H. Parliamentary Committees that study bills often are not able to accommodate the number of First Nations likely wishing to engage on a matter of this magnitude and significance, and Parliamentary processes alone are not suitable or conducive to the depth of legal consultation likely required in this case to meet the Crown's consultation and consent obligations.
- I. The lack of access to critical infrastructure, such as housing, internet, power supplies, all-season roads, schools and teacherages, and facilities for healthcare and other essential services, has perpetuated deep-rooted structural inequality across First Nations in Canada.
- J. On May 15, 2025, the Assembly of First Nations (AFN) released the report, *Benefits for All Canadians (Part 2): Long-term Socio-Economic Impacts of Closing the Infrastructure Gap by 2030*, which finds that a \$349.2-billion investment required to close the infrastructure gap is projected to generate \$308.9-billion in GDP, \$202.7-billion in labour income, and \$86.7-billion in government revenues.
- K. Closing the First Nations Infrastructure Gap is the crucial Nation-Building Project that will see long-term socio-economic benefits and more robust economic development across Canada.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

- 1. Call on the Government of Canada to properly consult with First Nations on the implementation of all aspects of legislation, *One Canadian Economy Act: An Act to enact the Free Trade and Labour Mobility in Canada Act* and the *Building Canada Act* (the *One Canadian Economy Act*), ensuring any proposed major projects meet the Crown's consultation and free, prior, and informed consent obligations.
- 2. Call on the Government of Canada to include closing the First Nations Infrastructure Gap as a priority Nation-Building Project with a dedicated project office.
- 3. Call on the Minister responsible for the Canada-United States Trade, Intergovernmental Affairs and One Canadian Economy to:
  - a. Work with First Nations in a meaningful partnership based on upholding First Nations inherent, Treaty, and s. 35 constitutional rights in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
  - b. Ensure that implementation of the *One Canadian Economy Act* include sufficient time for First Nations to consult on proposed projects carried out on their lands and territories.
- 4. Direct the Assembly of First Nations (AFN) to:
  - a. Secure funding to support national engagement with First Nations on the implementation of the *One Canadian Economy Act*.
  - b. Intervene, where appropriate, in any First Nations-led litigation against the *One Canadian Economy Act*, advocating for the full respect of First Nations Inherent rights, Treaties, title and jurisdiction, as affirmed in the UN Declaration.

# DRAFT RESOLUTION # 03 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Delay *Building Canada Act* Implementation subject to Meaningful Inclusion and Co-Development Directly with First Nations

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**SUBJECT:** Environment, Lands, Water, Rights, Economic Development, Infrastructure

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**MOVED BY:** Khelsilem, Chairperson, Squamish Nation, BC

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**SECONDED BY:** Chief Terry Richardson, 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 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 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - iv. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
  - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories or other resources.
  - vi. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - vii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Government of Canada committed to implementing the UN Declaration under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2001, c. 14 (UNDA). The UNDA affirms the UN Declaration as a universal international human rights instrument with application in Canadian law (s. 4(a)), requires the Government of Canada to, in consultation and cooperation with Indigenous Peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration (s. 5), and

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requires the Minister, in consultation and cooperation with Indigenous Peoples and other federal Ministers, prepare and implement an action plan to achieve the objectives of the UNDA (s. 6(1)). The UNDA Action Plan commits to long-term, cross-departmental actions to support the federal implementation of the UN Declaration, which includes relevant action items to be achieved by 2028.

- C. Canada and First Nations are facing geopolitical and economic uncertainty with a rise of United States (U.S.) colonialism and the imposition of illegal tariffs. In response, Crown governments (federal/provincial/territorial) have focused on “fast-tracking” or “expediting” nation-building and major projects, introducing new policies, legislation and timelines that actively undermine First Nations’ Inherent and Treaty rights. The Province of Ontario has adopted Bill 5, *Protect Ontario by Unleashing our Economy Act*, while the Province of British Columbia adopted Bill 15, *Infrastructure Projects Act*. These proposals have the potential to undermine First Nations Inherent and Treaty rights and conflict with commitments made under the UN Declaration.
- D. On June 6, 2025, the Minister responsible for the Canada-U.S. Trade, Intergovernmental Affairs and One Canadian Economy, introduced new legislation, Bill C-5, *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act (One Canadian Economy Act)*, to remove federal barriers to internal trade and labour mobility, and advance nation-building projects crucial for driving Canadian productivity growth, energy security, and economic competitiveness.
- E. Following an expedited parliamentary process, in which First Nations had extremely limited ability to intervene, the *One Canadian Economy Act* was adopted and received Royal Assent on June 26, 2025 – just 20 days after it was introduced.
- F. The *One Canadian Economy Act* sets out criteria for determining projects in the “national interest” in order to ensure an expedited approval and conditioning process. Along with “any other factor” that Cabinet deems relevant, criteria include: strengthen Canada’s autonomy, resilience, and security; provide economic or other benefits to Canada; have a high likelihood of successful execution; advance the interests of Indigenous Peoples; have clean growth potential and contribute to Canada’s climate change objectives.
- G. No projects have been added to Schedule 1 to date, but information from Canada suggests that projects eligible for designation as those in Canada’s “national interest” include infrastructure and corridors such as highways, railways, ports, airports, pipelines, nuclear projects, clean and conventional energy projects, and electricity transmission systems.
- H. The legislation has the potential to expedite approvals of projects which contravene and infringe upon the rights of First Nations in favour of Canada’s “national interest.”
- I. Information released by the federal government to date lacks sufficient information and analysis on how the proposed legislation aligns with s. 5 of the *UNDA* or how First Nations’ right to consultation and accommodation rises to the minimum international standard of free, prior, and informed consent to be respected and implemented in development and implementation of the legislation.

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- J. Section 35(1) of the *Constitution Act, 1982*, gives constitutional recognition and affirmation to the Aboriginal and Treaty rights of the Aboriginal Peoples of Canada. Decisions made by federal, provincial and territorial governments have the effect of contributing to the environmental degradation, including the degradation and destruction of fish and/or wildlife habitat. Environmental impacts can also result in an unjustified infringement to the point of extinguishment, of hunting, fishing, trapping, harvesting, land-use and occupancy rights Aboriginal and Treaty rights recognised and affirmed in s. 35 of the *Constitution Act, 1982*.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on the Assembly of First Nations (AFN) to advocate for amendments to the *Building Canada Act* and ensure that any related federal regulatory reviews and orders include:
  - a. legislated protections of First Nations' inherent, Treaty, constitutional and human rights, title, and jurisdiction;
  - b. legislated joint decision-making authority with First Nations governing authorities, ensuring sufficient time to consider information, engage in meaningful consultation, and deliberate internally to provide their free, prior, and informed consent (FPIC);
  - c. clear legislative mechanisms to uphold FPIC, in line with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration);
  - d. legislated protections for Indigenous Knowledge systems;
  - e. legislated inclusion of First Nations self-determined distinctions-based governance mechanisms within any proposed federal Major Projects Office;
  - f. no unilateral authority granted to any Minister to define regulatory provisions, override environmental protections, fast-track permitting processes;
  - g. full consultation with and consent from all potentially impacted First Nations before a project can be deemed to be in the "national interest" and added to Schedule 1; and
  - h. priority for projects that deliver direct, measurable, and community-defined benefits to First Nations.
2. Call on the Minister responsible for the implementation of the *Building Canada Act* to work with all impacted First Nations in meaningful partnership based on upholding First Nations Inherent, Treaty, and s. 35 constitutional rights in accordance with the UN Declaration.
3. Call on the Government of Canada to provide adequate funding directly to First Nations for their full, direct, and unfettered participation in the co-development of Schedules, orders, and regulations, as well as the implementation of the *Building Canada Act*.

# DRAFT RESOLUTION # 0 4 / 2 0 2 5

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Immediate Federal Intervention to Address the Fentanyl, Opioid, and Substance Abuse Crisis in First Nations Communities

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**SUBJECT:** Emergency Health, Public Safety, Substance Use, Drug Crisis, Policing, Community Wellness

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**MOVED BY:** Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

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**SECONDED BY:** Chief Lisa Young, Bloodvein River First Nation, MB

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### WHEREAS:

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) establishes the minimum standards for the survival, dignity, and well-being of Indigenous peoples, including:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development, which includes the right to participate in decision-making and be provided with adequate resources to address their issues.
  - iii. Article 24 (2): Indigenous individuals have the right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view of achieving progressively the full realization of this right.
- B.** The Truth and Reconciliation Commission of Canada, Calls to Action state that:
- i. #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. #42: We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.
- C.** Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) address the ongoing crisis of violence experienced by Indigenous women, girls, and Two Spirit/LGBTQQIA persons across Canada, including calls “upon all governments”:
- i. [5.11]: We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples’ courts.
  - ii. [7.1]: We call upon all governments and health service providers to recognize that Indigenous Peoples – First Nations, Inuit, and Métis, including 2SLGBTQQIA people – are the experts in

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caring for and healing themselves, and that health and wellness services are most effective when they are designed and delivered by the Indigenous Peoples they are supposed to serve, in a manner consistent with and grounded in the practices, world views, cultures, languages, and values of the diverse Inuit, Métis, and First Nations communities they serve.

- D. AFN Resolution 60/2023, *Measures to Address the Impacts of the Opioid Crisis*, directs the AFN to: Call on the Assembly of First Nations (AFN) to advocate for and politically support First Nations pursuing civil litigation against those responsible for trafficking and loss of life, to secure reparations that aid family healing and strengthen First Nations' capacity to address the opioid crisis. Further, call on the AFN to urge the federal government to recognize policing as an essential service, enhance culturally appropriate RCMP supports, fund community safety officer programs, enable safe supply initiatives grounded in First Nations rights, and support advisory committees focused on opioid prevention, harm reduction, and culturally informed policing and health care practices.
- E. First Nations leaders, families, and front-line workers are overwhelmed by the sheer scale and complexity of the crisis, while support from federal and provincial governments remains fragmented, underfunded, and reactive. First Nations communities possess unique knowledge, cultural practices, and innovative solutions that, when supported by increased resources and collaboration with the federal government, can lead to healthier and safer communities
- F. First Nations across the country are calling for legal reforms that reflect the true scale and human impact of the fentanyl crisis, and that prioritize the protection of life over the criminal impunity currently enabling traffickers and dealers.
- G. Mr. Joseph Foure, is an advocate who created the “No Thanks, I’m Good” movement and promotes Harlan’s Law, following the tragic loss of his son Harlan Foure to fentanyl poisoning. Harlan’s Law proposes that individuals who knowingly and illegally sell fentanyl and other deadly substances that result in a fatality be held criminally responsible for the resulting death, similar to other forms of criminal negligence or manslaughter under Canadian law. The proposed Harlan’s Law additions to the criminal code *Administering a noxious thing* 245 (1) are as follows:
  - i. (c) of an indictable offense and liable to imprisonment of no less than five years where Fentanyl is involved whether to do so with or without intent to aggrieve or annoy that person.
  - ii. (d) of an indictable offense and liable to imprisonment for a term of life with a minimum 15 years where Fentanyl is involved whether to do so with or without intent when death occurs because of such substance being administered.
- H. Canada is proposing Bill C-2 (*Strong Borders Act*), to amend the *Controlled Drugs and Substances Act* and *Cannabis Act*, to clarify authority around law enforcement exemptions while also creating an accelerated scheduling pathway for precursor chemicals, which are essential chemicals for the production of a controlled substance such as fentanyl and other illicit drugs.

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

1. Declare a First Nations-wide State of Emergency in relation to the fentanyl, opioid, drug, alcohol, and bootlegging crisis currently devastating First Nations families and communities across Canada.

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2. Direct the Assembly of First Nations (AFN) to express support in principle for the objectives of Harlan's Law, as proposed by advocate Joseph Foure, which aims to hold individuals criminally responsible for illegally selling fentanyl or similarly toxic substances that result in overdose deaths.
3. Call upon the Prime Minister of Canada and the Ministers of Public Safety, Justice Canada, Health, Indigenous Services Canada, and Crown-Indigenous Relations, to adequately and meaningfully engage with First Nations to identify and implement vital components of Bill C-2 that would immediately meet the needs of First Nations. Further, that all relevant federal departments immediately partner with First Nations leadership and coordinate an emergency national intervention while ensuring core funding is in place to support culturally appropriate responses focused on First Nations public safety strategies and withdrawal management and treatment centres.
4. Call upon the Government of Canada to commit sustained, multi-departmental resources, to confront the root causes of the fentanyl, opioid and substance use epidemic, with a focus on wrapping resources around prevention, intervention, rehabilitation programs and access to Naloxone for all First Nations.
5. Direct the AFN Secretariat to seek funding to establish a National Emergency Task Force on First Nations health, comprised of relevant chiefs' committees, First Nations leaders, mental health experts, researchers, Knowledge Keepers, youth, and law enforcement partners, to guide a restorative and fair response to the substance misuse crisis in communities.

# DRAFT RESOLUTION # 05 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Baeleigh's Law

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**SUBJECT:** Justice

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**MOVED BY:** Chief Rodger Redman, Standing Buffalo First Nation, SK

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**SECONDED BY:** Chief Shelley Bear, Ochapowace, SK

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
  - ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
  - iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights, Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. First Nations have an inherent right to justice, safety, and well-being, particularly for their children, and these rights must be respected and upheld through Canadian legal and judicial systems.
- C. On March 29, 2018, the Government of Canada introduced Bill C-75, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*. Bill C-75 (the Act) received Royal Assent on June 21, 2019. The Act streamlines the classification of offences, expands judicial case management power, and provides additional measure to reduce criminal justice system delays to make the criminal law and the criminal justice system clearer and more efficient.
- D. In September 2021, Baeleigh Maurice, a nine-year-old First Nations child, was tragically struck and killed by a non-Indigenous impaired driver. Despite the seriousness of the incident and evidence presented, the resulting legal process was marked by repeated delays not caused by the Crown or the family.
- E. On December 13, 2024, the Provincial Court stayed the charge against the accused, citing the *R. v. Jordan* Supreme Court decision, which sets an 18-month limit on delays in provincial court proceedings. This decision resulted in the case being dismissed without trial, causing renewed harm to the family and community and denying justice to a First Nations child.
- F. This outcome contradicts First Nations' Inherent Rights and fails to uphold obligations under the UN Declaration, the Truth and Reconciliation Commission's 94 Calls to Action, and the 231 Calls for Justice

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from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), all of which call for justice reform and meaningful protections for Indigenous children and families.

- G. The Federation of Sovereign Indigenous Nations (FSIN) Indian Justice Commission has identified this case as an example of systemic failure and has recommended six amendments to Bill C-75, aimed at preventing future injustices against First Nations children in the justice system.

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

1. Direct the Assembly of First Nations (AFN) to conduct a thorough review and ensure full understanding of “Baeleigh’s Law,” which consists of amendments to Bill C-75 aimed at prioritizing impaired driving cases involving harm to First Nations children and preventing their dismissal due to procedural delays.
2. Upon completion of this review, and with clear support from the First Nations in Assembly, urge the federal government to adopt “Baeleigh’s Law” to better protect First Nations children from impaired driving harms.
3. Request that the AFN advocate for federal investment in legal reform efforts that protect First Nations children, reduce procedural inequities, and align the Criminal Code of Canada with the principles of the UN Declaration, the Truth and Reconciliation Commission’s Calls to Action, and the MMIWG Calls for Justice.
4. Call on the federal government recognize and fund culturally appropriate legal supports and justice services to ensure First Nations families are not further traumatized by delays or systemic barriers within the justice system.

# DRAFT RESOLUTION # 06 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Improving NIHB Access to Gender-Affirming Products, Gear and Supplies

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**SUBJECT:** Health, Non-Insured Health Benefits, 2SLGBTQQA+

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**MOVED BY:** Chief Gabriel Atwin, Bilijik (Kingsclear First Nation), NB

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**SECONDED BY:** Chief Allan Polchies Jr., Sitansisk (St. Mary's First Nation), NB

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### WHEREAS:

- A. Gender-affirming care encompasses a range of social, psychological, behavioural, and clinical interventions designed to support and affirm an individual's gender identity, which is essential for the well-being of Two-Spirit, transgender, non-binary, and gender non-conforming individuals. According to the cultural norms and teachings of many Indigenous societies across Canada, diverse gender identities have been an integral part of society since time immemorial. There has always been a need for culturally safe gender affirming care, as youth are motivated to explore their gender identity and seek gender-affirming knowledge and guidance from Elders and healthcare practitioners.
- B. Access to culturally safe gender-affirming care has been shown to significantly improve mental health outcomes, reduce rates of depression, anxiety, and suicidality, and enhance the overall quality of life for First Nation transgender, non-binary, and gender non-conforming individuals.
- C. Barriers to accessing gender-affirming care for First Nation Two-Spirit, transgender, non-binary, and gender non-conforming individuals across Canada include, but are not limited to:
  - i. Discriminatory and oppressive Canadian laws, such as the *Indian Act*, that have suppressed Indigenous understandings of gender and sexuality. These laws imposed binary, Western notions of gender and criminalized same-sex relationships;
  - ii. Discriminatory and oppressive policies that fail to recognize or sustainably fund culturally safe, gender-affirming care for First Nations 2SLGBTQQA+ people;
  - iii. Barriers to or lack of Non-Insured Health Benefit (NIHB) coverage, which does not consistently cover all aspects of gender-affirming procedures, such as hormone therapies, surgeries, or mental health supports. Access to gender-affirming care often depends on provincial policies, which vary widely and lead to gaps in coverage, delays in care, and forced medical travel;
  - iv. Anti-Indigenous and systemic racism in health systems;
  - v. Societal stigma; and
  - vi. A shortage of culturally safe, knowledgeable and affirming healthcare providers.
- D. Promoting equitable access to gender-affirming care aligns with broader public health goals of reducing health disparities and achieving health equity for all individuals, regardless of their racial, sexual, and gender identity.

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THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call upon the Assembly of First Nations (AFN) to support and advocate for the rights of First Nation Two-Spirit, transgender, non-binary, and gender non-conforming individuals to access comprehensive, affirming, and evidence-based gender-affirming care.
2. Call on Indigenous Services Canada's (ISC) First Nations and Inuit Health Branch (FNIHB), to remove the prescription requirement to access gender-affirming products, gear, and supplies through the Non-Insured Health Benefit (NIHB).
3. Call on ISC, the FNIHB, to work with the AFN to develop regional *Access to Gender-Affirming Care Toolkits*, outlining points of access (i.e., providers), relevant supports, and NIHB coverage specifics (i.e., supplies, mental health, pharmacy, etc.).
4. Call upon the AFN to seek the resources to support educational initiatives that equip both healthcare providers and ISC, FNIHB staff, with the knowledge and skills necessary to provide culturally safe, comprehensive, affirming, and evidence-based gender-affirming care.

# DRAFT RESOLUTION # 07 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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<b>TITLE:</b>	<b>National Review of Traditional Healer Program and NIHB Transportation Policy</b>
<b>SUBJECT:</b>	Health, Traditional Healing, Medical Transportation
<b>MOVED BY:</b>	Chief Leroy Denny, Eskasoni, NS
<b>SECONDED BY:</b>	Chief Robert Gloade, Millbrook, NS

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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 and implementing legislative or administrative measures that may affect them.
  - iii. 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.
  - iv. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
  - v. 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.
- B. The Truth and Reconciliation Commission's 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.

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- ii. Call to Action #22: We call upon those can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
- C. The First Nations principles of OCAP® (Ownership, Control, Access, and Possession), assert that First Nations have the right to own, control, access and possess information about their nations, which is fundamental to First Nations inherent right to self-determination and data sovereignty.
- D. The First Nations Mental Wellness Continuum framework states in section 6.1 speaks to how culture is foundational to wellbeing of First Nations individuals and in section 6.1.1 calls upon “Government bodies at the federal, provincial, and territorial levels must work with communities to ensure their distinct circumstances are understood and incorporated into programming and policy development; programs and policies must reflect the needs and strengths of local First Nations communities.”
- E. In Dr. Amy Bombay’s research paper *Parents and/or grandparents attendance at Residential School and cultural related factors: Associations with mental and substance use among First Nations adults living off-reserve* highlights that participation in cultural practices, including traditional ceremonies, plays a crucial role in promoting mental health and well-being amongst Indigenous populations.
- F. Joyce’s Principle affirms the right of Indigenous Peoples to equitable access to health and social services without discrimination, and to receive healthcare that respects cultural identity, traditions, and wholistic understandings of health.
- G. In 2017-18, Indigenous Services Canada (ISC) First Nations and Inuit Health Branch (FNIHB) Non-Insured Health Benefits program introduced Traditional Healer Services Funding under the Mental Health Counselling Benefits and amended the Medical Transportation Benefits to support access to Traditional Healer.
- H. The Non-Insured Health Benefits (NIHB) national review changes regarding Traditional Healer Services and/or Medical Transportation Benefits retained culturally unsafe policies, such as:
  - i. Imposition of one hour time limits for one-on-one appointments with traditional healers, which reflects colonial mindsets and disregards Indigenous understandings of healing by a traditional healer.
  - ii. Only individuals with a medical condition verified by Western authorities can benefit from traditional healing practices, which is a form of whitewashing that imposes colonial standards on Indigenous healing and undermines autonomy.
  - iii. Individuals are limited for medical transportation to a “nearest provider” despite their specific cultural needs and practices.
  - iv. Exceptions to the NIHB policies that are not rooted in understanding of how traditional healing occurs, and that do not respect the diversity of ceremonies and cultural protocols across and within regions.

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

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to advocate for the permanency and expansion of Indigenous Services Canada's (ISC) First Nations and Inuit Health Branch (FNIHB) Non-Insured Health Benefits (NIHB) traditional healer funding.
2. Direct the AFN to collaborate with ISC FNIHB and its NIHB Joint Review Committee, along with the AFN Knowledge Keepers Council, to complete a national review and reform of the NIHB's Medical Transportation policy and the traditional healing program, to overhaul current policies that perpetuate cultural harm and restrict access to First Nations traditional healing in a culturally safe manner, and assert the rights of First Nations to determine their own traditional healers and traditional healing practices according to their own distinct and unique First Nation's culture.

# DRAFT RESOLUTION # 08 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Reforming the NIHB Program to Ensure Equitable, Accessible and Culturally Safe Healthcare

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**SUBJECT:** Health

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**MOVED BY:** Chief Ruth Massie, Ta'an Kwäch'än Council, YT

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**SECONDED BY:** Deputy Chief Harlan Schilling, Daylu Dena Council, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
  - ii. 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. Assembly of First Nations (AFN) Resolution 05/20, *Principle for the elimination of racism and discrimination in the services provided to First Nations*, calls on Canada to recognize Joyce's Principle (2020) which aims to guarantee to all Indigenous people the right of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional and spiritual health.
- C. The Truth and Reconciliation Commission of Canada's Calls to Action, including specific Calls #18-23 related to health, emphasize the need to address health inequities and ensure First Nations access to the same quality of health care as other Canadians.
- D. The Non-Insured Health Benefits (NIHB) program is administratively complex and fragmented which requires clients to navigate multiple federal and territorial/provincial systems to access essential health services.
- E. Indigenous clients often face delays or denials when seeking approval for medically necessary services, medications, or medical supplies under the NIHB program.
- F. The lack of centralization and coordination in the NIHB program leads to inconsistent access, confusion, and barriers to care for First Nations citizens, particularly in remote and northern communities.
- G. The reimbursement rates for NIHB-covered services and travel are outdated and do not reflect current market rates or the true cost of accessing services, especially in northern and remote communities.
- H. Indigenous patients are often forced to pay out-of-pocket or forgo necessary treatment due to denied claims, insufficient coverage, or lack of transportation and lodging support.

# DRAFT RESOLUTION # 08 / 2025

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- I. The current NIHB travel policy does not adequately support equitable access to care for rural and northern Indigenous people, who must travel long distances for basic health services, including the Ta'an Kwäch'än Council and other Yukon First Nations.
- J. Inconsistent application of travel and escort policies across regions creates inequities in health access for Indigenous people.
- K. First Nations clients face significant administrative burden due to overlapping responsibilities and gaps between federal NIHB programming and territorial/provincial health systems.
- L. The federal NIHB program is not sufficiently responsive to the unique cultural, geographic, and community health needs of Indigenous Peoples.
- M. The deficiencies and systemic barriers within the NIHB program contribute to worsening health disparities and undermine the rights of Indigenous Peoples to equitable and timely healthcare.

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

1. Direct the Assembly of First Nations (AFN) to call upon Indigenous Services Canada (ISC) to immediately undertake reform of the Non-Insured Health Benefits (NIHB) program working in collaboration with First Nations governments, with the goal of being culturally safe, equitable, and responsive to the unique needs of First Nations citizens, particularly in the remote, isolated, and northern regions.
2. Direct the AFN to urge the federal government to implement a centralized, streamlined, and transparent NIHB system that reduces administrative burden, eliminates delays and denials, and ensures timely access to medically necessary health services, medications, and medical supplies and equipment.
3. Direct the AFN to advocate for increased, sustainable funding and modernize the NIHB policies (i.e., updated reimbursement and travel policies) to reflect the real costs and current market realities incurred, specifically by the remote, isolated, and northern regions.
4. Direct the AFN to urge the federal government to co-develop a First Nations-led NIHB governance model, grounded by the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), Joyce's Principle, and the Truth and Reconciliations Calls to Action, to ensure full partnership and decision-making authority, and to uphold Indigenous rights to equitable and accessible health care.

# DRAFT RESOLUTION # 09 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Jurisdiction over First Nations Inherent Right to Traditional Birthing Practices

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**SUBJECT:** Health

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**MOVED BY:** Chief Christine Longjohn, Sturgeon Lake First Nation, SK

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**SECONDED BY:** Chief Erica Beaudin, Cowessess First Nation, SK

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### WHEREAS:

- A. First Nations have the Inherent right to traditional health practices, including birthing.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, (UNDA) places a positive obligation on the Government of Canada to take all measures necessary to ensure that the laws of Canada are consistent with the articles and minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which include:
  - i. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions
  - iii. Article 24: 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.
- C. The Truth and Reconciliation Commission of Canada Call to Action number 18 calls on the federal, provincial and Aboriginal governments to acknowledge the state of Aboriginal health in Canada is a direct result of provincial 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.
- D. Sturgeon Lake First Nation has developed a pakitahāw-sākahikaniyiniwak nihtāwikhāwasowin miyikowisiwina (Traditional Birthing Law) that is in line with traditional Cree health practices as they relate to birthing.
- E. Sturgeon Lake First Nation will begin operations at the Shirley Bighead nihtāwiki/Birthing Lodge in fall 2025 in accordance with the pakitahāw-sākahikaniyiniwak nihtāwikhāwasowin miyikowisiwina (Traditional Birthing Law).
- F. Federation of Sovereign Indigenous Nations Chiefs-In-Assembly passed Resolution #2050 calling on Government of Canada to allocate funding to support Indigenous midwives and doulas.

# **DRAFT RESOLUTION # 09 / 2025**

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Call on the Government of Canada to publicly and fully commit to supporting First Nations inherent right to traditional health practices, including the right of Sturgeon Lake First Nation, Saskatchewan, to exercise jurisdiction through the pakitahāw-sākahikaniyiniwak nihtāwikhāwasowin miyikowisiwina specifically.
2. Direct the Assembly of First Nations (AFN) to advocate for First Nations inherent right to traditional health practices, and to support First Nations in exercising this right.
3. Call upon the Government of Canada and each Province and Territory to acknowledge and take action to address the historical impact of the health care system on Indigenous women and children in Canada.
4. Call on the Government of Canada to fairly and equitably fund First Nations that assert their inherent right over traditional health practices, for both capital and operations.

# DRAFT RESOLUTION # 10 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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<b>TITLE:</b>	Support for First Nations-Led Engagement on Medical Assistance in Dying
<b>SUBJECT:</b>	Health, Justice, Accessibility/Disability, MAID
<b>MOVED BY:</b>	Chief Sheldon Kent, Black River First Nations, MB
<b>SECONDED BY:</b>	Chief Blaine Fiddler, Waterhen Lake First Nation, SK

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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 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.
  - iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The Truth and Reconciliation Commission's Calls to Action – particularly Calls to Action #18 through #24 on Health – urge all levels of government to recognize and address the distinct health needs and rights of Indigenous Peoples. These Calls to Action emphasize closing the gaps in health outcomes between Indigenous Peoples and non-Indigenous peoples, recognizing the value of Indigenous healing practices, and upholding Indigenous Peoples' healthcare rights as identified in international law and under Treaties, in order to advance reconciliation and eliminate persistent health inequities.
- C. In 2016, the Parliament of Canada amended the *Criminal Code* to legalize medical assistance in dying (MAID) under defined circumstances for adults suffering from grievous and irremediable medical conditions through Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. In 2021 it enacted further amendments through Bill C-7, *An Act to amend the Criminal Code (medical assistance in dying)* to expand eligibility beyond end-of-life contexts. These legislative changes removed the requirement that a person's natural death be reasonably foreseeable and created a two-track system of MAID safeguards, broadening access to MAID while introducing new safeguards for those not near end of life. Both of these legislative changes were enacted in response to court decisions that found the law unconstitutional.
- D. Parliament initially excluded persons suffering solely from a mental illness from eligibility for MAID, pending further study. Whereas that exclusion, originally set to be lifted in March 2023 was extended to March 2024, has been further extended and is now scheduled to be lifted on March 17, 2027. The

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Government appointed an Expert Panel on MAID and Mental Illness to review and make recommendations regarding MAID requests where mental illness is the sole underlying medical condition. Their 2022 Final Report of the Expert Panel on MAID and Mental Illness indicated that existing MAID eligibility criteria and safeguards, taken in conjunction with existing laws, standards and practices in related areas of health care provide an adequate structure for MAID and mental disorder so long as they are interpreted appropriately, while also identifying the need for the development of clinical guidance, education and training materials, and prospective review and oversight, would be critical to support the safe assessment of MAID in complex cases.

- E. As required by former Bill C-7, a Special Joint Committee on MAID (AMAD) conducted a Parliamentary review of the *Criminal Code* MAID provisions and their application, and issues relating to mature minors, advance requests, mental illness, the state of palliative care in Canada and the protection of Canadians with disabilities. AMAD released two reports, in June 2022 and February 2023. In its two reports, AMAD recognized the importance of standards of practice, clear guidelines, adequate training, comprehensive assessments, and meaningful oversight for the safe implementation of MAID where mental illness is the sole underlying medical condition. In its 2023 report, AMAD stated that individuals whose sole medical condition is a mental disorder should have access to MAID provided they meet the eligibility criteria and practice standards are in place. AMAD also noted that people with disabilities need financial supports, better access to social supports, disability supports, and healthcare so that MAID is not seen as a way to relieve suffering due to poverty and lack of services.
- F. The Assembly of First Nations (AFN), in its 2025 Shadow Report to the UN Committee on the Rights of Persons with Disabilities (UN-CRPD), observed a severe lack of protection and culturally safe engagement for First Nations persons with disabilities in the context of MAID. The AFN noted that the absence of any First Nations-specific consultation on MAID represents a failure to uphold the principle of free, prior, and informed consent as affirmed in the UN Declaration. The Shadow Report further warned that insufficient health and social supports can effectively push some First Nations persons with disabilities toward MAID as an alternative to living with inadequate care, exposing a grave gap in Canada's implementation of its obligations under the CRPD.
- G. The UN CRPD expressed significant concerns about possible discrimination and bias in Canada's MAID regime in its Concluding Observations published in March 2025. The UN CRPD has urged the Government of Canada to halt the expansion of MAID and condemned the regime, raising concerns that the existing framework may be influenced by ableist assumptions that devalue the lives of persons with disabilities. The Committee emphasized that systemic failures, including inadequate access to health care, housing, and social support services, may lead individuals with disabilities to consider MAID not out of genuine choice, but due to lack of viable alternatives.
- H. Since 2023, Health Canada has disbursed over \$3.2 million to various First Nations, Inuit and Métis organizations to support Indigenous-led community engagement on palliative care and MAID, and allocated a further \$1.2 million to convene a series of national dialogues, a national Indigenous knowledge exchange and an online survey. The objective of this engagement was to hear the perspectives of Indigenous Peoples in order to inform MAID policy and legislation. Involvement in discussions on MAID policy development by First Nations leadership and a coordinated national First Nations-led engagement process has yet to occur. This means that First Nations voices, perspectives

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and rights have not been adequately heard or address in the shaping of federal MAID policies and legislative amendments that impact First Nations individuals, families, and communities.

- I. There is an absence of a comprehensive, whole-of-government engagement approach with respect to MAID that reflects free, prior and informed consent and true nation-to-nation accountability to First Nations. The failure to undertake a First Nations-specific, coordinated engagement across federal departments on MAID is inconsistent with Canada's stated commitments to a nation-to-nation relationship and shared development of health policies. This gap undermines the ability of First Nations to exercise their jurisdiction over health and end-of-life matters and does not uphold the standards of consultation and consent required by the UN Declaration and the Government of Canada's own obligations to First Nations.

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

1. Direct the Assembly of First Nations (AFN) to seek and secure funding from Health Canada, Indigenous Services Canada (ISC), and all other relevant federal departments to support a national First Nations-led engagement process of Medical Assistance in Dying (MAID).
2. Direct the AFN, contingent upon the availability of such funding, to initiate, lead, and coordinate this process in a manner that upholds First Nations rights to self-determination in health, be rooted in the First Nations values, including life promotion, cultural safety, ancestral knowledge, and equitable access to care across the lifespan, and include distinctions-based engagement sessions, to enable the full participation of First Nations (including persons with disabilities, seniors, and Elders) in these dialogues.
3. Direct the AFN to publish a comprehensive report summarizing the outcomes of the First Nations-led engagement on MAID.
4. Direct the AFN to collaborate and work across federal departments, including but not limited to Health Canada, ISC, Justice Canada, Employment and Social Development Canada, and Housing, Infrastructure and Communities Canada to ensure that all MAID-related federal policies, programs, and legislative initiatives incorporate and reflect perspectives, needs, and recommendations articulated through this First Nations-led engagement.

# DRAFT RESOLUTION # 11 / 2025

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**TITLE:** Opposition to the Canadian Precision Health Initiative

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**SUBJECT:** Health, Genomics, Data Governance

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**MOVED BY:** Chief Sheldon Kent, Black River First Nation, MB

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**SECONDED BY:** Chief Blaine Fiddler, Waterhen Lake First Nation, SK

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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 and implementing legislative or administrative measures that may affect them.
- iii. 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.

B. The Truth and Reconciliation Commission's Call to Action #18 states:

- i. 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.

C. The First Nations principles of OCAP® (Ownership, Control, Access, and Possession) assert that First Nations have the right to own, control, access and possess information about their nations, which is fundamental to First Nations inherent right to self-determination and data sovereignty.

D. In October 2023, the Government of Canada announced a \$15 million investment over five years to create a Pan-Canadian Genome Library (PCGL). The first-of-its-kind national genomic database aiming to centralize genomic data management and sharing across the country. The PCGL is being developed through partnerships, including the Canadian Institutes of Health Research, Genome Canada, the

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Digital Research Alliance of Canada, and CGEn (Canada's National Platform for Genome Sequencing and Analysis).

- E. In February 2025, the Government of Canada announced the Canadian Genomics Strategy, backed by \$175.1 million in federal funding over seven years (starting in 2024-25). This Strategy is intended to strengthen Canada's global leadership in genomics by accelerating the translation of research into real-world applications in health (e.g., personalized medicine, rare disease treatments), agriculture, and environmental sustainability.
- F. In March 2025, Genome Canada (with support from the Government of Canada) launched the Canadian Precision Health Initiative (CPHI) to assemble Canada's largest-ever collection of human genomic data, over 100,000 genomes representing the diversity of Canada's population. The CPHI is funded by an initial \$81 million federal investment, anticipating a total investment of \$200 million through partnerships. The initiative has goals to enhance health care through precision medicine.
- G. The centralization and sharing of genomic data without explicit First Nations governance and consent risks violating First Nations data sovereignty and repeating colonial patterns of data extraction. Without mechanisms for First Nations oversight or accountability, the current initiatives may enable misuse, misrepresentations, and/or unauthorized access to Indigenous genomic information by third parties, in ways that contravene to First Nations laws, values, and interests.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to formally oppose the inclusion, collection, and use of First Nations genomic data within the current structure and implementation of the Canadian Precision Health Initiative (CPHI), including the Pan-Canadian Genome Library, where it has proceeded without meaningful consultation or consent with First Nations and lack of adherence to OCAP® principles and the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
2. Direct the AFN to collaborate with the First Nations Information Governance Centre to identify and assess existing Indigenous-controlled genomic data libraries or governance frameworks that upholds First Nations' data sovereignty, reflect OCAP® principles, and aligns with First Nations cultural values and protocols.
3. Call upon the Government of Canada to immediately pause the collection and use of First Nations genomic data within the CPHI and related projects until meaningful consultation with First Nations is conducted, and formal mechanisms for First Nations governance, consent, and accountability are established. This resolution does not preclude First Nations from choosing to partner with such initiatives on their own terms.
4. Urge all federal agencies and partners involved in genomic data initiatives to recognize and respect First Nations' inherent rights to their genomic data, as affirmed by UN Declaration, and to support the development and implementation of Indigenous-led data governance structures both nationally and globally.

# DRAFT RESOLUTION # 12 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for a First Nations-Led Organ and Transplant Program

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**SUBJECT:** Health, Organ Donation and Transplant, Self-Determination

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**MOVED BY:** Chief Sheldon Kent, Black River First Nation, MB

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**SECONDED BY:** Chief Derek Nepinak, Pine Creek First Nation, MB

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### WHEREAS:

- A. The Assembly of First Nations (AFN) is mandated to advocate for the collective rights, interests, and priorities of First Nations across Turtle Island, consistent with the Inherent right to self-determination and the protection of health and wellness.
- B. Access to timely, culturally appropriate, and equitable health care services—including organ and tissue donation and transplantation—is a human right and essential for the wellbeing of First Nations citizens.
- C. First Nations people face systemic barriers and inequities in the current organ and transplant system, including disparities in access, outcomes, culturally safe care, and opportunities for community-led solutions.
- D. Existing provincial and federal organ donation and transplant systems have not adequately addressed First Nations-specific needs, perspectives, or cultural values related to life, death, body integrity, and traditional beliefs.
- E. There is an urgent need for a First Nations-led approach to organ and tissue donation and transplantation, grounded in Indigenous knowledge, community engagement, and Nation-to-Nation relationships.
- F. The development of a First Nations-led Organ and Transplant Program is aligned with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), the Truth and Reconciliation Commission (TRC) Calls to Action—particularly Call to Action 18, which demands the recognition and implementation of Indigenous health rights—and the AFN’s health transformation strategy.

### THEREFORE BE IT RESOLVED THAT the First Nations-in-Assembly:

1. Support the development and implementation of a First Nations-led Organ and Transplant Program, designed and governed by First Nations in accordance with their laws, customs, and knowledge systems.
2. Call on Health Canada, provincial/territorial governments, and related health authorities to engage in formal partnerships and funding agreements with First Nations leadership and organizations to support the development and sustainability of such a program.
3. Direct the Assembly of First Nations (AFN) to collaborate with First Nations, technical experts, and knowledge holders to advance national dialogue, policy development, data sovereignty initiatives, and advocacy related to organ donation and transplantation.
4. Urge the inclusion of cultural safety, trauma-informed care, and traditional perspectives in all aspects of organ and transplant services involving First Nations individuals and communities.

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5. Support efforts to raise awareness and increase informed consent and participation in organ donation and transplantation through community-based education and culturally relevant public health initiatives.
6. Affirm the Inherent right of First Nations to design, deliver, and control health services, and call for the immediate mobilization of resources and political will to achieve equity, dignity, and self-determination in the field of organ and transplant health services.

# DRAFT RESOLUTION # 13 / 2025

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**TITLE:** Support for Sustained Funding for Men and Boys Healing Programs to Prevent MMIWG2S and Uphold the 231 Calls for Justice

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**SUBJECT:** MMIWG2S+, Men's Healing, Gender-Based Violence Prevention, Justice

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**MOVED BY:** Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

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**SECONDED BY:** Chief Shirley Ducharme, O-Pipon-Na-Piwin Cree Nation, MB

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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 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 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice 7.1 through 7.4 highlight the critical need to provide healing, rehabilitation, and prevention programs for men and boys to help them address root causes of violence, trauma, and gender inequality.
- C. The National Inquiry Final Report's 231 Calls for Justice are often misinterpreted as solely pertaining to a select gender identity of First Nations people. However, the 231 Calls for Justice are meant to capture what is required to improve the circumstances for all First Nations people. Like many First Nations teachings, ensuring that the collective well-being is prioritized and maintained is of utmost importance.
- D. In 2023, over 450 MMIWG2S+ survivors, families and grassroots organizers participated in the Assembly of First Nations (AFN) National MMIWG2S+ Gathering. Input from First Nations included the need to better support First Nations men, boys, and two-spirited people early on in their lives through prevention, mental and emotional health supports, and education. Their input was included in the report *Connecting Hearts and Making Change: Building on Breathing Life into the Calls for Justice*.
- E. AFN Resolution 15/2023, *Support for Advocacy and the Establishment of a Working Group to Address Missing and Murdered Indigenous Men and Boys*, provides the mandate for the AFN to advocate for equitable resources and funds for Missing and Murdered Indigenous Men and Boys (MMIMB), advocate for solutions to address the disproportionate number of First Nations men and boys who go missing or are found murdered, and to work with the Attorney General/Minister of Justice, the Royal Canadian Mounted Police (RCMP), and provincial and municipal police forces, to commit to devoting greater resources to investigate unsolved cases.
- F. AFN Resolution 86/2024, *Support for Gender Inclusive Advocacy* directed the AFN to advocate for new dedicated resources and funding to support work to address the issue of Missing and Murdered First Nations Men and Boys (MMFNMB), and Call upon the Minister of Justice/Attorney General of Canada, the provinces, the Department of Justice Canada, the Royal Canadian Mounted Police, and provincial and

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municipal forces across Canada to commit to devoting greater resources to addressing MMFNMB, to take action to thoroughly investigate cases involving MMIMB, and to urgently address the issue of police-related deaths of First Nations individuals.

- G. Organizations like Manitoba Keewatinowi Okimakanak (MKO) have launched initiatives such as “Men and Boys Are Part of the Solution,” which empower First Nations men and boys to heal, reclaim traditional roles, and become active leaders in ending violence against women, girls, and 2SLGBTQQIA+ persons. In addition, the Dudes Club Society fosters healing by providing a space to facilitate participant-led community for men’s health and wellness through events focused on prioritizing supportive relationships as well as supporting the physical, mental, emotional and spiritual wellness for boys, young men, and gender diverse youth through youth-led initiatives.
- H. Every region in Turtle Island deserves equitable access to funding, training, and support to help First Nations men and boys prevent violence before it occurs, break cycles of harm, and uphold the dignity and safety of all people in their communities.
- I. First Nations have long upheld sacred teachings that call for balance between the roles and responsibilities of women, men, girls, boys, and Two-Spirit peoples, rooted in mutual respect, kinship, and sacred law.
- J. Despite the clear direction of the Calls for Justice, programs aimed at healing and engaging men and boys remain underfunded, short-term, and inconsistent, limiting their reach and long-term effectiveness.
- K. The root causes of violence—intergenerational trauma, colonization, poverty, addiction, and disconnection from cultural identity—require well-funded, culturally appropriate, land-based, and community-driven healing programs.

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

- 1. Support and commend men and boys healing initiatives such as, Manitoba Keewatinowi Okimakanak’s “Men and Boys Are Part of the Solution”, the Dudes Club Society program, and similar grassroots initiatives aimed at helping First Nations men and boys heal from trauma and prevent violence in their families and communities.
- 2. Call on the Government of Canada, through Crown-Indigenous Relations and Indigenous Services Canada, to make significant long-term and sustainable funding investments in Indigenous-led healing and prevention programs focused on supporting First Nations men and boys. Specifically, funding allocations should be targeted to:
  - a. Address male trauma and accountability;
  - b. Provide traditional teachings and Elder/knowledge keeper guidance;
  - c. Promote respect, safety, and emotional wellness;
  - d. Build strong male allies in the movement to end gender-based violence; and
  - e. Not replicate colonial punitive approaches.
- 3. Urge the Government of Canada to ensure these new investments explicitly reference the implementation of Calls for Justice 7.1 through 7.4 and recognize that ending the MMIWG2S+ crisis requires engaging and healing men and boys as part of the solution.

# DRAFT RESOLUTION # 14 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Youth Reintegration Strategy Review

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**SUBJECT:** Justice, Youth

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**MOVED BY:** Chief Edwin Ananas, Beardy's & Okemasis First Nation, SK

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**SECONDED BY:** Chief Lynn Acoose, Zagime Anishinabek First Nation, SK

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### WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
- ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the areas of education, employment, vocational training and retraining, housing, sanitation, health, and social security, which are all closely linked to youth justice outcomes.
- iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights, Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

B. The Truth and Reconciliation Commission of Canada, Calls to Action # 55 states:

- i. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
  - Progress on eliminating the overrepresentation of First Nations children in youth custody over the next decade.
  - Progress on reducing the overrepresentation of First Nations people in the justice and correctional systems.

C. First Nations have Inherent and Treaty rights to justice and equity within Canada's legal systems, and these rights must be respected through culturally appropriate and effective policies that address systemic inequities.

D. The Department of Justice stated in their *Overrepresentation of Indigenous People in the Canadian Criminal Justice System: Cause and Response* 2019 report:

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- i. Aboriginal youth accounted for 46% of admissions to correctional services in the 10 reporting jurisdictions in 2016/2017, while representing 8% of the general youth population in those same jurisdictions. Aboriginal youth are overrepresented in both custody and community supervision, accounting for 50% of custody admissions and 42% of community supervision admissions. Aboriginal females accounted for a greater proportion of custody admissions among youth relative to their male counterparts. Aboriginal female youth accounted for 60% of female admissions, while Aboriginal male youth made up 47% of male youth admissions.
- E. A comprehensive review and analysis of the current youth justice strategy is imperative and must be carried out with the full and meaningful participation of First Nations leadership, youth, Elders, and Knowledge Holders to ensure culturally safe and effective alternatives are developed.

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

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to support a comprehensive review of regional youth reintegration and justice strategies, with a focus on addressing the overrepresentation and recidivism of First Nations youth in custody.
2. Direct the AFN to advocate that the review process be led by First Nations voices with experts from a legal and cultural background, and that collaboration between all levels of governments supports and provides adequate funding to ensure that the findings of the review inform the development of culturally appropriate reintegration frameworks for First Nations Youth.

# DRAFT RESOLUTION # 15 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** National Mothers and Grandmothers Gathering

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**SUBJECT:** Women's Commission

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**MOVED BY:** Chief Shelley Bear, Ochapowace First Nation, SK

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**SECONDED BY:** Chief Roberta Francis, Nekaneet First Nation, SK

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
  - i. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- B. First Nations hold Mothers and Grandmothers with the highest regard as life-givers, protectors of culture, and keepers of traditional, spiritual, and medicinal knowledge.
- C. Despite their vital leadership roles and intergenerational wisdom, there is currently no national gathering dedicated specifically to First Nations Mothers and Grandmothers to come together to share teachings and knowledge.
- D. A National Mothers and Grandmothers Gathering would create a sacred and supportive space for knowledge sharing, language revitalization, ceremony, cultural empowerment, and the exchange of best practices from diverse First Nations across Turtle Island.
- E. Such a gathering would also strengthen community-based healing, mentorship, and support systems for First Nations families and would reaffirm the cultural authority of women and grandmothers in Nation rebuilding and governance.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

- 1. Direct the Assembly of First Nations (AFN) to call on Canada to fund and support the inaugural National Mothers and Grandmothers Gathering in 2025, to be planned and hosted by the Federation of Sovereign Indigenous Nations (FSIN) Women's Commission in collaboration with Assembly of First Nations (AFN) advisory Councils, First Nations leadership, Elders, matriarchs, and relevant organizations.
- 2. Direct the AFN to support and promote this gathering through national advocacy and to call on Canada to commit funding sources to ensure that the national gathering is broad and inclusive.

# DRAFT RESOLUTION # 16 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** National/ Provincial All Inclusive First Nations Survivors' Day

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**SUBJECT:** Women's Commission

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**MOVED BY:** Chief Zachary Whitecap, Red Earth First Nation, SK

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**SECONDED BY:** Chief Edwin Ananas, Beardy's & Okemasis First Nation, SK

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### WHEREAS:

- A. Articles 1, 7, and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirm that Indigenous Peoples have the right to full enjoyment of all human rights and fundamental freedoms, that they shall not be subjected to violence or discrimination, and that special attention shall be paid to the rights and needs of Indigenous Elders, women, youth, children, and 2SLGBTQQIA+ individuals in addressing historical and systemic injustices.
- B. The National Inquiry into Missing and Murdered Indigenous Women and Girls produced a final report containing 231 Calls to Justice, revealing that persistent and deliberate human and Indigenous rights violations and abuses are the root cause of the crisis of violence against Indigenous women, girls, and 2SLGBTQQIA+ people in Canada.
- C. The Truth and Reconciliation Commission of Canada issued 94 Calls to Action in response to the ongoing legacy of residential schools, highlighting systemic injustices, intergenerational trauma, and the continued overrepresentation of First Nations children in the child welfare system.
- D. Survivors of these injustices exist across all Treaty territories in Saskatchewan and beyond, and no First Nations person has been untouched by the impacts of colonialism, forced assimilation, and systemic oppression.
- E. Despite the widespread impact, there is currently no all-inclusive day that formally recognizes and honours survivors of the residential school system, the Sixties Scoop, gender-based violence, child welfare involvement, and other colonial and state-led harms experienced by First Nations people.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

- 1. Support the Federation of Sovereign Indigenous Nations (FSIN) in calling on the Government of Saskatchewan to establish June 30th as an annual Provincial All-Inclusive First Nations Survivors' Day, dedicated to honouring the strength, healing, and resilience of all First Nations survivors.
- 2. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to designate June 30th as a National First Nations Survivors' Day, to be recognized and observed annually as a federal statutory holiday in honour of all survivors of colonial and systemic injustices across Turtle Island.

# DRAFT RESOLUTION # 17 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for the National Indigenous Elders and Knowledge Keepers Law Society Proposal to Correctional Service Canada

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**SUBJECT:** Corrections, Elders and Knowledge Keepers Reform, Self-Governance

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**MOVED BY:** Chief Jason Daniels, Swan Lake First Nation, MB

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**SECONDED BY:** Chief Wilfred King, Gull Bay First Nation, ON

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which Canada has committed to implement, affirms the right of Indigenous Peoples to self-determination (Article 3), autonomy and self-government (Article 4), and to determine and administer programs through their own institutions with financial and technical support (Article 23).
- B. Section 35 of the *Constitution Act, 1982*, recognizes and affirms the inherent rights of Indigenous Peoples, including the right to self-government and the practice of Indigenous spiritual and cultural traditions.
- C. The Assembly of First Nations (AFN) Resolution 14/2024, adopted in Montreal, called for urgent co-development of a National First Nations Decarceration Strategy and for the redistribution of Correctional Service Canada (CSC) resources to Indigenous communities for the care, custody, and rehabilitation of Indigenous Peoples.
- D. The AFN's 2025 National First Nations Justice Strategy (the Justice Strategy) further reaffirms that First Nations possess the inherent right to self-determination and self-government, and calls for the recognition and revitalization of First Nations' own laws, governance, and legal institutions, including the administration of justice through culturally grounded mechanisms that restore Indigenous jurisdiction.
- E. The 2025 Justice Strategy calls for the Government of Canada to develop policy and fiscal frameworks to support enforcement of First Nations laws through tripartite and bilateral agreements, and directs CSC, Public Safety Canada, and other federal partners to collaborate with First Nations and their organizations to co-develop and co-implement decarceration strategies that address overrepresentation and systemic barriers for Indigenous Peoples.
- F. The Office of the Correctional Investigator (OCI) has repeatedly highlighted the overrepresentation of Indigenous Peoples in Canadian prisons and the urgent need for culturally responsive corrections. Its annual reports have documented:
  - a. Under-support and under-valuation of Elders;
  - b. Lack of consistent Elder services across CSC institutions;
  - c. Elder employment insecurity, lack of benefits, and insufficient compensation;
  - d. Insufficient numbers of Elders to serve the needs of federally incarcerated Indigenous Peoples;
  - e. Administrative overload and capacity limitations for Elders;
  - f. Absence of standardized orientation, mentorship, or training;

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- g. Cultural insensitivity and resistance to Elder teachings;
  - h. Inadequate cultural safety and awareness training for CSC staff; and
  - i. Clear recommendations for improved onboarding, support, and institutional practices.
- G. The National Indigenous Elders and Knowledge Keepers (NIEKK) Law Society has submitted a proposal to CSC for a three-year, fully funded initiative to establish a national, distinctions-based, Indigenous-led governance body for Elder and Knowledge keepers services in federal corrections.
- H. The NIEKK-Law Society proposal directly responds to the OCI's findings, systemic issues, and the priorities identified in the AFN's National Justice Strategy, and provides a structured, rights-based solution to ensure Indigenous control over Elder and Knowledge keepers validation, training, service delivery, and oversight.
- I. The AFN's National First Nations Justice Strategy Corrections and Parole Reform theme states that, "The following action items call on the Government of Canada, provinces, territories, and correctional institutions to collaborate with First Nations and their representative organizations to:"
  - a. Establish long-term and equitable funding that provides for fully staffed Healing Lodges and First Nations cultural programming, such as the First Nations court worker program.
  - b. Review and expand Elder designations to include the concept of Knowledge Keepers to allow younger adults to step into these roles.
  - c. Provide funding for First Nations and their members to build effective transition, reunification, and reintegration programs to support the decrease in recidivism and encourage restorative justice practices and outcomes.
  - d. Increase culturally sensitive and trauma-informed training for Native Inmate Liaison Officer's to build increased understanding of First Nations programs while assisting in building healthy working relationships with Elders and Knowledge Keepers.
  - e. Provide appropriate compensation for Elders and Knowledge Keepers working in section 81 Healing Lodges.
  - f. Include administrative protocols to ensure Elders, Knowledge Keepers, and staff that work at Healing Lodges receive appropriate mental and spiritual health supports.
  - g. Transfer control and ownership of existing government-run Healing Lodges, providing the necessary resources and supports, to First Nations or First Nations-led organizations with capacity to operate these facilities.
- J. Canada's Indigenous Procurement Strategy allows for sole-sourced contracts to Indigenous organizations providing culturally specific services, and NIEKK-Law Society must be engaged under a non-tendered, distinctions-based agreement.
- K. Section 87 of the Indian Act provides tax exemptions for Status Indians working on reserve or on federal lands, which applies to many Elders and Knowledge keepers in federal CSC institutions, and this must be respected in service contract design, and legislation must be aligned as per *UN Declaration Act*, June 2021.

# DRAFT RESOLUTION # 17 / 2025

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- L. As precedent, CSC has entered into a \$12 million agreement with Bridges of Canada to deliver chaplaincy services, including organizational development, meetings, and coordination support. The Crown must extend equivalent support to NIEKK-Law Society, whose mandate fulfills a parallel function for Indigenous communities.
- M. There are currently approximately 200 Indigenous Elders and Knowledge keepers within CSC who do not receive pensions, benefits, sick leave, or holiday pay, while approximately institutional chaplains under Bridges of Canada receive full employment benefits, including pensions, sick leave, holiday pay, and the authority to recruit and manage their own membership. This disparity represents a systemic inequity and reinforces the need for NIEKK-Law Society to negotiate equitable service terms and organizational autonomy on behalf of Elders.

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

1. Support the proposal of the National Indigenous Elders and Knowledge Keepers (NIEKK) Law Society to establish a national Indigenous-led framework for Elder and Knowledge keepers' services within Correctional Service Canada (CSC).
2. Call on CSC and Public Safety Canada to enter into a distinctions-based, sole-source agreement with NIEKK-Law Society under Canada's Indigenous Procurement Policy, recognizing the Society as the governing body for Elder services.
3. Direct the Assembly of First Nations (AFN) Executive and Secretariat to advocate for federal funding to fully implement the NIEKK-Law Society's three-year capacity-building plan, in alignment with the AFN's First Nations Decarceration Strategy and the AFN's National First Nations Justice Strategy.
4. Call on CSC and the Crown to cease the unilateral designation of Indigenous Elders and Knowledge keepers and, instead, recognize community-based and Nation-based Elder validation through Indigenous legal orders and institutions.
5. Encourage regional and national First Nations political bodies and Elders Councils to engage with NIEKK Law Society and support its development as a national institution representing the rights, voices, and knowledge of Indigenous Elders and Knowledge keepers within the justice system.

# DRAFT RESOLUTION # 18 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for a National Day for Indigenous Child Removal Survivors by the Government of Canada

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**SUBJECT:** Sixties Scoop

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**MOVED BY:** Chief Michael Christian, Splatshin First Nation, BC

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**SECONDED BY:** Chief Pamela Robertson, Boston Bar First Nation, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration) should be the framework for improvement to address the harmful legacy of Residential Schools, Sixties Scoop and the Child Welfare system that forced the removal of children, the disproportionate number of First Nations children in care, the consequences of involvement in child welfare systems, and the related loss of language and denial of culture and human rights.
- B. The UN Declaration states that: 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; 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; 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.
- C. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action # 1 to # 5 call on federal, provincial, and territorial governments to take actions to improve First Nations child and family services.
- D. The Sixties Scoop was an ongoing practice in the 1960s and '70s that saw the removal of large numbers of First Nations children from their families and communities and placed them in the care of Canadian and International foster or adoptive homes.
- E. First Nations children continue to lose their identity, culture and kinship links as they continue to be removed from their homes, families, and Nations by the federal, provincial, and territorial child welfare systems.

# DRAFT RESOLUTION # 18 / 2025

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### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Acknowledge that this resolution is brought forward by Kukpi7 (Chief) Michael Christian of Splantsin First Nation, a Sixties Scoop Survivor himself, who carries this sacred motion forward on behalf of all Survivors — the children taken through these colonial child removal systems, the families who still carry that loss, and the generations who continue to feel the deep intergenerational impacts of these removals. As a Sixties Scoop Survivor who spent 11 years of his youth in a government institutional foster system, Kukpi7 (Chief) Michael Christian brings a deeply personal understanding of the intergenerational impacts of child removal, which continues to fuel his lifelong commitment to cultural reclamation, healing, and the revitalization of his community. This resolution is also brought forward by Chief Pamela Robertson of Boston Bar First Nation, who stands in strong support of this sacred call for national recognition. Chief Robertson's leadership reflects the collective voice of many families and Nations who continue to carry the lived impacts of child removal across generations, and who are walking the path of healing, belonging, and cultural restoration for all Survivors.
2. This resolution is also grounded in the lived experience and advocacy of Troy MacBeth Abromaitis, a Sixties Scoop Survivor and proud member of the Nlaka'pamux Nation, who, after being separated from his family and community for more than thirty years, returned home and dedicated his skills to support the rebuilding of his Nation — including his service on the Lytton First Nation Economic Development Board following the devastation of the 2021 wildfires. In recognition of his quiet commitment to serve in a good way, Troy was honoured by his family in 2023 through a sacred blanket ceremony and given the ancestral name Lex7em'ken — symbolizing his full return to kinship, belonging, and identity. Before her passing, Troy's mother shared one final wish: that Survivors be honoured nationally, not only in name, but through sacred ceremony, so that all who were taken may one day be fully welcomed home. Through Troy's ongoing personal advocacy and leadership, formal provincial proclamations have already been secured recognizing June 30 as a day to honour Survivors of Indigenous child removal systems — including the Sixties Scoop, Millennium Scoop, foster care, and birth alerts — in the Provinces of British Columbia, Nova Scotia, and New Brunswick.
3. Call upon Canada to acknowledge and honour the Survivors, families, and Nations whose strength, courage, and sacred journeys have carried forward this profound work, and to recognize the growing circle of support that already exists across this country. This includes formal proclamations issued by the Provinces of British Columbia, Nova Scotia, and New Brunswick, who have designated June 30 as a day to honour Survivors of the Sixties Scoop, Millennium Scoop, foster care, and birth alerts — and to bear witness to those returning home after years and decades of separation. Canada is called upon to recognize this growing movement as an expression of national readiness to address both historical and ongoing child removal systems, and to stand with First Nations in ceremony, healing, and belonging.
4. Call upon Canada to formally establish the National Day of Recognition for Indigenous Child Removal Survivors — to be known in ceremony as National Blanket Ceremony Day – Indigenous Survivors — as a federally recognized day of ceremony, healing, and sacred commemoration, to be observed annually on June 30. Further call upon Canada to work in full partnership with Survivors, Elders, and First Nations leadership to advance and enact federal legislation to enshrine this day in Canadian law — ensuring that Survivors are honoured not only in name, but through sacred ceremony, belonging, and restoration to family, community, and Nationhood.

# **D R A F T   R E S O L U T I O N   # 1 8 / 2 0 2 5**

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5. Call upon Canada to provide dedicated and sustained funding to support Survivors, families, communities, and First Nations in the full development, ceremonial implementation, and public education necessary for the National Day of Recognition for Indigenous Child Removal Survivors (National Blanket Ceremony Day – Indigenous Survivors) to be fully established and upheld across the country. This work shall be led in full partnership with First Nations leadership, and guided by Indigenous laws, teachings, and ceremonies — including the sacred blanket ceremony — ensuring that every Survivor is seen, honoured, and welcomed home in a sacred way that restores dignity, belonging, and intergenerational healing.

# DRAFT RESOLUTION # 19 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for Recognition of the Inherent Right of First Nations and Tribal Citizens to Freely Cross the Canada-United States Border

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**SUBJECT:** Border Mobility

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**MOVED BY:** Chief Roy Whitney, Tsuut'ina Nation, AB

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**SECONDED BY:** Kukpi7 Rosanne Casimir, Tk'emlups te Secwepemc, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 9: Indigenous peoples and individuals have the right to belong to an Indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from exercising such a right.
  - ii. Article 36 (1): Indigenous people, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
  - iii. Article 36 (2): States, in consultation and cooperation with Indigenous Peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B. Canada's international borders have divided First Nations' territories, communities and families across Canada and the United States (US). First Nations divided by international borders face unique challenges, including loss of culture, access to food, familial division, loss of membership and a loss of access to territory, land and resources.
- C. The 1794 Jay Treaty, signed by the US and Great Britain recognized the Inherent right of free passage by First Nations and their personal goods across what is now the Canada-US border. Though recognized by the US, Canada has not recognized that Inherent right, restricting movement of First Nations from the US into Canada.
- D. The Jay Treaty Border Alliance (JTBA) was formed in 2017 by tribal governments and First Nations communities to collaborate on efforts to protect our rights preserved in the Jay Treaty, create effective working relations with the United States Customs and Border Protection and Canadian Border Services Agency (CBSA), and address issues unique to the Canada-US border.
- E. Assembly of First Nations (AFN) Resolution 73/2016, *Explore Practical Solutions for Canada-U.S. Border Crossing by First Nations Citizens*, directs the AFN to seek resources from the Government of Canada to develop possible solutions for Canada-US border crossing by First Nations including the development of secure Indigenous border security identification cards.

# DRAFT RESOLUTION # 19 / 2025

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- F. The *Immigration and Refugee Protection Act* (IRPA) considers Indigenous Peoples outside of Canada to be "foreign nationals". This means that they do not have the same rights, obligations, and privileges as Canadian citizens, registered Indians, or permanent residents.
- G. The IRPA must be amended to remove First Nations as 'foreign nationals' and uphold the Inherent and Treaty rights of First Nations as original peoples of this land.
- H. Immigration, Refugees, and Citizenship Canada (IRCC) and the CBSA have publicly committed to undertake the following actions in consultation and cooperation with Indigenous Peoples through the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan - Shared Priority Action Plan Measure (APM) #52:
  - i. Pursue legislative amendments to the *Immigration and Refugee Protection Act*, amendments to relevant regulations and revisions to policies in order to address complex border crossing and migration challenges faced by Indigenous peoples divided by Canada's international borders, including options to amend Canada's right to entry provisions, and work and study permit requirements.
  - ii. Engagement with Indigenous Peoples and their representative organizations to implement the action plan measure is being initiated in 2023, with a view to advancing amendments and policy reforms in 2024. In parallel, the Government of Canada will continue discussions with international partners on Indigenous border crossing issues.
- I. IRCC and CBSA hosted regional roundtables with First Nations on potential amendments to the right to enter and remain in Canada, traveler modernization, travel documentation and other accompanying issues, including trade and entry of goods, and training of border service agents.
- J. The CBSA is responsible for managing and enforcing over 100+ Acts of Parliament for Canada's international borders and Ports of Entry. CBSA's Indigenous Affairs Secretariat was established in February 2018 to address border crossing issues for Indigenous Peoples, including the facilitation of Indigenous travelers and their sacred goods.
- K. CBSA and IRCC is preparing to develop legislation to address Indigenous Border Mobility Issues, which could:
  - i. Recognize the right of entry to members of First Nations and U.S federally recognized tribes.
  - ii. Provide the ability to work and study without a permit.
  - iii. Ensure that Indigenous persons with a right of entry are no longer considered 'foreign nationals.'
- L. As legislation is being developed, the Government of Canada has implemented a number of Interim Measures to address the immediate needs of First Nations persons divided by Canada's borders to reunite with family members who already have a right of entry to Canada.
- M. To date, IRCC and CBSA have not provided adequate funding for First Nations to meaningfully engage in the joint development of legislation to amend the IRPA. This lack of funding is not aligned with Canada's duty to consult or commitments made under the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

# DRAFT RESOLUTION # 19 / 2025

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### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to:
  - a. Respect First Nations Treaty and Inherent rights, title and sovereignty with respect to Border Mobility by removing First Nations from the *Immigration, Refugees and Protection Act* and developing a new Act to respect First Nations' Treaty and Inherent rights, title and jurisdiction and support First Nations and their goods crossing the United States (US) border.
  - b. Immediately recognize the right of US federal recognized Tribes and Tribal citizens to cross the border.
2. Direct the AFN to call on the Government of Canada to meaningfully engage directly with First Nations rights' holders on the development and implementation of legislative, policy or regulatory measures on border mobility.
3. Direct the AFN to advocate for resources from the Government of Canada for the Jay Treaty Border Alliance and any First Nations who want to participate in the joint development of permanent solutions for Canada – US border crossing by First Nations.
4. Direct the AFN to support the Jay Treaty Border Alliance in their efforts to develop implementation mechanisms consistent with First Nations' Inherent and Treaty rights, for recognized rights of entry that supports First Nations' self-determination.

# DRAFT RESOLUTION # 20 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Treaty and Inherent Rights to Trade

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**SUBJECT:** Treaty, Governance

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**MOVED BY:** Chief Rodger Redman, Standing Buffalo First Nation, SK

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**SECONDED BY:** Chief Larry Ahenakew, Ahtahkakoop First Nation, SK

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### WHEREAS:

- A. Articles 20 and 36 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirm that Indigenous Peoples have the right to maintain and develop their political, economic, and social systems and to engage freely in traditional and other economic activities, including trade; and that Indigenous peoples separated by international borders have the right to maintain and develop contacts, relations and cooperation across borders.
- B. First Nations maintain that they have Inherent rights to trade and trade relations, including the right to cross the Canada–United States (US) border freely, consistent with Treaty and traditional practices that predate colonial boundaries and policies.
- C. These rights were recognized by Chiefs-in-Assembly Resolution 15/2009, *Nation to Nation Trade*, which declared that First Nations have not extinguished the right to Nation-to-Nation trade under any agreements entered into with the federal or provincial Crown.
- D. First Nations continue to pursue economic ventures to improve the socioeconomic conditions of their Nations, and a key component of these ventures is national and international trade that is rooted in Inherent rights and historical practices.
- E. The Jay Treaty of 1794 acknowledged the right of Indigenous Peoples to engage in commerce and cross borders freely, reinforcing pre-existing customs of trade and mobility that First Nations continue to uphold today.
- F. Since his re-election, US President Donald Trump publicly threatened to impose a 25% tariff on Canadian imports, reigniting concerns regarding the impacts of trade policy on Indigenous economic interests.
- G. Tariffs are taxes on imported goods that can drive up the costs of consumer products and materials used by First Nations businesses and communities, particularly in sectors reliant on cross-border trade, such as food, energy, fuel, vehicles, electronics, and resource development.
- H. The threat of tariffs has reinvigorated discussions among First Nations regarding their rightful place in trade and commerce dialogues, particularly in light of the extraction of critical minerals and resources from Treaty and traditional territories—decisions about which require meaningful consultation and participation by First Nations.
- I. The imposition of tariffs without First Nations inclusion in these decisions would violate Inherent and Treaty rights and would negatively impact the ability of First Nations to conduct economic activities and cross-border trade.

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

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to support the Federation of Sovereign Indigenous Nations (FSIN) in securing funding from the Treaty Rights Protection Fund to obtain a legal opinion exploring the recognition of an Aboriginal and Treaty right to cross-border trade.
2. Direct the AFN to urge the federal government to include First Nations in all discussions and negotiations related to tariffs and trade policies, particularly where such policies impact the movement of goods, resources, and commerce tied to Treaty and traditional territories.
3. Call upon the Government of Canada to formally recognize First Nations' Inherent and Treaty rights to conduct trade and commerce, both nationally and internationally, and to enshrine this recognition in Canadian trade policy and legislation.

# DRAFT RESOLUTION # 21 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Advancing First Nations Trade and Economies Through a First Nations Trade Strategy

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**SUBJECT:** Economic Development, Trade

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**MOVED BY:** Chief Harlan Schilling, Daylu Dena Council, BC

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**SECONDED BY:** Chief Jenny Brake, Qalipu First Nation, NL

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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 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 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 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
  - v. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
  - vi. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. First Nations have engaged in trade across Turtle Island since time immemorial. Trade is fundamental to First Nations history, identity, values, culture, ancestry, and economic wellbeing.
- C. First Nations hold an Inherent right to self-determination, including determining policies, regulations, and legislations that dictate their participation and engagement on inter-nation, international, and internal trade.

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- D. Assembly of First Nations (AFN) Resolution 70/2023, *Support for Treaty and Inherent Rights to Tax and Tariff Exemption*, provides that First Nations have Treaty and Inherent rights to exemption from all government-imposed taxes and tariffs.
- E. First Nations right to mobility of goods and person are affirmed and recognized under the UN Declaration and the *Treaty of Amity, Commerce, and Navigation of 1794* (Jay Treaty).
- F. Canada's progress in implementing mobility rights is lacking and there continues to be a lack of clarity and advancement on trade. While the United States (US) government allows Canada-born First Nations free entry to US for the purpose of employment, study, retirement, investing, and/or immigration, Canada does not have a reciprocal arrangement. Neither Canada nor US have legislation to allow for the duty-free movement of First Nations goods under the Jay Treaty.
- G. The Canada-United States-Mexico Agreement (CUSMA) is a trade agreement signed in 2018 between Canada, US, and Mexico. This agreement evolved from the previous North American Free Trade Agreement (NAFTA). There is a scheduled review of CUSMA in 2026. CUSMA was the first trade agreement to begin engaging with First Nations. The participation of First Nations and other Indigenous Peoples in an Indigenous Working Group was a step towards achieving the promise of Article 19 of the UN Declaration and shows that better decisions can be reached in conjunction with First Nations people.
- H. AFN Resolution 30/2018, *Realizing Benefits for First Nations in the Implementation of International Trade and Investment Agreements*, provides direction for the establishment of a First Nations centre of excellence for international trade and investment, as well as a First Nations International Trade and Investment Implementation Committee which will provide implementation advice to the Minister of Foreign Affairs and the Minister of International Trade on all matters of interest and importance to First Nations in the implementation of international trade and investment agreements.
- I. AFN Resolution 37/2019, *Continued Advocacy on Canada's International Trade Agreements to Achieve Economic Reconciliation*, provides direction to the AFN to advocate for a 'Trade and Indigenous Peoples Chapter' in future international trade agreements, full participation of First Nations in international trade negotiations, and explores options for programs and policies to support First Nations exporters.
- J. A Foreign Trade Zone (FTZ) is generally known as a geographic location within a country that is exempt from tax and tariff. In the US, an FTZ is a secure area that is considered to be outside the official territory of US Customs and Border Control. The FTZ provides businesses with the ability to defer the payment of duties on imports until these imports leave the foreign trade zone and enters the commerce of the US. If the goods shipped to the FTZ are then later transferred to another FTZ or another country, a US duty will not be assessed on the exports.
- K. From February 2025 to April 2025, the US imposed several rounds of tariffs on imports from Canada under the rationale of a national emergency, citing the flow of fentanyl from Canada. As a direct response and countermeasure, Canada initially imposed 25% reciprocal tariffs on imports from the US. Some of these reciprocal tariffs have been 'quietly' removed.

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- L. In response to the Canada-US tariffs and resulting global economic instability, Canada has committed to implementing a comprehensive Team Canada approach, including establishing the Prime Minister's Council on Canada-US Relations (the Council), composed of industry and political representatives, and convening a First Ministers table to gather insight and advice on Canada's response and remission strategy. Furthermore, Canada has committed to diversify trading partners and breaking down internal trade barriers between provinces and territories.
- M. During this time, there has been a lack of First Nations representation in decision making and engagement on trade matters both international and internal. There are no representatives from First Nations leadership on the Council, nor the First Ministers Table. This differs from the previous NAFTA Council formed in 2017 where former National Chief Perry Bellegarde was invited to sit and take part in the negotiations leading up to CUSMA.
- N. First Nations representation will be crucial as the ongoing economic instability will have disproportionate negative impact on First Nations communities and businesses. Higher costs and reduced opportunities will have a direct effect on First Nations producers, many of whom already experience challenges in economic participation. Furthermore, rising costs will impact efforts to Close the Infrastructure Gap, which First Nations have long been urging the federal government to address. Housing, clean water, and other essential services will also be affected.
- O. There is a pressing need for economic unity amongst Indigenous Peoples nationally and internationally, particularly amidst ongoing trade tensions and a precarious economic landscape.
- P. Established in 2021, the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) is a cooperation-based arrangement aimed at strengthening the economic inclusion of Indigenous Peoples through trade and investment, addressing Indigenous trade issues, raising awareness of Indigenous economies across the globe whilst increasing economic cooperation between Indigenous Peoples. The IPETCA is currently endorsed by Canada, Aotearoa New Zealand, Australia, and Chinese Taipei; and is open for other economies to join.
- Q. While participation at international multilateral forums will be a key way to engage with global Indigenous Peoples and governments; relationships with First Nations in Canada can be built through Embassies, particularly those prioritizing Indigenous Peoples and trade.

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

1. Direct the Assembly of First Nations (AFN) to develop and implement a First Nations trade strategy, pending the acquisition of appropriate funding and resources, under the guidance and advice of the AFN Chiefs Committee on Economic Development (CCED) and AFN Councils that includes:
  - a. A long-term strategy to identify First Nations challenges, priorities, and opportunities in internal and international trade. This includes exploring alternative policy tools and advocacy activities to support First Nations trade and to alleviate challenges, such as Indigenous Foreign Trade Zones, procurement policies, Intellectual Property and Indigenous Traditional Knowledge policies;

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- b. The development of a First Nations trade entity, such as a Centre of Excellence, Trade Council, and/or Trade Taskforce; and
  - c. The development of an implementation plan with clear timelines and deliverables, including reporting back to the First Nations-in-Assembly with a consultative draft at a future Assembly.
2. In the interim, as immediate priorities:
  - a. Call on the Government of Canada to ensure that First Nations Inherent and Treaty rights are upheld in any CUSMA renegotiation or any new North American economic agreement through the inclusion of First Nations negotiators on any potential renegotiation or negotiation.
  - b. Call on the Government of Canada to ensure any new or modified trade and investment agreement aligns with First Nations inherent and Treaty rights, for example, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), and the Canadian Free Trade Agreement (CFTA). This includes calling on Canada to ensure international trade agreements are consistent AFN Resolution 99/2023, *Opposition to Investor-State Dispute Settlement Mechanisms* which directed the AFN to urge the Government of Canada to remove Investor State Dispute Settlement (ISDS) mechanisms from existing trade and investment agreements and ensure that future trade and investment agreements do not include ISDS provisions.
  - c. Call upon Canada to include First Nations leaders as full participants at any First Ministers Table and or other intergovernmental meetings on trade matters.
  - d. Call upon Canada to ensure First Nations Inherent and Treaty rights are upheld in Canada's trade diversification and remission strategies, including policy, regulatory, and legislative amendments aimed at reducing internal trade barriers.
  - e. Call upon Canada to implement programs and policies to support exports from First Nations businesses such as trade missions, increased investment in First Nations businesses, and simplifying access to loans and grants for First Nations businesses.
  - f. Direct the AFN to engage and collaborate with global Indigenous Peoples to expand Indigenous-to-Indigenous relations and find opportunities for Indigenous partnerships, amidst the ongoing geopolitical uncertainty, including with the National Congress and American Indians, the Jay Treaty Border Alliance, Te Taumata, Ngā Toki Whakarururanga, the Ambassador for First Nations People (Australia), and the Indigenous partners of the Indigenous Peoples Economic and Trade Cooperation Agreement (IPETCA).
  - g. Direct the AFN to advocate for and increase awareness of Indigenous trade at international forums such as the World Trade Organization (WTO), Organisation for Economic Co-operation and Development (OECD), Organization of American States (OAS), Asia-Pacific Economic Cooperation (APEC), United Nations Permanent Forum on Indigenous Issues (UNPFII), and Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

# DRAFT RESOLUTION # 22 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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<b>TITLE:</b>	<b>Advancing Nation-to-Nation Trade</b>
<b>SUBJECT:</b>	Economic Development, Trade
<b>MOVED BY:</b>	Deputy Chief Harlan Schilling, Daylu Dena Council, BC
<b>SECONDED BY:</b>	Chief Jenny Brake, Qalipu First Nation, NL

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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 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 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
  - v. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B. First Nations have engaged in trade across Turtle Island since time immemorial. Trade is fundamental to First Nations history, identity, values, culture, ancestry, and economic wellbeing.
- C. First Nations hold an Inherent right to self-determination, including determining policies, regulations, and legislations that dictate their participation and engagement on inter-nation and internal trade.
- D. Assembly of First Nations (AFN) Resolution 70/2023, *Support for Treaty and Inherent Rights to Tax and Tariff Exemption* provides that First Nations have Treaty and Inherent rights to exemption from all government-imposed taxes and tariffs.
- E. First Nations right to mobility of goods and person are affirmed and recognized under the UN Declaration.

# DRAFT RESOLUTION # 22 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

- F. First Nations have long advocated for the recognition of the inherent right to trade and the re-establishment of nation-to-nation trade.
- G. On June 26, 2025, federal Bill C-5, the *One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*, received Royal Assent. This legislation purports to improve interprovincial labour and trade mobility.

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

1. Direct the Assembly of First Nations (AFN) to develop and implement a nation-to-nation export trail to support trade between and amongst First Nations from coast-to-coast-to-coast.
2. Call on the Government of Canada to ensure that the implementation of *the Free Trade and Labour Mobility in Canada Act* upholds First Nations inherent right to trade.
3. Direct the AFN to work with the Government of Canada to identify and secure resources to advance this work.

# DRAFT RESOLUTION # 23 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg MB

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**TITLE:** Transition of the First Nations Market Housing Fund to First Nations Control

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**SUBJECT:** Housing and Infrastructure

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

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**SECONDED BY:** Chief Sidney Peters, Glooscap First Nation, NS

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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 and implementing legislative or administrative measures that may affect them.
  - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. On March 28, 2008, the federal government represented by the Canada Mortgage and Housing Corporation (CMHC) signed an Indenture of Trust agreement with the Board of Directors of the newly created First Nations Market Housing Fund (FNHMF) whose purpose was to facilitate the construction of individually owned homes and help create or expand housing markets on-reserve for all First Nations in Canada. The agreement provides for the eventual transfer of the Fund's control from the federal government to the First Nations that will be realized through a Memorandum to Cabinet to provide the authorities and mandates.
- C. The Fund's board of trustees and CEO are all First Nations citizens who have been working to reform the FNHMF to significantly improve its housing services and outcomes for First Nations.
- D. As of March 31, 2025, the FNHMF has supported an estimated 613 loans to purchase, build, or renovate a home on-reserve. The total number of potential loans, backed by the Fund's Credit Enhancement facility could go as high as 7390 loans.

# DRAFT RESOLUTION # 23 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg MB

- E. In 2024, FNHMF management and leadership formed a working committee which included technical representation from CMHC, Indigenous Services Canada and the Assembly of First Nations (AFN) to identify reasons why the FNHMF needs to have more flexibility in its programs and services to more adequately serve the homeownership needs of on reserve First Nation citizens.
- F. AFN Resolution 45/2024, *Transition of the First Nations Market Housing Fund to First Nations Control*, calls on the FNHMF and the CMHC to hold regional engagement sessions, as soon as possible, to consider first Nations control options, and to seek First Nations views on the role of the FNHMF.
- G. Between July 2024 and January 2025, FNMHF completed a series of regional engagement sessions both in person and virtually. Findings from these engagement sessions combined with other engagement sessions and prior research studies confirm the support from First Nation citizens for the FNHMF to be transferred to First Nations control.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to honour its intent to transfer control of the First Nations Housing Market Fund (FNHMF) to First Nations control, as was contemplated in the Indenture of Trust which established the FNHMF.
2. Support the current Board of Trustees in their effort to transfer control of the FNMHF to First Nations control through their Memorandum to Cabinet submission (incorporating feedback from engagement sessions with First Nation citizens) which will be submitted in 2025.

# DRAFT RESOLUTION # 24 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Ensure Adequate and Equitable Levels of Social Housing Funding

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**SUBJECT:** Housing and Infrastructure

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

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**SECONDED BY:** Chief Sidney Peters, Glooscap First Nation, NS

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
  - ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - 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 22(1): Special attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
  - v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development, particularly in housing, health, and economic and social programs.
- B. The Canada Mortgage and Housing Corporation (CMHC) is currently working on a major revision of the national funding allocation formula for its social housing program, also known as the Section 95 program.
- C. Based, among other things, on observations from the Report of the Auditor General of Canada to the Parliament of Canada entitled *Housing in First Nations Communities* (the Report), from 2024, and using, once again, up-to-date but unreliable census data, the changes CMHC is considering to the allocation formula will result in significant increases in funding in some regions, while others will lose just as much.
- D. Recommendation 2.39 of the Report states, "Indigenous Services Canada and the Canada Mortgage and Housing Corporation should work with the First Nations communities with the poorest housing conditions to ensure that they receive the support they need to improve housing conditions."
- E. The Government of Canada continues to underfund the First Nations housing sector.
- F. For far too long, First Nations have been living with infrastructure that falls far below the standard other Canadians expect, resulting in a First Nations housing crisis.
- G. In April 2024, the Assembly of First Nations (AFN) released the *Closing the Infrastructure Gap (CTIG) by 2030* report, estimating it will take \$135.1 billion to address the housing gap in all First Nations in Canada.

# **DRAFT RESOLUTION # 24 / 2025**

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

- H. Due to elevated price inflation in recent years, First Nations across the country are struggling to maintain their pace of social housing construction.
- I. In such a context, increased funding is necessary, and an increase in the level of funding for one region should not be to the detriment of other regions.

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

1. Call on the Canada Mortgage and Housing Corporation (CMHC), since it is considering the year 2026-2027 for the implementation of a new funding formula for First Nations social housing, not to make any unilateral decision that will result in a reduction in the level of funding in one or more regions.
2. Call on CMHC to ensure any changes to First Nations housing programming, including the Section 95 program, and funding formulas for such programming, are co-developed with the Assembly of First Nations (AFN) to ensure adequate, equitable long-term funding that leaves no region behind.
3. Requests the Chiefs Committee on Housing and Infrastructure and the AFN Housing and Infrastructure Secretariat to monitor this matter in detail and report back to the First Nations-in-Assembly before the Special Chiefs Assembly in December 2025.

# DRAFT RESOLUTION # 25 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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<b>TITLE:</b>	<b>First Nations Solid Waste Management</b>
<b>SUBJECT:</b>	Health, Infrastructure
<b>MOVED BY:</b>	Chief Brent Niganobe, Mississauga First Nation #8, ON
<b>SECONDED BY:</b>	Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation, ON

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### WHEREAS:

- A. 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 obtain and develop their own Indigenous decision-making institutions.
  - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - iii. Article 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 *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan 2023-2028 states:
- i. The Government of Canada will take the following actions in consultation and cooperation with First Nations: 6. Support the environmental integrity of reserve lands by addressing and preventing the contamination of reserve lands, building effective community-based waste management solutions that include proper disposal of hazardous and plastic waste.
- C. There is a perpetual need to manage solid waste and support First Nations to achieve pristine health and safety of our people and our lands.
- D. The *Indigenous Services Canada Department Plan 2024-25* shows that only 40.5% of First Nations have adequate solid waste management systems in 2022-2023. It also shows the department has a target of 65% of First Nations communities with adequate solid waste management systems by March 2028.
- E. Assembly of First Nations (AFN) Resolution 26/2021, *Support for Closing the Infrastructure Gap by 2023*, directs the AFN to “advocate to Canada for adequate funds to support sustained and meaningful engagement regarding closing the infrastructure gap with all First Nations.”

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

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

- F. First Nations solid waste management is not currently recognized as an essential service.
- G. Funding for capital projects under the First Nation Solid Waste Management Initiative (FNSWMI) is set to expire in 2028.

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

1. Call upon the Government of Canada and the Minister of Indigenous Services Canada to:
  - a. Recognize solid waste management as an essential service in First Nation communities;
  - b. Immediately commit to adequate, long-term investments supporting solid waste management programming; and
  - c. Ensure First Nations and Tribal Councils have access to core funding supporting solid waste initiatives.

# DRAFT RESOLUTION # 26 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Implementation of the Supreme Court of Canada's *Sparrow* Decision

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**SUBJECT:** Fisheries

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

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**SECONDED BY:** Chief Gerald Toney, Annapolis Valley First Nation, NS

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26(1): Indigenous peoples have the right to lands, territories and resources which they have traditionally owned, occupied and otherwise used or acquired.
  - ii. Article 26(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupations or use, as well as those which they have otherwise acquired.
- B. It has been 25 years since the Supreme Court of Canada (SCC) rendered the *Sparrow Decision* (1990) that recognizes the right of First Nations to fish for food, social, and ceremonial (FSC) purposes, which take priority over all other uses of the resources, second only to conservation.
- C. There have been several other significant SCC decisions, including *Badger*, *Van der Peet*, *Adams*, *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida Nation*, *Lax Kw'alaams*, *Tsilhqot'in Nation*, *Sappier*, and *Gray*, that also affirm the rights of First Nations fisheries that have yet to be respectfully implemented to the satisfaction of those appellants.
- D. The 2025 common mandate letter from the Prime Minister of Canada to all his Ministers states: "Canada is a dynamic country that celebrates our diversity, cares for the most vulnerable among us, and strives for a better future for all. The new federal Government will continue the vital work of advancing reconciliation with Indigenous Peoples. We will fight climate change. We will uphold the rule of law, protect our democratic institutions, and reinforce the unity of our country."
- E. Resolution 69/2019, *To Fully Implement the First Nations Priority Right to Food, Social and Ceremonial*, called upon Canada and Fisheries and Oceans Canada to immediately cease placing unlawful restrictions on FSC fisheries of First Nations and reminded them that the Treaties did not cede any territorial lands or waters to the Crown and guaranteed the right to hunt, fish, and gather.
- F. The Government of Canada has begun the modernization of its Policy for the Management of Indigenous Fishing under Measure 36 of the National Action Plan to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on all responsible Ministers, including those of Fisheries and Oceans and Justice Canada, to pursue, develop, and enact enabling federal legislation regarding fisheries to respect and advance

# **DRAFT RESOLUTION # 26 / 2025**

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

Supreme Court of Canada (SCC) fisheries decisions, and to uphold Aboriginal and Treaty-protected rights in a timely manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

2. Direct the Assembly of First Nations (AFN) to seek financial and technical supports for discussions amongst First Nations who wish to participate in the development of legislation, regulation and policy for the implementation of all successful SCC decisions related to all fisheries.
3. Direct the AFN to examine the development of First Nations mechanisms that can bridge the gaps between SCC decisions, First Nations negotiations, and Crown implementation processes to ensure that all decisions are honoured and implemented effectively in a timely fashion.

# DRAFT RESOLUTION # 27 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Advancing the Recognition, Implementation, and Enforcement of Pre-1975 Treaties

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**SUBJECT:** Treaties, Lands, Justice

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**MOVED BY:** Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

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

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - iii. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
  - iv. Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B. The *Royal Proclamation* of 1763 recognizes First Nations land rights and title, establishing general principles for Treaty-making and affirming First Nations' rights to the land and self-governance.
- C. The UN Declaration Act's Action Plan Measure #2 (First Nations' priorities), commits Crown and Indigenous Relations and Northern Affairs Canada to:
- i. Re-affirm pre-1975 Treaty relationships based on the principles of mutual respect, self-determination and the nation-to-nation relationship; and
  - ii. Engage Treaty Nations in co-developing approaches, including reconvening Treaty Councils if Nations wish to do so, for the renewal and honourable implementation of pre-1975 Treaties and Treaty relationships, including a shared vision to guide actions and a common understanding of the spirit and intent of pre-1975 Treaties.
- D. Prior to 1982, pre- and post-Confederation Treaties were signed between the British Crown and First Nations.

# DRAFT RESOLUTION # 27 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

- E. In 1982, Canada repatriated the Canadian Constitution, resulting in the *Constitution Act, 1982*. Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal Peoples of Canada.
- F. First Nations assert and reaffirm that they are sovereign nations with Inherent rights and title to their lands, as recognized under international law. It has never been suggested or established that Canada held sovereignty over First Nations and First Nation-lands prior to its establishment as a country.
- G. Pre-1975 Treaties between First Nations and the Crown are, and always have been, agreements between sovereign nations, as affirmed by principles of international law and the UN Declaration.
- H. Canada's signing of agreements with organizations or corporate bodies is within Canada's prerogative but does not alter the nature or status of First Nation Treaties with the Crown.
- I. Many pre-1975 Treaty First Nations continue to report that their Treaties are not being fully honoured, respected, or implemented, highlighting significant gaps in Canada's fulfillment of its Treaty obligations.
- J. The full implementation of Treaty rights – forming the cornerstone of Crown-First Nations relationships – remains incomplete, as Canada has yet to embrace a truly comprehensive nation-to-nation approach that fully recognizes and upholds First Nations' Treaties. Instead, existing frameworks continue to subordinate First Nations' authority and Treaty rights to federal, provincial and territorial systems, undermining Treaties and the principles of self-determination and mutual respect.
- K. Canada has a Cabinet Directive on the Federal Approach to Modern Treaty Implementation, which outlines an operational framework for the management of the Crown's Modern Treaty obligations, guiding federal departments and agencies to fulfill the Crown's obligations. No similar Cabinet Directive exists for pre-1975 Treaties.

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

1. Call on Canada to convene a First Ministers' Conference with pre-1975 Treaty First Nations who opt-in to create a legitimate, collaborative platform for the honouring and implementation of Treaties and to support the implementation of Aboriginal and Treaty rights recognized and affirmed under Section 35 of the *Constitution Act, 1982*, as this process would address historical gaps and challenges that hinder the recognition, realization, and exercise of First Nations' Treaty rights.
2. Direct the Assembly of First Nations (AFN) to work collaboratively with Canada and participating First Nations to support pre-1975 Treaty First Nations who wish to work with the AFN in a process that ensures the full honouring, recognition, implementation, and enforcement of pre-1975 Treaties, establishing a renewed relationship based on mutual respect and adherence to the rule of law.
3. Call on Canada to work with pre-1975 Treaty First Nations to support the creation of a comprehensive framework for the recognition, implementation, and enforcement of pre-1975 Treaties, similar to the Cabinet Directive on Modern Treaty Implementation, ensuring all Treaty obligations, including those made with First Nations, are fulfilled with fairness, accountability, and transparency.
4. Direct the AFN to collaborate with Canada and pre-1975 Treaty First Nations who opt-in to co-develop and co-draft a Cabinet Directive that provides a framework for the recognition, implementation, and enforcement of pre-1975 Treaties.

## **DRAFT RESOLUTION # 27 / 2025**

### **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

5. Call on Canada to formally recognize the status of pre-1975 Treaties as agreements between sovereign nations and to reaffirm its obligations to fully honour and implement these Treaties in alignment with First Nations Inherent rights, the *United Nations Declaration on the Rights of Indigenous Peoples*, and the principles of international law.

# DRAFT RESOLUTION # 28 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Affirmation of Indigenous Jurisdiction and Recognition of the Quatsino First Nation Declaration of Title and Relationship

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**SUBJECT:** Rights, Governance, Nation-Building

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**MOVED BY:** Councillor Marilyn Morash, Proxy, Quatsino First Nation, BC

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**SECONDED BY:** Chief Don Tom, Tsartlip First Nation, Brentwood Bay, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) was formally endorsed by the Chiefs-in-Assembly through Resolution 37/2007, *Support and Endorsement of the United Nations Declaration on the Rights of Indigenous Peoples*, which committed to its full implementation within First Nations laws, governance, and Nation-to-Nation agreements.
- B. First Nations-in-Assembly reaffirmed this commitment through Resolution 40/2021, *Recognition of Governance and Treaty Governance*, directing the Assembly of First Nations to support the development of a self-governed First Nations institution that would give force and effect to the provisions of the UN Declaration. The UN Declaration has since been affirmed by Canada and adopted into law in British Columbia and the Northwest Territories recognizing and affirming, amongst other rights, the Inherent rights of Indigenous Peoples to own, use, develop, and control their lands, territories, and resources.
- C. Quatsino First Nation upholds a sacred and ancestral relationship with its lands, waters, air, and all life within its territory—a relationship not based on ownership or dominion, but on person-to-person relationality as relatives, governed by principles of responsibility, care, and reciprocity.
- D. Quatsino First Nation has declared its inherent, pre-existing, and unceded jurisdiction through the Quatsino Declaration of Title and Relationship, which affirms that all elements of the natural world are living relations and that law flows from the obligations these relationships entail.
- E. Despite the commitments made by Canada and the provinces and territories federal, provincial and territorial implementation has lacked operational clarity and has yet to embed First Nations' jurisdiction in a manner that reflects First Nations laws, spirituality, and systems of governance.
- F. Supporting First Nations' declarations such as Quatsino's is essential to future-proofing reconciliation efforts and grounding them in the spiritual, legal, and cultural foundations of Nations themselves.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Recognize and affirm, in principle, the Quatsino First Nation Declaration of Title and Relationship as a sacred and sovereign expression of inherent Indigenous governance and law, rooted in kinship and spiritual relationship with land, water, air, and resources, and acknowledge the importance of self-determination in defining such relationships.
2. Call upon the federal, provincial and territorial governments to co-develop, with the full participation and leadership of First Nations' rights holders, operational frameworks under the *United Nations Declaration on the Rights of Indigenous Peoples* and relevant legislation, that recognize and give effect to First Nations

## **DRAFT RESOLUTION # 28 / 2025**

### **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

laws, authorities, and jurisdiction as foundational to shared governance and legal pluralism.

3. Direct the Assembly of First Nations (AFN) to seek funding to initiate, within one year, a national Indigenous-led roundtable series on spiritually grounded governance systems, and to establish a working group to support the development and implementation of title declarations and their legal application across Nations.
4. Encourage all First Nations to continue advancing and affirming their own declarations of title and relationship, grounded in their distinct legal orders and governance systems, as expressions of Nationhood and care for future generations.
5. Acknowledge that many First Nations are already advancing declarations of title and relationship grounded in their distinct legal systems and sacred responsibilities to land.
6. Direct the AFN to advocate for the full legal recognition, enforceability, and resourcing of First Nations' jurisdiction.

# DRAFT RESOLUTION # 29 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Supporting First Nations Right to Self-Determination beyond Co-development to Advance Distinct First Nations Accessibility Legislation

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**SUBJECT:** Health, Justice, Accessibility/Disability

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**MOVED BY:** Chief Sheldon Kent, Black River First Nation, MB

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**SECONDED BY:** Chief Blaine Fiddler, Waterhen Lake First Nation, SK

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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 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
  - iii. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Truth and Reconciliation Commission's Calls to Action 48, (ii) respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practice, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12(1) of the UN Declaration.
- C. In 2022, the Assembly of First Nations (AFN) published a *Draft for Discussion: Position Paper on Co-development with the Assembly of First Nations* (AFN Position Paper) in response to numerous resolutions directing the AFN to co-develop with the Government of Canada, legislative, policy, or funding approaches for implementation nationally.
- D. While the AFN Position Paper was developed only to support the AFN and Canada to discuss and articulate principles of co-development to guide their work under the *AFN-Canada Memorandum of Understanding on Joint Priorities*, it does reaffirm some of First Nations' basic expectations with respect to nation-to-nation processes and consultation and accommodation, among other things.

# DRAFT RESOLUTION # 29 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

- E. The AFN Position Paper stated that any co-development processes between the AFN and the federal government do not discharge the Crown's duty to consult and accommodate individual First Nations. Asserting that the AFN cannot give consent on behalf of any First Nation and instead works to ensure that First Nations rights, perspectives and concerns are recognized and upheld.
- F. The AFN Position Paper further outlined several key principles, asserting specifically that "co-development" does not replace First Nations' inherent jurisdiction, nor should federal frameworks be interpreted as a substitute for First Nations law-making processes.
- G. Important advances have been made to support the priorities of First Nations through collaborative processes with the federal government, such as the 2021 adoption of the *Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, in practice, processes described as "co-development" have varied widely and often fail short of meeting First Nations Inherent and Treaty rights, as well as the federal government's legal obligations. The collapse of the federal governments' Rights Recognition process is one such example.
- H. Recognizing that federal frameworks are not a substitution for First Nations law-making processes, AFN Resolution 71/2024, *Rejecting the Accessible Canada Act and Advancing Distinct First Nations Accessibility Legislation*, (DFNAL) mandates the AFN to advance DFNAL, developed by First Nations for First Nations. DFNAL is grounded in First Nations' right to self-determination and jurisdiction and rooted in time immemorial legal traditions upholding the rights of the Lands, the Waters, and the Peoples.
- I. "Co-development" has been used to adjust several existing federal laws. In contrast, externally guided processes by federal government departments often interfere and stand in contradiction to each First Nations' inherent right to revitalize their own time immemorial traditional laws and legal processes. The creation of a new distinct First Nations-led DFNAL, based on First Nations inherent right to develop their own laws, are rooted in ceremonies, languages, customs and culture stemming from the land that are diverse and unique to each First Nation, and must proceed without interference from federal departments such as Employment Social Development Canada (ESDC).
- J. On March 5-6, 2025, the AFN Chiefs Committee on Health (CCOH) met in Vancouver B.C., to discuss concerns that ESDC is insisting on the co-development of DFNAL, and in so doing, ESDC is interfering with First Nations inherent jurisdiction to advance DFNAL, by First Nations for First Nations and this action by ESDC is in direct conflict with Resolution 71/2024.
- K. The CCOH also raised concerns that ESDC continues to implement the *Accessible Canada Act (ACA)* Accessor Training Project in First Nations. The undertaking of an ACA associated project in First Nations directly conflicts with Resolution 71/2024 where the AFN, First Nations and the regions were not included in the development of the Accessor Training Project and where this activity neglected to respect the UN Declaration's principles of free, prior and informed consent (FPIC) and Ownership, Control, Access and Possession (OCAP®) principles.
- L. DFNAL is rooted in First Nations traditional laws, customs and ceremonies, aimed at revitalizing First Nations legal traditions and systems that were suppressed during Canadian colonization. Moreover, First Nations are recognized as custodians of Natural Law or First Laws coming from the Creator, as

# DRAFT RESOLUTION # 29 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

the caretakers of the Land, and Waters, including First Nations obligations to restore Ancestral teachings.

- M.** The Two Row Wampum Belt of the Haudenosaunee Peoples honours and affirms the principle of peaceful coexistence between the two distinct worldviews of First Nations and the Canadian Framework depicted with two parallel rows of beads, representing a First Nations canoe and a colonial ship traveling the river of life together with each vessel, charting its own path and purpose, without interference from the other. This time-honoured Treaty reflects the ongoing need for mutual respect and parallel, yet separate governance.

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

1. Direct the Assembly of First Nations (AFN) to advocate that Employment Social Development Canada (ESDC) and other federal departments cease any actions that re-colonize First Nations in the context of co-developing Distinct First Nations Accessibility Legislation (DFNAL) and affirm that co-development must not replace or diminish First Nations' inherent jurisdiction and right to self-determination in advancing DFNAL.
2. Call on ESDC to engage directly with AFN on matters related to the Accessible Canada Act (ACA) and the Accessor Training Project, as a national advocacy organization working with First Nations, rather than proceeding with third-party contractors.
3. Direct the AFN to seek funding to secure resources from ESDC and Justice Canada to support the development of a draft framework on the Revitalization of First Nations Legal Traditions that enables collaboration with the Federal Government and a whole of government approach to advancing First Nations self-determined approaches where "co-development" may not be the appropriate mechanism or approach to advancing First Nations rights and sovereignty.

# DRAFT RESOLUTION # 30 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for International Partnership with Indigenous Peoples on Joint Climate and Biodiversity Action

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**SUBJECT:** Environment, Rights, UN Declaration

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**MOVED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, BC

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**SECONDED BY:** Chief Robert Charlie-Tetlich, Inuvik Native Band, NT

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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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relations 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.
  - iii. Article 29 (1): Indigenous peoples have the right to 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.
  - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. Indigenous Peoples worldwide have experienced consistent patterns of historical injustices resulting from the colonization and dispossession of their lands, territories and resources, and the doctrines, policies and practices that continue to the present day.
- C. International solidarity and collaboration amongst Indigenous Peoples have been immensely important in a shared struggle against colonialism, including the drafting, advocacy, and eventual adoption of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) in 2007 by the United Nations (UN) General Assembly.
- D. Dialogue and collaboration between Indigenous Peoples worldwide continue to be a source of inspiration and strategy in support of the struggle to end all forms of colonialism, to seek redress for the injustices suffered by Indigenous Peoples to date, and to realize the full implementation and respect for the UN Declaration.

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- E. There is global recognition that our world is facing a climate crisis, interlinked with crises of biodiversity loss and pollution, which is articulated in several reports from the Intergovernmental Panel on Climate Change (IPCC), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), as well as the First Nations-in-Assembly's Declaration of a First Nations Climate Emergency, reaffirmed in 2023.
- F. The climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in Section 35 of the *Constitution Act, 1982*, affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown.
- G. On a global scale, the impacts of climate change and biodiversity loss are borne disproportionately by Indigenous Peoples, threatening the physical, cultural, and spiritual well-being of Indigenous communities, particularly rural and remote communities, women and children, those identifying as two spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual (2SLGBTQIA+), as well as people with disabilities.
- H. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and ways-of-life shared by Elders, Knowledge Keepers, men, women, youth, and leadership to advance First Nations-led solutions that restore balance with the natural world, including through numerous resolutions from the First Nations-in-Assembly.
- I. Through Assembly of First Nations (AFN) Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, the First Nations-in-Assembly called for the AFN, among other directives, to use the AFN National Climate Strategy in international contexts as an advocacy tool.
- J. The AFN has been amplifying First Nations priorities through the AFN National Climate Strategy at international fora such as the UN Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), as well as other multilateral negotiations on plastic pollution and biodiversity beyond national jurisdictions.
- K. Based on Canada's commitment to both the Paris Agreement and the G7 2030 Nature Compact, Global Affairs Canada (GAC) has established the Partnering for Climate initiative, a portion of which allocated \$15 million over 5 years that support Indigenous climate action through partnerships between Indigenous Peoples in Canada with Indigenous Peoples in developing countries.
- L. The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1992 by Indigenous Peoples' movements, committed to the promotion and defense of Indigenous Peoples' rights and human rights and articulating issues of relevance to Indigenous Peoples in the Indo-Pacific region.

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

1. Reaffirm that First Nations' knowledge systems, teachings and ways of life serve as valuable contributions in addressing climate change strategies and form the foundation of First Nations climate and biodiversity action.

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2. Support the Assembly of First Nations (AFN) to advocate for First Nations internationally in line with the AFN National Climate Strategy, calling on Canada to fund the full and effective participation of First Nations in multilateral agreements, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD).
3. Support the AFN to partner with the Asia Indigenous Peoples Pact (AIPP) to create dialogue between First Nations and Indigenous Peoples in the Indo-Pacific on biodiversity, climate action, and nature-based solutions, considering the importance of:
  - a. Strengthening the recognition of Indigenous Peoples' knowledge systems, worldviews, and values as contributions to addressing the climate and biodiversity crises;
  - b. Advancing the recognition and protection of Indigenous Peoples' rights, particularly their right to self-determination;
  - c. Prioritizing the voices of Indigenous women and gender-diverse peoples in climate and biodiversity action; and
  - d. Strengthening Indigenous Peoples' representation in climate change and biodiversity forums and intergovernmental fora.
4. Express our solidarity with Indigenous Peoples around the world as they advocate for the recognition, protection, and implementation of their inherent rights, re-affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*.

# DRAFT RESOLUTION # 31 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Response to Canada's 2025–26 Distribution of Specific Claims Research Funding and Erosion of First Nations' Right to Justice

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**SUBJECT:** Specific Claims, Lands

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**MOVED BY:** Chief Erica Beaudin, Cowessess First Nation, SK

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**SECONDED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, BC

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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 and implementing legislative or administrative measures that may affect them.
  - iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- B. The specific claims process is one of the few mechanisms available for First Nations to exercise their right to redress for historical breaches by the Crown, and specific claims research funding is fundamental to the process.
- C. Claims Research Units (CRUs), established and mandated by First Nations, currently research and develop over 80 percent of all active claims and are a critical means by which First Nations pursue justice for their historical claims.
- D. Canada has stated that for the 2025-26 fiscal year, it received a significant increase in the number of research funding applications from individual First Nations and the number of claims on CRUs' funding proposals.
- E. Canada distributed the \$12 million in research funding available for 2025-26 according to a unilaterally devised and non-transparent system which allocated funding to individual First Nation applicants, and then to mandated CRU applicants with the result that:
- i. individual First Nations applicants have received insufficient funding (25 percent less than the maximum claim allowance of \$40,000 per claim and, on average, 50-75 percent less than they requested);
  - ii. CRUs have received severe and debilitating cuts to their budgets (up to 83 percent), directly impacting 80 percent of all First Nations claims in research and development; and

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- iii. the ability of all First Nations to advance their specific claims through their chosen mechanisms has been significantly compromised, as longstanding research programs now struggle to survive and research progress on hundreds of claims will be curtailed.
- F. Canada failed to inform CRUs and First Nations of the 2025–26 funding allocations until three months into the fiscal year, after CRUs had already committed staff and resources based on previous levels and past funding practices – incurring unrecoverable costs and leaving a fraction of resources to stretch over the remainder of the fiscal year.
- G. Canada also failed to apply or communicate any consistent, transparent methodology for allocating funds, creating sudden, destabilizing shortfalls that will derail ongoing research work, bar First Nations from advancing new claims, undermine their access to justice, and waste already scarce resources.
- H. By arbitrarily cutting CRU budgets — despite their economies of scale and ability to advance the greatest number of claims – and by underfunding direct First Nation allocations, Canada has undermined system-wide efficiency and effectiveness that will reduce the number of claims that could be advanced, essentially squandering limited public funds.
- I. These cuts compound a growing crisis that undermines both First Nations’ access to justice and Canada’s previous commitment to co-develop an independent specific claims process, and will lead to structural failure, regional inequities, and long-term system paralysis.
- J. These actions contravene Canada’s obligations under the UN Declaration, fail to uphold the Honour of the Crown, and contradict Canada’s public commitment to reconciliation and redress of past harms.
- K. These actions will delay the resolution of historical claims and by doing so will inject uncertainty into land-based processes and compound risks to major energy, infrastructure, and resource development projects.
- L. AFN Resolutions 80/2023 and 11/2024 affirm the need for adequate, predictable, and transparent specific claims research funding and support for CRUs, but do not address this new federal 2025–26 crisis.

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

1. Affirm that First Nations have the right, in accordance with *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) Articles 18, 19, and 28, to choose how their historical grievances are researched and advanced—whether through mandated Claims Research Units (CRUs) or as individual applicants—and that Canada must ensure equitable and appropriate funding for both pathways, consistent with First Nations’ mandates, needs, and right to redress.
2. Condemn the 2025–2026 distribution of specific claims research funding as it violates reasonable expectations and principles of fairness, and was undertaken without consultation, transparency, and respect for First Nations’ self-determined representation and research mechanisms.
3. Direct the AFN to engage with the Prime Minister and Minister of Crown-Indigenous Relations to urgently address the funding crisis and ensure sustainable and equitable access to claims research support for all First Nations.
4. Call on Canada to:
  - a. co-develop, with First Nations, a reformed specific claims research funding model that is transparent, equitable, needs-based, and grounded in the UN Declaration, Treaty rights, and First Nations’ right to choose their own representatives and research mechanisms; and



# DRAFT RESOLUTION # 32 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Strategic Direction on Land Restitution and Compensation

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**SUBJECT:** Lands, Specific Claims, Additions to Reserve

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

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**SECONDED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, 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 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
  - iv. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied, used or damaged without their free, prior and informed consent.
  - v. Article 28(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. For generations, First Nations have advocated for fair, independent, impartial, open and transparent processes to resolve the Crown's outstanding legal obligations related to First Nations' lands, territories and resources. First Nations have also expressed deep frustration with the Government of Canada's failure to return lands in an efficient and timely manner in fulfilment of outstanding legal obligations and community needs.
- C. Assembly of First Nations (AFN) Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, mandates the AFN to co-develop with the Government of Canada and First Nations a fully independent specific claims process that reflects the UN Declaration and the Honour of the Crown by removing the Minister's conflict of interest.

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- D. In November 2022, then Crown – Indigenous Relations and Northern Affairs Canada (CIRNAC) Minister Marc Miller publicly committed the Government of Canada to co-developing a fully independent specific claim process with First Nations and the AFN through the establishment of an Independent Centre for the Resolution of Specific Claims (the Independent Centre).
- E. In July 2024, in recognition of the diminishing timeline to establish the Independent Centre under the previous government, First-Nations-in-Assembly directed the AFN to pursue immediate policy-based reforms alongside continuing to work jointly with the Government of Canada to develop a fully independent specific claims process through Resolution 11/2024, *Ensuring Access to Justice for Specific Claims through Policy Reform*.
- F. AFN Resolution 10/2024, *Advancing Additions to Reserve Reform*, mandates the AFN to work with First Nations to advance transformative reforms to the Additions to Reserve (ATR) Policy to create a faster, more effective process that respects diverse land regimes, regional realities, and First Nations priorities such as those related to outstanding legal obligations.
- G. At the December 2024 Special Chiefs Assembly, then CIRNAC Minister Gary Anandasangaree announced interim changes to the ATR Policy to enable greater flexibility and committed to pursuing fundamental reform in collaboration with First Nations. There is an ongoing need to coordinate reform of the ATR and Specific Claims Policies and processes to ensure that First Nations can achieve financial compensation and land restitution in an efficient and timely manner.
- H. As Directed by Resolution 10/2024, the AFN continues to participate in the CIRNAC Technical Advisory Committee (TAC) to advance a transformative ATR Policy that respects First Nations' diverse priorities and land regimes.
- I. During the 2025 election campaign, Prime Minister Mark Carney reaffirmed Canada's commitment to implementing the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) and the UNDA National Action Plan. Failure to fulfill this commitment perpetuates historical injustices and undermines reconciliation efforts.
- J. As of 2024, Canada reported \$26 billion in contingent liabilities related to its unresolved legal obligations to First Nations, with over 3 million acres owed to First Nations through Treaty Land Entitlement and specific claim settlements. To advance its ambitious national growth agenda, Canada must first take meaningful steps to address its monetary and land-based obligations to First Nations including via the resolution of specific claims and the return of lands.
- K. The AFN, with the guidance of the Chiefs Committee on Lands, Territories and Resources (CCoLTR) and the Council of Experts in Indigenous Laws (CEIL), has convened two national gatherings of First Nations leadership, technicians, and knowledge keepers to advance the self-determined assertion of Indigenous laws, legal orders, and traditions in relation to land restitution and equitable compensation. These gatherings constitute a critical national forum for the revitalization and restitution of First Nations laws and legal orders.

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

1. Reaffirm the generational calls for a fully independent specific claims process that removes Canada's conflict of interest in the resolution of specific claims.

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2. Direct the Assembly of First Nations (AFN) to work directly with Canada, the Chiefs Committee on Lands, Territories, and Resources (CCoLTR), and First Nations to advance transformative reform of Canada's Specific Claims Policy and process including through:
  - a. Policy-based reforms previously called for by the First Nations-in-Assembly;
  - b. Identifying and removing barriers in the Specific Claims Policy and *Specific Claims Tribunal Act* that prevent land and other equitable remedies in compliance with the *United Nations Declaration on the Rights of Indigenous Peoples*; and
  - c. Continue to identify and co-develop reforms to increase process independence, including the establishment of an independent specific claims process.
3. Direct the AFN, with the guidance of the CCoLTR, to engage directly with First Nations to identify transformative approaches to land restitution in the context of the Additions to Reserve (ATR) policy reform.
4. Direct the AFN to call on Canada to address the fiscal and moral costs of not resolving outstanding monetary and land-based obligations to First Nations through co-developed reforms to the ATR policy and the Specific Claims Policy as a fundamental requirement for reconciliation and in respect for the diversity of First Nations priorities and regional realities.
5. Direct the AFN, contingent upon the provision of necessary resources, and guided by the CCoLTR and the Council of Experts in Indigenous Laws (CEIL), to continue to convene annual national gatherings of First Nations leadership, technicians, and knowledge keepers dedicated to advancing Indigenous laws, with a particular focus on land restitution and compensation principles.

# DRAFT RESOLUTION # 33 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for First Nations' Advocacy Related to the Lake Diefenbaker Irrigation Expansion Project

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**SUBJECT:** Environment, Lands, Water, Fisheries

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**MOVED BY:** Chief Kirby Constant, James Smith Cree Nation, SK

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**SECONDED BY:** Chief Darcy Desjarlais, Fishing Lake First Nation, SK

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### WHEREAS:

- A. In March 2024, the Government of Saskatchewan publicly announced and committed to the multi-phase Lake Diefenbaker Irrigation Expansion Project (LDIP), projected to cost over \$4 billion and extract over 850 million cubic metres of water annually, with Phase 1 commencing in 2025.
- B. The Government of Saskatchewan is the project applicant, proponent, and the provincial regulator of the LDIP through the Saskatchewan Water Security Agency (WSA), the Ministry of Agriculture, and the Ministry of Highways.
- C. First Nations of Treaty 2, 4, 5 & 6 continue to argue that the LDIP is one project, but the Government of Saskatchewan has split the project into three (3) phases, thereby attempting to minimize perception of the cumulative impacts of all three phases.
- D. To date, there has not been any federal or provincial environmental or impact assessments conducted for the LDIP, nor has there been meaningful consultation with First Nations whose rights, lands, waters, species and ways of life will be impacted.
- E. In June 2021, the Federation of Sovereign Indigenous Nations (FSIN) issued correspondence to the Impact Assessment Agency of Canada (IAAC) requesting that the entirety of the project be designated a "project" under the *Impact Assessment Act* (IAA) and thus be subject to a federal impact assessment, to which FSIN received a response from (IAAC) indicating that phases 1 and 2 do not meet the criteria but phase 3 includes physical activities prescribed under the federal *Physical Activities Regulations*.
- F. First Nations and FSIN continue to advocate for the federal designation of the entire project to be deemed a "project" to ensure a comprehensive impact assessment is conducted prior to approval and construction of LDIP.
- G. The federal IAA amendments of June 2024 compel a new analysis and review of the LDIP application in addition to review of the IAA regulations and policies, and Government of Saskatchewan regulations and policies applicable to the current LDIP application, including the *Saskatchewan Environmental Assessment Act*.
- H. The Government of Saskatchewan has advanced the LDIP beyond the conceptual stage and has been provided written notice by First Nations of potential impacts and infringements to the exercise of our Inherent and Treaty Rights, requiring the Crown to engage in meaningful consultation with First Nations.

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- I. Despite the issuance of formal requests, the Government of Saskatchewan has not directly issued disclosure of project application, permits, timelines or relevant information or documents to First Nations regarding the project.
- J. This project may significantly impact at least 10 of the 14 watershed systems in Saskatchewan across Treaties 2, 4, 5, and 6, and poses potential risks to water security, Treaty Land Entitlement negotiations, biodiversity, sacred sites, and the health of major river systems, including the Saskatchewan River Delta and the Qu'Appelle River.
- K. There remain serious concerns about the cumulative impacts of water extraction and land use under climate change scenarios, and the province has not demonstrated transparency in its analysis of these risks.
- L. FSIN Chiefs-in-Assembly adopted Resolution #2220 calling for a legal review, technical engagement, and federal designation of the entire project under the IAA.
- M. First Nations continue to raise concerns about the lack of capacity supports, nation-specific engagement, and operational clarity in WSA's approach to consultation.

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

1. Call on the Assembly of First Nations (AFN) to advocate with the Privy Council Office, the Minister of Environment and Climate Change Canada, the Impact Assessment Agency of Canada and other relevant federal Ministers to provide capacity funding to ensure each potentially impacted First Nation can meaningfully participate in consultation processes. This includes supporting First Nation-led environmental and/or impact assessments, recognition of traditional knowledge, participation in water quality and ecosystem monitoring, and the implementation of Inherent and Treaty Rights and jurisdiction.
2. Direct the AFN to support the continued coordination among impacted First Nations across Saskatchewan and Manitoba, with particular attention to Treaty Land Entitlement land selections and Addition to Reserve processes.
3. Direct the AFN to call on the Government of Saskatchewan and its Water Security Agency, as proponents of the Lake Diefenbaker Irrigation Expansion Project, ensure that all decisions fully involve and are informed by impacted First Nations.

# DRAFT RESOLUTION # 34 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Investing in First Nations Freshwater Stewardship

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**SUBJECT:** Water, Environment

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**MOVED BY:** Chief Tony Traverse, Kinonjeoshtegon First Nation, MB

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**SECONDED BY:** Chief Hartley Everett, Berens River First Nation, MB

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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 relations 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 29 (1): Indigenous peoples have the right to conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection without discrimination.
  - iii. Article 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. Freshwater ecosystems across Turtle Island are at risk, with freshwater quality, quantity, and biodiversity cumulatively impacted by environmental degradation, pollution, and climate change.
- C. Management of freshwater across Canada exists in a complex landscape of jurisdiction that requires collaboration amongst federal, provincial, territorial governments, binational organizations, Indigenous Peoples, as well as non-governmental and private sector organizations.
- D. First Nations are on the front lines of these challenges, facing compounding impacts on water quality from harmful algal blooms, contamination, and resource development.
- E. In addition to growing water security concerns from the privatization of water, impacts to water levels from industrial use—exacerbated by climate change—have immense impacts on transportation and supply routes, especially for Northern and remote First Nations.

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- F. Additionally, industrial water use for power generation has resulted in impacts to freshwater ecosystem health and important fish habitat, including the loss of connectivity for the migration of culturally important fish species, with negative consequences for subsistence fisheries.
- G. Water is sacred to First Nations and foundational to our health, well-being, cultural continuity, and ways of life. Ongoing water insecurity and declining health of our freshwater ecosystems directly threaten our Inherent rights and responsibilities.
- H. First Nations are leading innovative and effective watershed governance and stewardship initiatives, including First Nations water gatherings, watershed assessment and planning, developing water strategies, ecosystem restoration, and Indigenous science-based monitoring.
- I. Investing in First Nations-led watershed stewardship is an act of nation-building, enabling First Nations to exercise their jurisdiction, fulfil responsibilities to the Land and Water, and to contribute meaningfully to Canada's climate resilience, biodiversity goals, and sustainable economy.
- J. Collaboration amongst First Nations will also be a critical part of the solution. For example, First Nations around Lake Winnipeg are working together to set environmental restoration objectives and have called for First Nations in the Lake Winnipeg Watershed, spanning across Manitoba, Saskatchewan, and Alberta, to assert their rights to stewardship.
- K. Recent Government of Canada initiatives, such as establishing a Canada Water Agency, commitments to modernize the *Canada Water Act*, and Fisheries and Oceans Canada's (DFO) Ecologically Significant Areas (ESAs) policy present timely opportunities for long-term, collaborative investments in First Nations-led water governance and stewardship, consistent with reconciliation and the vision for a net-zero, nature-positive future.
- L. The First Nations-in-Assembly have passed resolutions directing the Assembly of First Nations (AFN) to support First Nations on water stewardship, including Resolution 53/2023, *First Nations-led Process for National Water Stewardship and the Canada Water Agency*, and Resolution 43/2021, *Support for First Nations Inherent Rights, Title and Jurisdiction related to Water Stewardship, including the Traditional Roles of First Nations Women*.

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

1. Direct the Assembly of First Nations (AFN) to call on federal, provincial, and territorial governments to support and invest in First Nations-led water stewardship, including watershed planning, assessment, monitoring, and restoration, through long-term, flexible, and sustainable funding models.
2. Direct the AFN, guided by the relevant technical and Chiefs' committees, to identify and leverage federal, provincial, and territorial government policy and legislative tools, including the Ecologically Significant Areas policy, the *Canada Water Act*, and mechanisms under the Canada Water Agency, to support First Nations in water stewardship and governance.

# DRAFT RESOLUTION # 35 / 2025

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**TITLE:** Support for the Initiative for Responsible Mining Assurance Standard

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**SUBJECT:** Environment, Mining, UN Declaration

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**MOVED BY:** Chief Edward John, Tl'azt'en, BC

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**SECONDED BY:** Deputy Chief Harlan Schilling, Daylu Dena Council, BC

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### WHEREAS:

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

- i. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of (indigenous peoples') 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.
- ii. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. Article 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.
- iv. 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.
- v. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- vi. Article 32 (2): States shall consult and cooperate in good faith with 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. Since time immemorial, First Nation peoples have held rights to our lands and resources, including water and air. Similarly, we also hold sacred responsibilities to govern, care for, and steward our territories and resources. This includes the right to be informed and to participate in decision-making processes that impact upon our rights and responsibilities.

C. The Initiative for Responsible Mining Assurance (IRMA) is a global non-governmental organization focused on Environmental, Social and Governance standards in mining. IRMA is committed to protecting people and the environment directly affected by mining by providing assessment standards that: i) support the creation of conditions in which the mining industry respects the human rights and aspirations of affected communities; ii) provide safe, healthy and supportive workplaces; iii) minimizes harm to the environment; and iv) leaves positive legacies.

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- D. IRMA's membership includes seven auto manufacturers, some of the world's largest mining companies, jewelers, global trade unions, Indigenous and non-Indigenous communities and representatives of the investment and finance sectors unified in their vision to develop and use the most robust mining standard in their activities for the energy transition.
- E. The IRMA Standard for Responsible Mining ('IRMA Standard') was developed over more than 10 years with input from First Nations and numerous other organizations. The IRMA Standard defines best practices for what responsible mining should look like at the industrial-scale. It provides the list of expectations that independent auditors will use as the benchmark for responsible mines.
- F. The IRMA Standard requires independent audits to assess social and environmental performance at mine sites globally. These audits are built on transparency, inclusive governance and thoroughness that speak directly to the fulfilment of ESG requirements and provide audits that are unmatched for reliability in the assessment of all key components of producing mines.
- G. The IRMA Standard requires proponents of new mines to demonstrate their securing of free, prior and informed consent (FPIC) of First Nation communities, as set out in the UN Declaration.
- H. In 2024, the Chiefs-in-Assembly of three province-wide First Nations organizations in British Columbia (the Union of British Columbia Indian Chiefs; the First Nations Summit; and the British Columbia Assembly of First Nations) passed resolutions endorsing the IRMA Standard.
- I. On July 22, 2025, IRMA released for worldwide consultation a draft update to its mining standard titled, "IRMA Standard for Responsible Exploration, Extraction and Processing of Minerals", also known as "IRMA Standard V2.0". The consultation period ends October 22, 2025. Revision and finalization of the revised IRMA Standard V2.0 is expected in early-mid 2026.

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

- 1. Encourage dialogue amongst First Nations to review and assess the implications of the Initiative for Responsible Mining Assurance Standard for Responsible Mining (IRMA Standard) prior to any endorsement by the First Nations-in-Assembly, and call on the Government of Canada to support and adopt the IRMA Standard in collaboration with First Nations.
- 2. Direct the Assembly of First Nations (AFN) to seek funding to engage with Canada in a timely manner to promote consistency between mining laws, related policies and directives are consistent with the IRMA Standard.
- 3. Direct the AFN to call on the federal, provincial, and territorial governments to fully recognize and uphold First Nations' Inherent and constitutional-protected Aboriginal title and rights, self-determination and governance in all matters related to mining, including the right of free, prior and informed consent, before any exploration, development, or extractive activities on or near First Nations lands and waters.
- 4. Direct the AFN to provide a progress report on endorsements of the IRMA Standard by First Nations to the First Nations-in-Assembly at the earliest opportunity.

# DRAFT RESOLUTION # 36 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** First Nations-Led Critical Minerals Strategy

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**SUBJECT:** Economic Development, Environment

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**MOVED BY:** Chief Terry Richardson, Oinpegitjoig First Nation, NB

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**SECONDED BY:** Chief Allen Polchies, Sitansisk First Nation, NB

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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 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. Article 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.
- iv. 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.
- 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 32(1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources.
- vii. 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, prior 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.
- viii. 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. This section provides the background information for the resolution.

B. First Nations have the inherent right and responsibility to steward and govern their lands, waters, and natural resources, including critical minerals, according to their laws, customs, and values.

# DRAFT RESOLUTION # 36 / 2025

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- C. The federal government of Canada has identified critical minerals as a key strategic sector in its 2022 Critical Minerals Strategy, prioritizing resource development to meet global demand for clean energy transition, defense, and high technology applications.
- D. Despite being disproportionately impacted by extractive activities, First Nations continue to be excluded from key decision-making processes, revenue sharing, and benefit agreements related to critical mineral exploration, extraction, and processing.
- E. The British Columbia (BC) First Nations Energy and Mining Council's Critical Minerals Strategy, developed through extensive engagement with over 250 First Nations leaders and technicians in BC, outlines 50 recommendations to ensure First Nations' leadership and benefit in critical mineral development, emphasizing environmental protection, socio-economic development, clean energy, and land rights.
- F. There is an urgent need for a national, First Nations-led Critical Minerals Strategy that positions First Nations to lead and benefit from critical mineral development on their lands and waters through mechanisms such as equity ownership, environmental oversight, workforce development, and knowledge-sharing.
- G. A national First Nations-led Critical Minerals Strategy will enhance First Nations' economic participation in the critical minerals value chain through mechanisms including equity ownership, revenue sharing, impact benefit agreements, Indigenous procurement policies, workforce training and certification programs, and the creation of First Nations-owned processing infrastructure.

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

1. Direct the Assembly of First Nations (AFN) to immediately develop a national First Nations Critical Minerals Strategy that is grounded in the principles of self-determination, free, prior, and informed consent (FPIC), and environmental stewardship with guidance from First Nations, relevant Chiefs committees such as the Chiefs Committee on Economic Development (CCED) and the Advisory Committee on Climate Action and the Environment (ACE), and relevant technical experts.
2. Direct the AFN to seek funding for and establish a First Nations Critical Minerals Task Force comprised of regional First Nations leaders, technical experts, youth, and Elders to guide the development and implementation of the Strategy in a manner that includes regional knowledge, perspectives, and best practices, and to provide updates on the development of the Strategy to the First Nations-in-Assembly.
3. Call upon the federal government to fully recognize First Nations inherent jurisdiction and governance over their lands, waters, and resources, and to engage in co-development of any national policy or legislation related to critical minerals with First Nations rights- and title- holders.
4. Urge federal, provincial, and territorial governments to ensure that no critical mineral projects proceed without the FPIC of impacted First Nations, consistent with the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) and existing case law.
5. Direct the AFN to seek funding from Natural Resources Canada, Infrastructure Canada, and other relevant federal departments to support First Nations capacity building in mineral governance, environmental monitoring, and clean technology innovation.

# DRAFT RESOLUTION # 37 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Repatriation of First Nations Items and Sacred Artifacts

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**SUBJECT:** Culture and Heritage

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**MOVED BY:** Chief Angela Levassuer, Nisichawayasihk Cree Nation, MB

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**SECONDED BY:** Kukpi7 Roseanne Casimir, Tk'emlups te Secwepemc, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 12 (1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to the irreligious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
  - ii. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- B. The UN Declaration Action Plan commits the Department of Canadian Heritage to:
- i. Co-develop with First Nations, Inuit Treaty Organizations or their designates, and the Métis a distinction-based comprehensive approach, which will include legislative, programming and/or service measures, to enable the repatriation/rematriation of Indigenous cultural belongings and ancestral remains.
- C. First Nations-in-Assembly have provided the following mandates with respect to repatriation and cultural heritage, including:
- i. Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action*, calls upon federal, provincial, territorial, and municipal governments to fully implement the Truth and Reconciliation Commission's Calls to Action.
  - ii. Resolution 31/2016, *Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds*, calls upon the federal government to include First Nations as decision-makers in managing First Nations heritage.
  - iii. Resolution 106/2017, *Support for International Repatriation of Sacred Items*, calls upon the Assembly of First Nations (AFN) to support First Nations in repatriating objects from international repositories.
  - iv. Resolution 16/2018, *Support for the Indigenous Heritage Circle*, directs the AFN to develop a reconciliation framework for Canadian heritage and commemoration and to ensure that the repatriation of Indigenous cultural property is done with the participation of First Nations and upholds the UN Declaration.

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- D. First Nations have the Inherent and sacred right to care for, protect, and govern their cultural heritage, including sacred objects, ceremonial items, ancestral remains, and knowledge systems.
- E. Many sacred and cultural artifacts belonging to First Nations are held in national and international institutions, some of which are in the process of returning these belongings to First Nations.
- F. The Canadian Museums Association (CMA) developed a report on how museums can implement the UN Declaration. Their recommendations include funding the repatriation process and Indigenous cultural centres. The CMA, alongside the Indigenous Heritage Circle, created the Indigenous Cultural Heritage Rights Task Force to advance Indigenous cultural heritage rights and support the return of cultural belongings to their rightful communities.
- G. The continued use, display, and ownership of artifacts belonging to First Nations without their consent violates the rights of First Nations to free, prior and informed consent. To comply with the UN Declaration, museums and institutions must identify and return items and artifacts to the appropriate rights holders.
- H. As the Government of Canada seeks to fast-track major projects across First Nations territories, the protection and conservation of artifacts, cultural items, and burial sites is an increasing priority for First Nations.

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

1. Affirm that First Nations have the sole and Inherent right to lead and govern the stewardship, care, and interpretation of their sacred and cultural belongings, both repatriated and existing.
2. Direct the Assembly of First Nations (AFN) to seek resources to support the creation of a First Nations-led task force, composed of First Nations leaders, knowledge keepers, youth, legal experts, and cultural practitioners, to guide the development, governance, and implementation of a national repatriation strategy.
3. Call upon the Government of Canada to implement the Canadian Museums Association's (CMA) 2022 *United Nations Declaration on the Rights of Indigenous Peoples* Report recommendations, including providing sustained, long-term funding to support First Nations in repatriation.
4. Call on the AFN – through the First Nations-led task force – to work with First Nations, the Department of Canadian Heritage, and the Indigenous Cultural Heritage Rights Task Force to establish a draft Cultural Heritage Rights Framework that recognizes First Nations' sovereignty over First Nations' cultural rights, and encompasses restitution, redress, repatriation, and rematriation.
5. Direct the AFN to put forward a Cultural Heritage Rights Framework for endorsement at a subsequent AFN Assembly.
6. Call on the Government of Canada, international museums, and funding bodies to provide comprehensive ongoing funding to support repatriation activities before, during, and after the process, including community infrastructure and capacity building.

# DRAFT RESOLUTION # 38 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Supporting First Nations through the National Indigenous Fire Safety Council

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**SUBJECT:** Emergency Management

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**MOVED BY:** Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

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**SECONDED BY:** Chief Todd Cornelius, Oneida Nation of the Thames, ON

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous People* (UN Declaration) states:
- i. Article 21 (1): Indigenous people have the right, without discrimination to the improvement of their economic and social conditions, including, areas of education, employment, vocational training, housing, sanitation, health and social security.
  - ii. Article 29 (1): Indigenous people have the right to the conservation and protection of the environment and the productive capacity of their lands and territories and resources. States shall establish and implement assistance programs for Indigenous Peoples for such conversation and protection, without discrimination.
- B. First Nations across Canada continue to face critical gaps in emergency services, including delays and communication breakdowns in dispatch services, which can result in increased risk to life, property, and the environment.
- C. Culturally appropriate, First Nations-led emergency management organizations could support First Nations in emergency management through addressing longstanding issues in:
- i. Emergency response infrastructure, ensuring timely, coordinated, and community-informed responses that respect First Nations' governance, languages, and traditional knowledge.
  - ii. Responding to the lack of coordination during national incidents or regional incidents to support urgent and long-term community requirements with federal, provincial and territorial agencies.
  - iii. Occupational risks, including exposure to carcinogens, mental health challenges, and post-traumatic stress.
- D. The First Nations Fire Protection Strategy 2023 to 2028, co-developed by the Assembly of First Nations (AFN) and Indigenous Services Canada aims to support a decrease in the national rate of First Nations fire incidents, improve fire response time, and address infrastructure gaps that impede emergency response on-reserve. The Strategy was developed with input from First Nations technical organizations, tribal councils, First Nations leadership, National Indigenous Fire Safety Council and other fire service professionals.
- E. The National Indigenous Fire Safety Council (NIFSC) is an Indigenous-governed organization with the mandate and expertise to advance fire and life safety for Indigenous communities. The NIFSC has

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made significant progress in the development and delivery of standards, training, and accreditation programs tailored to First Nations' fire service needs.

- F. There is an urgent need to continue to develop and implement opt-in supporting policies and programs such as:
  - i. A National Indigenous Dispatch Centre, to enhance emergency response coordination, improve health and safety outcomes, and align with First Nations' self-determination and support jurisdiction over community safety and emergency management.
  - ii. A national incident management training program that strengthens First Nations' leadership in emergency operations and community-led response systems.
  - iii. Managing fire-related Occupational Health and Safety (OHS) initiatives, including identified injury, medical and mental health risks.
- G. Funding is required for First Nations' and emergency management organizations such as the National Indigenous Fire Safety Council to support fire prevention initiatives and the implementation of First Nations' own emergency management related priorities, where First Nations may opt in to the programs and services provided by the Indigenous Fire Safety Council.

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

- 1. Support the leadership of the National Indigenous Fire Safety Council to:
  - a. Initiate and facilitate a national dialogue with interested First Nations on the creation of an opt-in National Indigenous Dispatch Centre.
  - b. Manage and expand First Nations' fire service programs, including those focused on structural fires, wildfires, and interface fires for First Nations who request it.
  - c. Support the development of opt-in community standards and implementation of accredited training to respond to fires.
- 2. Direct the Assembly of First Nations to work in partnership with the National Indigenous Fire Safety Council to engage interested First Nations, leaders, and emergency service stakeholders in consultation on the design, scope, and operational capacity of emergency management.
- 3. Urge the federal government to provide funding and technical support to First Nations and the National Indigenous Fire Safety Council to support emergency management, including feasibility studies, regional engagement sessions, and planning activities necessary for the mandate provided by First Nations-in-Assembly.
- 4. Declare that any planning and implementation for activities for the National Indigenous Fire Safety Council must be opt-in, include consideration of regional service models, First Nations' languages, traditional knowledge, and interoperability with existing emergency response frameworks.
- 5. Call upon Indigenous Services Canada, Public Safety Canada, and other relevant federal departments to recognize and prioritize First Nations-led emergency service infrastructure, as part of reconciliation and the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

# DRAFT RESOLUTION # 39 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for First Nations' Multilateral Negotiations and Implementation of Emergency Management

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**SUBJECT:** Emergency Management

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**MOVED BY:** Tyrone McNeil, Proxy, Sq'ewlets First Nation, BC

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**SECONDED BY:** Chief Jerry Jack, Mowachaht/Muchalaht First Nation, BC

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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 and implementing legislative or administrative measures that may affect them.
  - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Climate-driven disasters are increasing in frequency and severity. The 2015-2030 Sendai Framework for Disaster Risk Reduction calls for inclusive, people-centered, multi-hazard approaches. First Nations are disproportionately impacted and require adequate, self-determined resources to prepare for, mitigate, respond to, and recover from emergencies:
- i. Guiding Principle 19(d): Disaster risk reduction requires an all-of-society engagement and partnership. It also requires empowerment and inclusive, accessible and non-discriminatory participation, paying special attention to people disproportionately affected by disasters, especially the poorest.
  - ii. Guiding Principle 19(g): Disaster risk reduction requires a multi-hazard approach and inclusive risk-informed decision-making based on the open exchange and dissemination of disaggregated data [...] complemented by traditional knowledge.
- C. First Nations in British Columbia, Canada, and the Province of British Columbia created a Multilateral Emergency Management Negotiation Team to transition from a bilateral services agreement to a new multilateral agreement that recognizes First Nations as equal partners and formalizes roles, responsibilities and funding across all four pillars of emergency management.

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- D. The 2019 Emergency Management Services Memorandum of Understanding between the Government of Canada, the Province of British Columbia, and the Union of British Columbia Indian Chiefs, British Columbia Assembly of First Nations and the First Nations Summit, recognizes that First Nations governments and their institutions need stable resources to exercise jurisdiction in all four pillars of emergency management.
- E. Despite these commitments, federal core-capacity funding remains ad-hoc, application-based and insufficient, forcing First Nations to rely on short-term contribution agreements that do not support long-term planning, staffing, training, or culturally grounded emergency services.
- F. First Nations leadership in British Columbia has repeatedly directed that emergency-management capacity be sustainably funded, including through the following mirrored resolutions:
  - i. Union of BC Indian Chiefs 2024-16: *Model for Multilateral Emergency Management Services Funding Negotiations*
  - ii. BC Assembly of First Nations 14/2024: *Model for Multilateral Emergency Management Services Funding Negotiations*
  - iii. First Nations Summit 0622.08: *Support for First Nations Involvement in Negotiations on a New Tripartite Agreement for Emergency Management Services Funding*
  - iv. First Nations Summit 0424.07: *Model for Multilateral Emergency Management Services Funding Negotiations.*
- G. The BC First Nations Climate Strategy and Action Plan and the Action Plan for Disaster Risk Reduction by First Nations in BC (2023-2030) calls for sustained, distinctions-based funding to implement mitigation, preparedness, response and recovery measures.
- H. The Office of the Auditor General of Canada's 2022 report, *Emergency Management in First Nations Communities*, concluded that Indigenous Services Canada's support remains reactive and does not meet First Nations' needs for preparedness and mitigation.

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

1. Direct the Assembly of First Nations (AFN) to support the work of the First Nations Leadership Council Multilateral Emergency Management Negotiation Team, and other regions, where requested, in the development and implementation of their own multilateral negotiations with federal, provincial and territorial governments to ensure the full jurisdiction of First Nations in emergency management.
2. Direct the AFN to call upon Indigenous Services Canada (ISC), Public Safety Canada, the Treasury Board of Canada Secretariat, and other relevant federal departments to support full and effective First Nations' participation in the development and implementation of multilateral negotiations, including through supporting any Memorandums to Cabinet and/or Treasury Board Submissions, where requested by AFN regions, with the goal of securing long-term, distinctions-based emergency management funding.
3. Call upon relevant federal departments to ensure that Memorandum to Cabinet and Treasury Board submission provides:
  - a. Predictable, flexible core-capacity funding for First Nation governments for mitigation, preparedness, response and recovery, including connecting the Disaster Finance Assistance

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Arrangements to ISC programs to ensure First Nations benefit from Disaster Financial Assistance Arrangements as provinces and territories do.

- b. Sustained operational funding for regional and national First Nations emergency-management bodies, and other First Nations mandated service institutions.
- c. Resources for infrastructure, training, equipment and culturally appropriate programming; and
- d. Flow-through, distinctions-based funding governed by First Nations, indexed annually by no less than the Consumer Price Index, First Nations population growth, and aligned with *the United Nations Declaration on the Rights of Indigenous Peoples* Articles 18, 19 and 23.

# DRAFT RESOLUTION # 40 / 2025

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**TITLE:** Support for the Renewal and Expansion of First Nations Adult Education Funding

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**SUBJECT:** Education

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

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**SECONDED BY:** Tyrone McNeil, Proxy, Sq'ewlets (Scowlitz) First Nation, BC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. 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.
  - iv. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. First Nations have the Inherent and Treaty right to receive education that is in accordance with their culture, values, traditions, and languages and that is free of prejudice and discrimination.
- C. First Nations have advocated for federal support of adult education rooted in a vision of lifelong learning, including learning opportunities at every stage of life that contributes to individual and community health and well-being.
- D. In 2018, the Assembly of First Nations (AFN), National Indian Education Council (NIEC), Chiefs Committee on Education (CCOE) and Indigenous Services Canada (ISC) co-developed the *2018 Policy Proposal on First Nations Post-Secondary Education* (2018 PSE Policy Proposal), later amended into a Memorandum to Cabinet. The 2018 PSE Policy Proposal referenced the outstanding need for adult education and called for \$124.5 million annually in transitional funding for secondary upgrading and/or completion to assist First Nations students to be prepared for post-secondary education.
- E. In 2021, the Government of Canada announced an adult education investment of \$350 million over a five-year period through the First Nations Post-Secondary Education Strategy, expiring in March 2027.

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## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

- F. In 2021, the AFN, NIEC, CCOE and ISC co-developed the *2021 Post-Secondary Education Policy Proposal on First Nations-led Local, Regional and Treaty-based Models* (2021 PSE Policy Proposal). The 2021 PSE Policy Proposal proposes regional post-secondary education (PSE) models with increased funding, resources, and support for First Nations post-secondary education. Furthermore, it calls to unlock the \$350 million investment announced in Budget 2021 for adult education, with regional allocations determined by First Nations to meet the unique needs of adult learners in each region.
- G. In 2021, ISC unilaterally created the First Nations Adult Secondary Education Program and the First Nations Adult Education in Yukon and Northwest Territories Program. These programs are the mechanism by which Canada flows funding and were developed without First Nations input. As a result, the programs fail to meet the needs of First Nations as identified in the 2021 PSE Policy Proposal.
- H. The ISC-created programs are time-limited, do not offer flexible expenditures and do not allow First Nations to expand adult education programming for all their members.
- I. First Nations have created over 104 new adult education programs across the country and have 108 new schools admitting adults since the investment in 2021.
- J. Time-limited adult education funding for First Nations is inequitable and must be replaced with the same ongoing funding that is provided to non-Indigenous learners.
- K. Increased levels of education in adults positively correlate with stronger social, health, and economic outcomes.

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

- 1. Direct the Assembly of First Nations, Chiefs Committee on Education, and National Indian Education Council to continue to advocate for sustainable, core funding for adult education programming and infrastructure.
- 2. Call on Indigenous Services Canada (ISC) to renew and expand funding for First Nations adult education by:
  - a. Ensuring adult education funding is no longer time-limited and is established as a core allocation;
  - b. Allocating \$198.9 million annually to ensure long-term, sustainable support for First Nations adult education programs; and
  - c. Enabling flexible program expenditures and eligibility as determined by First Nations.
- 3. Call on ISC to ensure that funding is delivered before the expiration of Budget 2021 allocations, so that the hundreds of First Nations students, programs, and schools relying on this support are not interrupted or forced to scale back.
- 4. Affirm that nothing in this resolution is meant or shall be interpreted to diminish, limit, impact or supersede the ability of a First Nation to exercise their inherent jurisdictions, to exercise and fulfill their rights and authorities under Treaties, or to engage in their unique relationship with Canada.

# DRAFT RESOLUTION # 41/2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Support for a Revised First Nations Control of First Nations Education Policy

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**SUBJECT:** Education

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**MOVED BY:** Tyrone McNeil, Proxy, Sq'ewlets (Scowlitz) First Nation, BC

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**SECONDED BY:** John Martin, Proxy, Gesgapegiag, QC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. 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.
  - iv. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. First Nations have Inherent and Treaty rights regarding education, and the Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over their education.
- C. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of Inherent rights as Indigenous Peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*.
- D. In 1972, First Nations in Canada endorsed the policy of *Indian Control of Indian Education* (ICIE), which advanced an education approach premised on parental and local control and was affirmed by the Minister of Indian Affairs in 1973.
- E. In July 2009, First Nations endorsed the development of an updated policy paper through Assembly of First Nations (AFN) Resolution 13/2009, *A Revised Indian Control of Indian Education Policy 2009*, reflecting First Nation control and jurisdiction of all aspects of lifelong learning, including language, culture and values.
- F. In December 2009, First Nations adopted, in principle, the new national First Nations education policy as *First Nations Control of First Nations Education* (FNCFNE), through AFN Resolution 37/2009, *First Nations Control of First Nations Education*, with the support of the Chiefs Committee on Education (CCOE) and the National Indian Education Council (NIEC).

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- G. In July 2010, First Nations endorsed and ratified the updated *First Nations Control of First Nations Education (2010)* through AFN Resolution 12/2010, *First Nations' Control of First Nations Education*, as a core policy position on First Nations education.
- H. The FNCFNE policy document is a key resource for holding Canada accountable to First Nations' educational priorities. Given the recent 2025 federal election and the appointment of a new Minister for Indigenous Services Canada, a revised version of FNCFNE will reflect First Nations' current circumstances and highlight First Nations' educational advancements, emphasizing the foundational principles of First Nations' rights to educational self-determination.
- I. Significant policy changes have changed the landscape of First Nations education in the last 15 years since the 2010 FNCFNE update. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nations Education*, AFN Resolution 20/2021, *First Nations Control of Federal Funding* and, the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*, the Government of Canada is required to work directly with First Nations to ensure that education funding approaches are agreed upon and reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.
- J. The underlying principles outlined in ICIE remain as relevant today as they were affirmed 52 years ago. The updates to FNCFNE will be instrumental in reaffirming the principles of ICIE and FNCFNE and continuing to affirm that First Nations education remains an essential priority.

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

1. Support the ongoing development of a revised version of the 2010 *First Nations Control of First Nations Education (FNCFNE)* policy paper to reflect the significant advancements in First Nations educational self-determination since 2010. This revision should reaffirm the core principles of *Indian Control of Indian Education (ICIE)* policy and the Inherent and Treaty rights of First Nations to education.
2. Direct the Assembly of First Nations (AFN) Languages and Learning Sector to take direction from the Chiefs Committee on Education and the National Indian Education Council to revise the FNCFNE document in preparation for First Nations' consideration at the Special Chiefs Assembly in December 2025. The revisions will include the following:
  - a. A description of policy changes and important strides in First Nations educational self-determination since 2010, including the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017* and transformative education agreements.
  - b. Stronger references to ICIE articulating chronic underfunding, sub-standard educational facilities, and the necessity of post-secondary education in the job market.
  - c. Updated statistics to replace outdated numerical figures and accurately reflect current circumstances, including updating the secondary education attainment rate.
  - d. Minor organizational and rhetorical changes to strengthen the overall messaging of the document.
  - e. Improved graphics for an updated appearance.
3. Affirm that this resolution is not meant to, and shall not, be interpreted to diminish, limit, impact or supersede the ability of a First Nation to exercise their inherent jurisdictions, to exercise and fulfill their rights and authorities under Treaties, or to engage in their unique relationship with Canada.

# DRAFT RESOLUTION # 42 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Advancing Federal Recognition and Investment in First Nations Post-Secondary Institutions

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**SUBJECT:** Education

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**MOVED BY:** Chief Coreen Sayazie, Black Lake Denesuline First Nation, SK

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**SECONDED BY:** Chief Kirby Constant, James Smith Cree Nation, SK

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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 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - iii. Article 21 (1); Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. Bill C-15, *United Nations Declaration on the Rights of Indigenous Peoples Act*, provides a legislative framework for recognizing the constitutional and human rights of Indigenous Peoples, including post-secondary education (PSE).
- C. Assembly of First Nations (AFN) Resolution 21/2020, *First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models*, directed the Chiefs Committee on Education, National Indian Education Council and the AFN to work in partnership with Indigenous Services Canada (ISC) to co-develop a policy proposal, as demonstrated through the *2021 PSE Policy Proposal on First Nations Models (V12)*, which was to supplement a Memorandum to Cabinet to obtain authority for First Nations to negotiate and conclude First Nations led, local, regional and Inherent/Treaty rights-based PSE models.
- D. ISC continues to recognize PSE as a social policy and does not fund First Nations based on the Treaty and Inherent right to education. Furthermore, since 2021, federal budgets continue to disregard programming and policy changes requested by the First Nations-in-Assembly to improve PSE processes and funding for institutions and students.
- E. The First Nations University of Canada (FNUUniv) is a First Nation-governed, post-secondary institution with a national mandate.
- F. The FNUUniv plays a critical national role in advancing First Nation self-determination in education, supporting First Nations language revitalization, and contributing to the social and economic wellbeing of First Nations across the country.

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- G. Despite this role, FNUniv does not receive sustained, predictable core funding from the Government of Canada, and lacks federal recognition through a charter to protect its academic autonomy and institutional integrity.
- H. Post-secondary institutions in Canada are typically accredited and governed under provincial legislation; however, First Nations post-secondary institutions—established by, and for, First Nations—should be recognized as falling under federal jurisdiction. This is consistent with the federal government's responsibility for "Indians and lands reserved for Indians" under section 91(24) of the *Constitution Act, 1867*, and in keeping with the right of Indigenous Peoples to establish and control their own educational systems.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to work with First Nations, the First Nations University of Canada (FNUniv), and other First Nations-led post-secondary institutions to develop a federal framework or charter mechanism that recognizes, affirms, and protects the academic autonomy, self-determined governance, and national role of First Nations post-secondary institutions seeking federal accreditation outside of provincial jurisdiction.
2. Call on the Government of Canada to uphold the funding shortfall commitments identified in the 2018 Policy Proposal: *First Nations Post-Secondary Education*, and the 2021 Policy Proposal: *First Nations-led, local, regional and/or Treaty-based Post-Secondary Education Models*, to advance sustainable, equitable, and distinctions-based funding for First Nations post-secondary education students and institutions.
3. Call upon the Government of Canada to prioritize investments in First Nations-led post-secondary infrastructure by establishing a dedicated capital funding stream for First Nations post-secondary institutions, recognizing these projects as essential components of Canada's nation-building agenda and as foundational to reconciliation, economic development, and First Nations self-determination—consistent with the federal commitment to support First Nations-led infrastructure and nation-building projects that close socioeconomic gaps and advance shared prosperity.

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**TITLE:** Five Percent Quota of Indigenous Music on Public and Private Radio

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**SUBJECT:** Indigenous Languages

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**MOVED BY:** John Martin, Proxy, Gesgapegiag, QC.

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**SECONDED BY:** Chief Jonathan Shetush, Innu Takuaikan Uashat mak Mani-utenam, QC

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the Government of Canada has adopted without qualification, and has passed legislation committing to implement, affirms:
- i. Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  - ii. Article 13(2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate.
  - iii. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - iv. Article 14(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.
  - v. Article 16(1); Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
  - vi. Article 16(2); States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudices to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.
- B. In 2019, the Parliament of Canada passed the *Indigenous Languages Act* (ILA). It purports to recognize that section 35 of the *Constitution Act, 1982*, includes 'rights related to Indigenous languages'. However, this Act fails to identify any specific First Nations language rights or provide mechanisms for their enforcement. The language rights of Canada's official language minorities, on the other hand, are clearly defined and enforceable since they were adopted in the *Constitution Act, 1982*.

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- C. The United Nations General Assembly proclaimed the period between 2022 and 2032 as the International Decade of Indigenous Languages (IDIL 2022-2032), this resolution urges the need to act collaboratively to ensure that no one is left behind and to promote and pursue the objectives of the UN Declaration by fostering international cooperation to support national and regional efforts.
- D. The Declaration on First Nations Languages Rights adopted by the Chiefs of the Assembly of First Nations Quebec-Labrador (AFNQL) states that systemic discrimination, racism and assimilationist cultural and educational policies of the federal and provincial governments have hindered the transmission of First Nations languages, and the First Nations languages rights are positive rights, which require that First Nations governments, as well as federal and provincial governments, take positive measures to ensure their respect and implementation, both within First Nations institutions and in federal and provincial institutions:
  - i. Article 20: First Nations have the right to access radio programs in their First Nations language through Indigenous community radio and more generally within the Canadian broadcasting system.
  - ii. Article 39: First Nations have the right to reparation and the restitution of their First Nations languages in the state they would have existed in had they not been subjected to assimilationist policies that were destructive to their language and cultures.
- E. In June 2019, the Canadian Radio-television and Telecommunications Commission (CRTC) launched a consultation to co-develop a new Indigenous broadcasting policy with First Nations, Métis and Inuit so that the Canadian broadcasting system can better support the needs of Indigenous Peoples, but despite the participants' recommendations, the current Indigenous Broadcasting Policy does not set quotas for broadcasting a minimum amount of Indigenous programs or music in Canada.
- F. In 2023, the Government of Canada passed the *Broadcasting Act*, which states that programming and employment opportunities within the broadcasting system must serve the needs, interests, and aspirations of the Canadian population. This policy must first and foremost recognize the unique place of Indigenous Peoples and languages, while also reflecting equality of rights, linguistic duality, and the multicultural and multiracial character of Canadian society.
- G. In 2023, the AFNQL adopted a resolution requesting that the CRTC implement the Federal Government's commitment to reflect the special place of Indigenous Peoples in Canadian society by imposing a five percent quota for Indigenous music on private and public commercial radio in Quebec and Canada.
- H. Our languages are the first official languages of our territories and they must be valued and promoted in order to repair the harm done to them. We must collectively fight the system of thought that has tried to make them invisible. The creation of content in Indigenous languages will enable greater visibility and valorization of Indigenous languages and create economic development for the Indigenous cultural community.
- I. The intent of the residential school system was the genocide of Indigenous Peoples by the extinguishment of our cultures and languages. The Government of Canada has a responsibility to work concretely towards the reparation and restitution of Indigenous languages.

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**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. In the spirit of reconciliation, call on the Government of Canada to fulfill its legislative requirements through the *Indigenous Languages Act* (ILA) and the *Canadian Broadcasting Act* taking concrete action to promote and protect Indigenous languages.
2. Call on the Government of Canada to appoint an Indigenous Commissioner to the Canadian Radio-television and Telecommunications Commission (CRTC).
3. Urge the CRTC to implement the Federal Government's commitment to reflect the special place of Indigenous Peoples in Canadian society by imposing a five percent quota for Indigenous music on private and public commercial radio in Canada.
4. Call on the Assembly of First Nations (AFN) to advocate for a greater ratio of Indigenous language music with the CRTC.
5. Call for adequate funding to support the production of content in Indigenous languages and for increased funding for Indigenous radio.

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<b>TITLE:</b>	<b>Support for Equitable Funding for the AFN National Youth Council</b>
<b>SUBJECT:</b>	Youth
<b>MOVED BY:</b>	Katisha Paul, Proxy, Tsartlip First Nation, BC
<b>SECONDED BY:</b>	Chief Tamara Young, Pictou Landing First Nation, NS

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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 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- iii. 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.
- iv. Article 17(2): States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
- v. 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.
- vi. 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.
- vii. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

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- viii. 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 UN Declaration compels states to uphold the rights of Indigenous peoples, along with the principles, values and objectives of the UN Declaration, and so too should these be upheld by the Assembly of First Nations (AFN) and provincial territorial organizations affiliated with the AFN.
- C. Colonialism has had a disproportionate effect on First Nations youth, and as such, all policies and legislation that have an impact on First Nations youth rights and interests should require meaningful engagement and collaboration with the AFN National Youth Council (NYC) and First Nations youth.
- D. The Mission of the AFN NYC is “To empower Indigenous youth across Turtle Island by fostering a deep connection to our cultural heritage, advocating for our rights, and creating opportunities for growth and leadership. As the NYC, we are committed to building strong foundations for future generations, grounded in the pillars of healing, collaboration, openness, and inclusivity.”
- E. The Vision of the AFN NYC is “By honouring our traditions and values, we strive to support the next generation in overcoming historical challenges, ensuring that our efforts do not perpetuate colonial endeavours and promote true sovereignty and self-determination. Together, we aim to inspire, support and engage youth in the path towards a positive leadership that will honour and advance the legacy of our ancestors.”
- F. The AFN NYC Terms of Reference articulate the NYC’s roles and responsibilities which include, but are not limited to the following:
- i. Reports and be accountable to First Nations youth and leadership in their respective regions.
  - ii. Be involved with the AFN through the AFN Executive Committee, AFN quarterly NYC meetings (including virtual), Annual General Assemblies, Special Chiefs Assemblies, Chiefs Committee meetings and AFN Secretariat sub-committee meetings. NYC meetings, where required, will offer a virtual component to accommodate participants who may not be able to attend in-person.
  - iii. Build positive working relationships with other regional, national, and international Youth Councils.
  - iv. Each member hold and be responsible for at least one portfolio and work with the Regional Chief/Committees responsible for that portfolio for the duration of their term.
  - v. Promote opportunities for youth to engage in important issues facing First Nations; hold the space for youth to create and maintain a network between their Nations; provide perspectives during Chief’s Committee meetings and assemblies; contribute to the intergenerational discussions on significant matters for First Nations communities; and commit to fostering mutual respect among all groups including within First Nations communities.

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**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Support the National Youth Council (NYC) in calling on Canada to provide, and for the Assembly of First Nations (AFN) to seek, long term sustainable core funding to support the AFN National Youth Council (NYC) priorities including:
  - a. The advancement of First Nations youth's inherent right to self-determination and self-governance;
  - b. Youth-led initiatives and engagements that support the NYC's collective advocacy and priorities, including the development of a National Youth Strategy and Action Plan in partnership with First Nations youth across Turtle Island;
  - c. The support for an annual land-based First Nations Youth Cultural Gathering;
  - d. Meaningful engagement and mentorships with the AFN Regional Chiefs;
  - e. International advocacy; and
  - f. Education and training, including trans-boundary relationship building and knowledge transfer.
2. Call on the AFN Chiefs Committee on Charter Renewal to review and bring forward recommendations, for consideration by the First Nations-in-Assembly, on potential AFN Charter amendments that would:
  - a. Provide the NYC with appropriate funding mechanisms to carry out their duties and obligations, including those outlined in the NYC Mission, Vision and Terms of Reference; and
  - b. Provide fair and equitable remuneration for all NYC members for time spent on official NYC duties, consistent with AFN financial and governance policies.

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**TITLE:** Adoption of the Resolution 13 Panel Final Report: Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations

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**SUBJECT:** Organizational

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**MOVED BY:** Khelsilem, Council Chairperson, Squamish Nation, BC

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**SECONDED BY:** Chief Sean Smith, Kwanlin Dun First Nation, YK

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) recognizes and affirms that Indigenous Peoples should be free from discrimination of any kind, and states:
- i. Article 2: Indigenous Peoples and individuals are free and equal to all other people and individuals and have the right to be free from any kind of discrimination in the exercise of their rights, in particular that is based on their Indigenous origin or identity.
  - ii. Article 9: Indigenous Peoples and individuals have the right to belong to an Indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
  - iii. Article 22(2): States shall take measures in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
  - iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the Indigenous peoples concerned and international human rights.
  - v. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and wellbeing of the Indigenous peoples of the world.
  - vi. Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female Indigenous individuals.
  - vii. Article 46(2): In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law.
- B. The UN Declaration compels states to uphold the rights of Indigenous Peoples, along with its' principles, values and objectives, and so too should these be upheld by the Assembly of First Nations (AFN).

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- C. The First Nations-in-Assembly approved Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations* at the AFN Annual General Assembly on December 9, 2020 (“Resolution 13”).
- D. Resolution 13 called for an independent, fair, and impartial investigative review of the AFN to identify and determine the levels of systemic gender- and sexual orientation–based discrimination experienced by people involved with the AFN, with an aim to bring forward recommendations to address and end discrimination and all other forms of violence, including sexualized violence, lateral violence, bullying, and cyber-bullying within the organization (the “Review”).
- E. An independent three-member panel (the “Panel”) was appointed to conduct the Review. The final Report was initially due in September 2021, nine months after Resolution 13 was passed. During 2021, two of the original Panel members stepped down, and these two vacancies caused delays in the Review. In February 2022, the final independent Panel was appointed, one member by each of the following Councils: Knowledge Keepers (appointee Dr. Gwendolyn Point), Women (appointee Debbie P. Hoffman), and Youth (appointee Amanda Barnaby Lehoux).
- F. In the fall of 2022, Women and Gender Equality Canada (WAGE) approved the Panel’s funding proposal. After funding was secured, the Panel completed its work plan, set up a confidential email address and website, and started advertising, asking people to come forward to speak confidentially with the Panel about their experiences.
- G. Resolution 13 directed the Panel to provide an interim report to the First Nations-in-Assembly within six months. After the Panel was formed in February 2022, an interim report was presented at the Annual General Assembly on July 5, 2022.
- H. The Panel was mandated to gather stories and experiences to help identify systemic patterns of discrimination and harassment. A system-level analysis was required to identify recommendations for systemic responses such as policy, bylaw, and Charter reform; training; and other best practices that will help eliminate the culture of discrimination and harassment at the AFN. Findings included a variety of issues including but not limited to (of note, definitions can be found in the Panel’s final report):
  - i. lateral violence;
  - ii. abuse of power, position, and authority;
  - iii. abuse of technology, including cyber-bullying and sexting;
  - iv. verbal harassment;
  - v. breach of confidentiality;
  - vi. sexualized harassment and bullying, including unwelcome comments and invitations;
  - vii. discrimination based on gender and sexual orientation;
  - viii. lack of respect for personal boundaries;
  - ix. passive-aggressive and nuanced behaviours;
  - x. misogyny;

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- xi. microaggressions;
  - xii. gaslighting;
  - xiii. unwelcome touching; and
  - xiv. the use of overly familiar and suggestive language.
- I. During the Review, the Panel heard, learned and identified that there were unacceptable and toxic behaviours at all levels within the AFN, including the Secretariat, the Executive, Regional Offices, and the National Chief's Office. The behaviours described included disrespect, lack of inclusivity, lack of confidentiality, and the dismissal of abusive and discriminatory behaviours.
  - J. The Panel's final report (the "Report") was presented at the Annual General Assembly on July 12, 2023, and an update on the AFN's progress towards implementing the report's recommendations was presented at the AFN Special Chiefs Assembly in December 2023.
  - K. A key consideration and reminder highlighted in the Preface of the report is that "the Panel, [and those who contact us] are concerned that this Report will be presented, accepted, and approved at the Annual General Assembly, and then it will be placed on a shelf to gather dust. We ask all who believe in the important work of the Panel to champion the changes that are recommended so they cannot be ignored. The recommendations and findings in this Report are based on what we heard at the time of writing. The AFN and its management, leaders, and staff must commit to a practice that is evergreen – that is, one that is consistently reviewed and renewed, as best practices continue to evolve over time. This will create an environment where those who work within the AFN are confident in committing to the "if you see something, say something" principle without fear of retaliation."
  - L. The First Nations-in-Assembly have an important responsibility to keep people safe within the AFN work environment, forums and assemblies, anchored in respect, transparency, and accountability and to ensure the implementation of their own decisions.

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

- 1. Reaffirm support for the Panel's findings and Report, and direct the Assembly of First Nations (AFN) Board of Directors (the "Executive Committee") to implement the Panel's Report, and provide yearly updates at the AFN Annual General Assemblies.
- 2. Direct the AFN National Chief, Executive Committee and Secretariat to fully implement the Panel Report recommendations within the timelines outlined in the Report.

#### Within six months, this includes:

- a. Provide annual reports to First Nations-in-Assembly identifying incidents, complaints and violations (subject to privacy considerations); the treatment, status and outcomes of incidents; analysis and revision (if necessary) of AFN policies to address and prevent future incidents.
- b. Review all AFN policies to protect AFN staff and persons from discrimination, of all forms, and provide for a regular review schedule.

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- c. Amend AFN policies and relevant documents in accordance with the Panel's recommendations.
- d. Revise the Code of Conduct and Ethics for the AFN Executive Committee and ensure that it is reviewed and signed by each existing member of the Executive and all newly elected leaders, both at the initial revision and annually, including the members of all Councils who form part of the Executive.
- e. Implement and Enforce of a Zero-Tolerance Policy (the "zero tolerance policy"):
- f. Post prominent signage at AFN events and in the workplace, stating that there is a zero-tolerance policy for all types of harassment, bullying, violence, and discrimination, and that those who offend the zero-tolerance policy will be removed.
- g. Post a clear statement of the zero-tolerance policy on the AFN website.
- h. Obtain signed acknowledgments from the Secretariat and Executive, new hires, newly elected Chiefs, political appointees in the National Chief's Office (NCO), and contractors that they understand and will abide by the zero-tolerance policy.
- i. Obtain a signed acknowledgment from each registrant when registering for Assemblies and other AFN events that they understand and will abide by the zero-tolerance policy.
- j. Announce the zero-tolerance policy at the commencement of AFN Assemblies and events and announce reminders at the beginning of each day and after lunch.
- k. Designate trained staff to remove anyone from an AFN Assembly or event if they offend the zero-tolerance policy.
- l. Designate a safe space at AFN Assemblies and events that includes emotional support (such as a mental health worker) and cultural support (such as a trusted Elder/Knowledge Keeper).
- m. Expand the definitions of "harassment" and "discrimination," and rewrite internal documents, as outlined in the Report and Appendix B.
- n. Create an orientation package for new hires that outlines the resources that are available, including benefits for therapy and counselling.
- o. Implement a regular review and reporting process. Ideally, the process should take place every quarter, reviewing incidents and complaints that have occurred in the past three months; alternatively, an annual review would review incidents and complaints from the past twelve months.
- p. Start implementing the trainings outlined in the Report and paragraphs 3–9 under Training, Policies, and Procedures above.

#### Within eighteen months to two years this includes:

- q. Advance and complete recommended training as set out in paragraphs 3–9 under Training, Policies, and Procedures above, ensuring that the training is Indigenous and AFN specific, as outlined in the Training section of the Report. These should include training on:

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- i. basic assertiveness;
  - ii. how to set personal boundaries;
  - iii. triggers, dysregulation, and the window of tolerance;
  - iv. the trauma-informed workplace; and
  - v. healing through ceremony (carrying a stone; using water or brushing to cleanse, etc.).
- r. Establish an Independent Complaints Office (subject to funding).
- s. Decolonize the AFN and integrate First Nations values, including the Seven Teachings, into the workplace.
- t. Establish the AFN as a trauma-informed workplace for all in the Secretariat and the Executive.
- u. Complete organization-wide training for the AFN Secretariat and AFN Executive on the following:
  - i. Microaggressions, bullying (including cyber-bullying), violence (including lateral violence), discrimination (including gender- and sexual orientation–based discrimination), and harassment:
  - ii. basic assertiveness;
  - iii. unconscious bias;
  - iv. equity, diversity, and inclusion;
  - v. gender pronouns;
  - vi. culturally appropriate ways to work with and support 2SLGBTQQIA+ individuals;
  - vii. cultural humility, emotional intelligence, and building resilience;
  - viii. preparation for the potential psychological hazards associated with the job;
  - ix. how to set personal boundaries in the workplace;
  - x. communications and having difficult conversations;
  - xi. triggers (activators), dysregulation, self-regulation, and the window of tolerance;
  - xii. a trauma-informed workplace and a trauma-informed approach;
  - xiii. power imbalances and abuse of power;
  - xiv. colonial trauma; and
  - xv. healing through ceremony.
- 3. Direct the AFN to develop an annual budget, secure, and seek financial resources to support the continued implementation of the Report recommendations.
- 4. Direct the AFN National Chief to provide an annual yearly report to the First Nations-in-Assembly providing a status update on the implementation of the Report recommendations.

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**TITLE:** Transformative Change of the Access to Information Regime

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**SUBJECT:** Access to Information, Data Sovereignty

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**MOVED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, BC

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**SECONDED BY:** 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 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 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 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.
- B. First Nations have existing rights to their intellectual property and records held by the Government of Canada. Courts have consistently confirmed that the Government of Canada has a corresponding obligation to disclose records to First Nations in a timely and efficient manner.
- C. In 2024, the Senate Standing Committee on Indigenous Peoples (APPA) released its report on documents related to Indian Residential School system, *Missing Records, Missing Children*, which included specific recommendations to the Government of Canada related to the Access to Information and Privacy regimes. Recommendation 10 calls on the Government of Canada to insert a reconciliatory clause in the purpose clauses of Canada's *Access to Information Act* and *Privacy Act*.
- D. The Government of Canada possesses, and controls significant amounts of historical documentation and evidence related to specific claims and other claims against the Crown. As the defendant to these claims, the Government of Canada's control over the evidence places it in a position of conflict of interest.
- E. First Nations face excessive delays in seeking access to their information held by the Government of Canada. Additionally, First Nations must grapple with inconsistent, overbroad and arbitrary redactions in information disclosures. These systemic barriers impede First Nations from accessing their information and amount to a denial of access to justice. An informal access to information process was

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established in recognition of First Nations' unique rights and interests in their information but is impacted by delays and has failed to address the underlying conflict of interest.

- F. In 2023, the Government of Canada released the National Action Plan for the implementation of the UN Declaration. Action Plan Measures "Shared Priorities 3 and 30" call on the Government of Canada to work in direct consultation with First Nations during the periodic review of federal statutes and the advancement of Indigenous data sovereignty. Additionally, Action Plan Measure 66 commits the Government of Canada to take "measures to address barriers to full and effective participation by Indigenous peoples [in decision-making related to legislative, policy and program initiatives], including, for example, in relation to access to information and capacity supports."
- G. In 2025, the President of the Treasury Board is mandated by law to review the *Access to Information Act* and produce a report to Parliament.

### THEREFORE BE IT RESOLVED that First Nations-in-Assembly:

1. Call on the President of the Treasury Board to consult and cooperate with First Nations and national claims research organizations regarding current and future legislative or administrative changes related to the access to information regime.
2. Call on the President of the Treasury Board to take meaningful measures in full consultation and cooperation with First Nations on the advancement of Indigenous data sovereignty including the need for targeted amendments to the *Access to Information Act* to realize the principles of Indigenous data sovereignty.
3. Call on the Government of Canada to take all measures necessary to ensure the *Access to Information Act* meets the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples*.
4. Call on the Government of Canada to accept and implement the recommendations from the *Missing Records, Missing Children* report and in specific, Recommendation 10, related to the *Access to Information Act*.
5. Direct the Assembly of First Nations (AFN) to seek resources to participate in the review of the *Access to Information Act* and to work with the Government of Canada and First Nations, to jointly develop and implement reforms to the *Access to Information Act*.

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**TITLE:** Implementation of the First Nations Data Governance Strategy

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**SUBJECT:** Self-determination, Data Sovereignty, Governance

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**MOVED BY:** Chief Andy Alook, Bigstone Cree Nation, AB

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**SECONDED BY:** Chief Chantal Kistabish, Pikogan First Nation, QC

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### WHEREAS:

- A. Articles 3, 4, 5, 18 and 34 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirm First Nations' Inherent rights to self-determination, to rebuild and sustain their political, legal, economic, social and cultural institutions, to participate in all decision-making through their own representative bodies, and to preserve and promote their distinct customs and governance systems.
- B. Meaningfully exercising these rights demands full ownership and control over the information that defines and guides First Nations' lives. This control—data sovereignty—is itself an Inherent right and an essential governance capacity.
- C. National and regional leadership have repeatedly affirmed the need to establish fully functional regional information governance centres (RIGCs) to deliver shared data and statistical services – empowering First Nations governments to own, control, and leverage their data through the work of centres that are governed by, and accountable to, the First Nations themselves.
- D. The First Nations Information Governance Centre (FNIGC) was established through a mandate from First Nations-in-Assembly in 2009 to promote, protect and advance the First Nations Ownership, Control, Access and Possession (OCAP®) principles, and the Inherent right to self-determination and jurisdiction in research and information management.
- E. Resolution 57/2016, *Funding for Regional First Nations Information Governance Centres*, recognized data sovereignty as the cornerstone to nation rebuilding, and directed Canada to fund engagement with leadership, establishment of data champions in each region, development of fully functional RIGCs, and the coordination of a national First Nations data governance strategy as a viable pathway to asserting First Nations' rights over their data.
- F. In response, FNIGC and its regional partners submitted the community-driven and Nation-based national First Nations Data Governance Strategy (FNDGS) to Indigenous Services Canada in March 2020, outlining the plan to establish a national network of fully functional RIGCs that provide information governance and shared data and statistical services to every First Nation, ensuring no First Nation is left behind.
- G. In Federal Budget 2021, the Government of Canada committed to funding FNIGC and its regional partners to implement the first phase of the FNDGS, starting with the establishment of 10 regional data champion teams to engage First Nations and leadership on the form and function of their RIGC and define priority data and statistical services, supported by a national data champion team at FNIGC responsible for coordinating implementation, ensuring alignment, and planning at the national level.

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- H. Implementation of the FNDGS is progressing in every region at a pace set by leadership and in line with community-driven and First Nation-based capacity building priorities.
- I. Federal funding expired on 31 March 2025, and a renewed federal commitment is needed to support a second phase of funding, which will focus on demonstration projects that will accelerate the establishment of fully functional RIGCs supporting key data needs in priority areas.
- J. Action Plan Measure #30 of Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan (June 2023) commits Canada to provide sufficient sustainable support for Indigenous Data Sovereignty and Indigenous-led data strategies ensuring First Nations have the capacity to control and use their data to deliver effective services to their peoples, tell their own stories, participate in federal decision-making processes on matters that impact them, and realize their respective visions for self-determination.

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

1. Affirm that First Nations Data Sovereignty—the right of First Nations to own, control, access, and possess First Nations data—is an Inherent right integral to self-determination and self-government, and must be recognized, respected, and implemented by all levels of government and their agencies.
2. Call on the Government of Canada to adhere to Action Plan Measure #30 of the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan.
3. Call on the Government of Canada to provide sufficient, sustainable funding for the full, multi-stage implementation of the First Nations Data Governance Strategy, prioritizing the establishment of a national network of fully functional Regional Information Governance Centres, along with a fully functional National Centre to coordinate the network at the national level.
4. Direct the Assembly of First Nations to work with the First Nations Information Governance Centre and its regional partners, where appropriate, to support the implementation the First Nations Data Governance Strategy.

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**TITLE:** First Nations Early Learning and Child Care Results Framework and Evaluation Strategy

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**SUBJECT:** Social Development, Health, Education

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**MOVED BY:** Chief George Ginnish, Natoaganeg First Nation, NB

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**SECONDED BY:** Chief Rebecca Knockwood, Fort Folly First Nation, NB

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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 14(1): Indigenous Peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - iii. Article 14(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.
  - iv. 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.
  - v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations have the inherent right of self-government, which includes the right to govern the care and education of their children.
- C. The Truth and Reconciliation Commission of Canada's Call to Action #12 calls upon "federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families."
- D. The First Nations Early Learning and Child Care (ELCC) Policy Framework was developed in 2017 and supported by the First Nations-in-Assembly via Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*. The

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Framework is an evergreen guide that identifies the vision, goals, and outcomes to improve the First Nations ELCC system, with a focus on First Nations governance and control.

- E. The research conducted to support the development of the ELCC Policy Framework identified the need to develop a First Nations-led Results Framework and Evaluation Strategy with the overall goal of enhancing data control and understanding of First Nations ELCC.
- F. The AFN, the National Expert Working Group (NEWG) on First Nations ELCC, and the Government of Canada have been co-developing the Results Framework and Evaluation Strategy.
- G. The goal of the Results Framework is to outline potential outcomes of the seven key principles of the ELCC Policy Framework using a series of First Nation-based and determined indicators, to inform understanding and decision making, and track progress towards the Policy Framework's intended goals. The seven principles for First Nations ELCC Policy Framework are:
  - i. First Nations governance and jurisdiction;
  - ii. Incorporation of First Nations culture, language, and knowledge;
  - iii. Ensuring inclusivity, accessibility, and flexibility within the program;
  - iv. Implementing quality programs and services;
  - v. Focus on collaborations and partnerships;
  - vi. Capacity development; and
  - vii. Ensuring transparency and accountability.
- H. The Evaluation Strategy is a tool used to measure the success of First Nations ELCC programming by analyzing the data collected through the Results Framework at various checkpoints, as determined by First Nations to understand progress towards key milestones.
- I. The goal of the ELCC Results Framework and Evaluation Strategy is to increase understanding of ELCC and encourage First Nations-led data collection and storage efforts, while reducing administrative burdens on First Nations.

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

1. Acknowledge and accept in principle the First Nations Early Learning and Child Care (ELCC) Results Framework and Evaluation Strategy (the Strategy) as an evergreen document, recognizing that it may be updated or modified as progress is made and further input is received from First Nations. Final endorsement shall be subject to adequate time for review, consideration, and feedback by the First Nations-in-Assembly.
2. Direct the National Expert Working Group (NEWG) on ELCC to oversee a pilot project of the Strategy, to better understand the capacity and resources needed to implement it for all First Nations.
3. Direct the Assembly of First Nations to report back to the First Nations-in-Assembly on the progress of the pilot project by July 2027.

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4. Call upon the Government of Canada to adequately fund all First Nations to implement the Strategy, in addition to program funding, including and not limited to, data collection and storage technology, computers and internet, and personnel such as administrative professionals and data analysts. Funding should be needs-based and account for cost of living in northern and remote First Nations, inflation, or other factors.
5. Call upon the Government of Canada to acknowledge and provide funding to address barriers and gaps found within the ELCC system found through implementation of the Strategy.

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**TITLE:** Supporting Jordan's Principle and Upholding the Canadian Human Rights Tribunal 2016 CHRT 2

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**SUBJECT:** Jordan's Principle New Operational Guidelines

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**MOVED BY:** Chief Ross Perley, Neqotkuk First Nation, NB

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**SECONDED BY:** Chief Rebecca Knockwood, Fort Folly First Nation, NB

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their own rights, in particular that based on their indigenous origin or identity.
  - ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government, in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
  - iii. Article 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.
  - iv. 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.
  - v. 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 person with disabilities.
  - vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous people have the right to be actively involved in developing and determining the health, housing and other economic and social programmes affecting them as far as possible, to administer such programmes through their own institutions.
- B. The Truth and Reconciliation Commission's Third Call to Action states: We can upon all levels of government to fully implement Jordan's Principle.
- C. The Truth and Reconciliation Commission's Calls to Action – particularly Calls to Action #18 to 23 on Health – urge all levels of government to recognize and address the distinct health needs and rights of First Nations peoples. These Calls to Action emphasize closing the gaps in health outcomes between First Nations and non-First Nations peoples, recognizing the value of First Nations healing practices, and

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upholding First Nations peoples' healthcare rights as identified in international law and under Treaties, in order to advance reconciliation and eliminate persistent health inequities.

- D. Jordan's Principle is a legal requirement that provides access to supports or First Nations children in need and provides access and ensures that government of first contact pays for the supports without delay and does not protect the rights of Indigenous children.
- E. In 2016, the Canadian Human Rights Tribunal (CHRT) ordered Canada to stop its discriminatory policies and practices in its implementation of Jordan's Principle, as per 2016 CHRT 2.
- F. In February 2025, the Minister of Indigenous Services (ISC) issued an Operational Bulletin regarding the implementation of Jordan's Principle, making substantial changes to eligible requests under Jordan's Principle and the process by which Jordan's Principle requests are adjudicated. There was no prior consultation with First Nations on the shift in process causing extreme harm to our First Nations children and families.
- G. On February 13, 2025, the First Nations Child and Family Caring Society further called on the federal government to remove the new operational guidelines issued that were done with no consultation and to immediately address the backlog in adjudication and payments, which has been ongoing for nearly one year.
- H. On or about March 27, 2025, the Atlantic Regional Office of Indigenous Services Canada informed Jordan's Principle service delivery organizations of a decision to remove administrative costs funding. This information was subsequently confirmed by the Jordan's Principle Oversight Committee (JPOC).
- I. There is an ongoing and significant backlog in the adjudication and payment of Jordan's Principle requests. Furthermore, the February 2025 ISC Operational Bulletin has resulted in additional delays in access to essential services for First Nations children and families.
- J. Canada's current approach is in direct non-compliance with the 2016 CHRT ruling, particularly regarding access to supports in education, health, early childhood services, social, recreation, culture and language programs. The implementation of the new guidelines has coincided with an increase of denials under Jordan's Principle, raising concerns and exacerbating the needs and well-being of First Nations children and families. The federal government's shift in their fiduciary responsibility toward provincial and territorial governments, without consultation and without a clearly articulated mitigation plan, has increased uncertainty and contributes to emotional and financial challenges for affected First Nations children and families.

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

1. Direct the Assembly of First Nations (AFN) to call upon the federal government to take immediate action to revoke the Jordan's Principle Operational Bulletin that was imposed on the federal government's implementation of Jordan's Principle on February 10, 2025,
2. Direct the AFN to call upon the federal government to reinstate any administrative costs that have been removed causing an undue burden on organizations who currently hold contribution agreements for service delivery, and to ensure that reinstatement of administrative costs is fair, equitable, and in line with provincial and territorial counterparts who mirror the same services.

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3. Direct the AFN to advocate for the federal government to work collaboratively with Indigenous governments in a true nation-to-nation manner, particularly as fiscal year 2025-2026 has been identified as a transitional period to support the newly appointed Minister of Indigenous Services Canada, Mandy Gull-Masty, in the planning, implementation, and oversight of new operational guidelines.
4. Direct the AFN to call upon the federal government to address, review, and make determinations on the prior and current backlogs and payments of requests in Jordan's Principle, and to lift any measures that would further delay access to essential services for First Nations children and families.

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<b>TITLE:</b>	<b>Regional First Nations Child and Family Services Reform Agreements</b>
<b>SUBJECT:</b>	Child Welfare
<b>MOVED BY:</b>	Chief Leory Denny, Eskasoni First Nation, NS
<b>SECONDED BY:</b>	Chief Patricia Bernard, Madawaska Maliseet First Nation, NB

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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 and implementing legislative or administrative measures that may affect them.
  - iii. Article 22(2): states shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
  - 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.
- B. The Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (Caring Society) filed a complaint with the Canadian Human Rights Tribunal (CHRT) in 2007 alleging that Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice to not fully implement Jordan's Principle were discriminatory and resulted in harms.
- C. The CHRT substantiated the complaint in 2016 CHRT 2, which ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families, emphasizing the need for prevention services, and to take such efforts as necessary to prevent the recurrence of the discrimination.
- D. In December 2021, the AFN, Canada, Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN) and the Caring Society reached an Agreement-in-Principle (AIP) on long-term reform of the FNCFS Program and Jordan's Principle, valued at \$19.807 billion over five years. The AIP provided a road map to negotiate a final agreement.

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- E. The First Nations-in-Assembly, by way of AFN Resolution 04/2022, First Nations Determination of the Reforms to the First Nations Child and Family Services Program and Jordan's Principle Ordered through the 2022 Canadian Human Rights Tribunal Ruling 8, directed the AFN to request that the CHRT support First Nations right to self-determination by ordering that all funding provided through the 2022 CHRT 8 ruling be disbursed to First Nations and self-governing First Nations in the Yukon in order for them to determine how to allocate this funding between their governments and FNCFS agencies.
- F. The First Nations-in-Assembly mandated the AFN by way of resolutions 40/2022 and 86/2023, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, to negotiate a final settlement on long-term reforms, conduct regional engagements on the Draft Agreement to ensure that First Nations leadership has an adequate opportunity to discuss the Draft Agreement, and return to the First Nations-in-Assembly for discussion and/or approval of the agreement.
- G. The AFN, alongside COO, NAN and Canada, participated in intensive negotiations towards a Draft Agreement, which was the subject of extensive regional engagement and was presented to the First Nations-in-Assembly in October 2024.
- H. The First Nations-in-Assembly voted to reject the Draft Agreement, and mandated the creation of the National Children's Chiefs Commission (NCCC) to re-negotiate an Agreement on long-term reform via AFN Resolutions #60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, #61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, #88/2024, *Implementing the Chiefs' Direction to End Canada's Discrimination in First Nations Child and Family Services*, #89/2024, *Renewing Negotiations Toward Long-Term Reform of First Nations Child and Family Services and Jordan's Principle*, and #90/2024, *Safeguarding First Nations Children and Holding Canada Accountable for its Canadian Human Rights Tribunal Legal Obligations*.
- I. The AFN has repeatedly called upon Canada to return to negotiations with a mandate that aligns with the resolutions passed by the First Nations-in-Assembly and to meaningfully engage with the NCCC to develop a national reform agreement to present back to First Nations leadership for approval.
- J. To date, Canada has not returned with the requisite mandate and negotiations have not progressed as a result.
- K. On February 26, 2025, COO, NAN and Canada announced an Ontario Final Agreement on long-term reform of FNCFS within Ontario, which was supported by way of COO Resolution #01/25S, *Ratification of the Final Agreement on the Long-Term Reform of the First Nations Child and Family Services Program in Ontario and the Trilateral Agreement in Respect of Reforming the 1965 Agreement*.
- L. Regionally-negotiated agreements are a tool to advance critical reforms to ensure that First Nations children are not left waiting for meaningful change.

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

1. Call on Canada to negotiate regional-level reform agreements with First Nations, where desired.

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### **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

2. Call on Canada to provide regions with the resources required to engage with their member First Nations and meaningfully participate in negotiations, including but not limited to securing independent legal and technical advice.
3. Call on Canada to include a most favourable terms clause in all regional agreements to ensure that regions benefit from more favourable terms that are negotiated by other regions where the region wishes to adopt these terms, ensuring equal treatment and protection for regions that negotiate early agreements.

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<b>TITLE:</b>	Jordan's Principle Operations
<b>SUBJECT:</b>	Jordan's Principle
<b>MOVED BY:</b>	Chief Pauline Frost, Vuntut Gwitchin First Nation, YK
<b>SECONDED BY:</b>	Chief Erica Beaudin, Cowessess First Nation, SK

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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 and implementing legislative or administrative measures that may affect them.
  - iii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- B. Recognizing the sacredness of First Nations children, youth and families and Jordan's Principle, a child first legal requirement ensuring substantively equal and culturally appropriate access to health, education and social products, services and supports for First Nations children.
- C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights Act complaint in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory resulting in serious and irremediable harms to First Nations children.
- D. In 2016, the Canadian Human Rights Tribunal (the Tribunal) found that Canada is racially discriminating against First Nations children and ordered the full and proper implementation of Jordan's Principle. Since the 2016 order, the Tribunal has issued multiple non-compliance rulings ordering Canada to implement Jordan's Principle in keeping with the minimum human rights standards.
- E. Despite the Tribunal ordering Indigenous Services Canada (ISC) to fund First Nations and First Nations-authorized service providers to fund the purchase and cost of constructing capital projects, the process continues to be a barrier for many with ISC shifting goalposts, requiring First Nations to currently be delivering services without a capital space and issuing denials for unclear reasons.
- F. On December 12, 2023, the Caring Society filed a noncompliance motion with the Tribunal regarding the Government of Canada's chronic and wilful failure to adhere to the Tribunal's orders on Jordan's Principle.

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- G. In November 2024, the Tribunal ordered Canada to immediately address the growing backlog of delayed requests.
- H. On March 7, 2025, ISC reported a backlog of 135,000 undetermined Jordan's Principle requests. The backlog is resulting in delayed provision of needed products, service and supports for First Nations children, leading to harmful impacts.
- I. The backlog has grown since with ISC disclosing a 140,000-request backlog in June 2025 with the average request estimated to be \$388. ISC has made no progress to remedy the backlog to comply with the Tribunal's orders and bring relief to children and families who are waiting.
- J. ISC has been unable to report on its reimbursement backlog, which is causing financial hardship to First Nations families and organizations that have paid the bills for approved Jordan's Principle requests.
- K. Canada has repeatedly tried to deflect its legal responsibility by recycling failed arguments, prioritizing government interests over the interests of children, and offloading responsibility to First Nations. Instead of complying with the legal orders, Canadian government officials have suggested, without credible evidence, that there is widespread misuse of Jordan's Principle.
- L. On February 10, 2025, ISC unilaterally released the Jordan's Principle Operational Bulletin without notice to First Nations nor the CHRT Parties engaged in mediation. The Operational Bulletin includes changes to Jordan's Principle implementation, introducing new restrictions on Jordan's Principle that are not in keeping with the Tribunal's orders while at the same time suggesting Canada will consider, without any details, substantive equality. Such changes include requiring requestors to provide, for all requests, detailed cost breakdowns, proof of gaps in services or substantive equality considerations, as well as personally intrusive information such as assessments, official diagnoses, and treatment plans.
- M. ISC's Jordan's Principle Operational Bulletin places the burden of proving Canada's discrimination back on the shoulders of its victims and is inconsistent with 2025 CHRT 6 where the presumption of substantive equality is again affirmed by the Tribunal.
- N. ISC is also applying the Operational Bulletin retroactively to the backlog of requests. Many of these children have been waiting months or years for their requests to be determined.
- O. ISC has removed Elders and traditional healing as examples of eligible supports and services available to First Nations children and has limited education supports, land-based activities and specialized programs based on cultural beliefs and practices to requests on-reserve only.
- P. ISC is regularly denying requests saying that substantive equality does not apply without providing the requestor with any reasons as to how that decision was made.
- Q. On February 10, 2025, Minister Hajdu wrote to the Provincial and Territorial governments, without notice to First Nations and the CHRT Parties in mediation, calling for these governments to provide the same supports and services they provide any other child residing off reserve, effectively stating that substantive equality does not apply to First Nations children residing off reserve and requiring children to once again navigate government jurisdictions to access services.
- R. Proper implementation of Jordan's Principle ensures that the best interests of children, substantive equality and culturally relevant service provision are the primary consideration in equitable service provision—not which government or department is funding the service.

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### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on Canada to immediately and fully comply with the Tribunal's orders on Jordan's Principle.
2. Call on Canada to immediately and effectively address its non-compliance and the Jordan's Principle backlog in particular, including the following measures:
  - a. Affirm that "urgent requests" include First Nations children experiencing irremediable or life-altering harm, including the death of a caregiver, biological parent, or sibling and requests from children impacted by a state of emergency.
  - b. Call on Canada to modernize its Jordan's Principle application, contact mechanisms and case management systems, and revise the National Call Centre calling tree (and all other contact mechanisms) to ensure that requestors can easily indicate that their request is or has become urgent and that all contact mechanisms are sufficiently staffed with employees who have authority to review and determine urgent requests during and after business hours.
  - c. Call on Canada to allocate sufficient trained staff in each ISC region and nationally who are responsible for managing urgent requests to ensure that the determinations are made in a manner consistent with the Tribunal's orders.
  - d. Call on Canada to contact all requestors in the backlog and urge all requestors with urgent or time-sensitive requests, including those requests that have become urgent over time, to contact specific personnel who will determine the requests without further delay.
  - e. Call on Canada to apply an amnesty approach to all requests in the backlog and report back with timelines for when the backlogged requests and reimbursements will be resolved.
  - f. Call on Canada to adopt and adhere to a 15-calendar day payment standard for service providers and a 5-calendar day payment standard for reimbursements to children and families.
  - g. Call on Canada to provide practical solutions to address payment delays, including methods for emergency payments, an automated process that presumptively approves all requests under \$500 with a recommendation from a professional or supporting letter from an Elder/Knowledge Keeper, expansion of the use of acquisition cards, and payment of any interest on delayed reimbursements to families and service providers.
  - h. Call on Canada to ensure that all First Nations and First Nations organizations that have taken on the delivery of Jordan's Principle are funded at the actual cost for activities relating to Jordan's Principle delivery.
  - i. Establish a credible, effective, and independent Jordan's Principle national complaints mechanism with authority to approve urgent cases and publicly report on Canada's compliance.
  - j. Call on Canada to consult with First Nations to improve ISC data collection on Jordan's Principle to determine why children need to access Jordan's Principle, are those needs for the short, medium or longer term and the outcomes of Jordan's Principle.

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

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3. Call on Canada to establish a committee comprised of the Parties, experts and regional technicians to provide oversight and to conduct a review of the current CHRT 41 process and make recommendations for improvement.
4. Call on Canada to repeal the Jordan's Principle Operational Bulletin and cease any implementation activities from it, including its retroactive application on those requests currently in the backlog.
5. Reject Minister Hajdu's February 10, 2025, letter to Provincial and Territorial governments and affirm that substantive equality is a right owed to all First Nations children, regardless of where they live.
6. Call on Canada to retract statements of misuse of Jordan's Principle.
7. Call on Canada to establish an interdepartmental team of senior public servants with demonstrated expertise and authority in addressing systemic failures to immediately remedy the backlog in consultation with experts, including, but not limited to, the National Children's Chiefs Commission technical experts, the National Advisory Committee, and its Jordan's Principle Action Table, First Nations representatives on the Jordan's Principle Operations Committee, First Nations health, education, and social development professionals, and Elders/Knowledge Keepers, to deal with the immediate and crisis level of non-compliance and Jordan's Principle backlog.

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**TITLE:** Approving Terms of Reference for FNCFS and Jordan's Principle Tables

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**SUBJECT:** Children and Families; Governance

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**MOVED BY:** Chief Pauline Frost, Vuntut Gwitchin First Nation, YK

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**SECONDED BY:** Chief Vicky Chief, Timiskaming First Nation, QC

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### WHEREAS:

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the *United Nations Declaration Act* recognize the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.
- B.** The 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 subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group;
  - ii. 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;
  - iii. 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;
  - 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.
  - v. 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
  - vi. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements
- C.** The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights complaint in 2007 alleging Canada's inequitable provision of First

## DRAFT RESOLUTION # 52/2025

### AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

Nations child and family services (FNCFS) and its choice not to correctly implement Jordan's Principle were discriminatory resulting in serious and irreparable harms.

- D. The Canadian Human Rights Tribunal (CHRT or "Tribunal") substantiated the human rights complaint in 2016 and ordered Canada to cease its discriminatory practices, reform the FNCFS program and immediately implement the full scope of Jordan's Principle.
- E. Shortly after the January 26, 2016, decision of the CHRT, the AFN and the Caring Society initiated discussions with INAC (now known as Indigenous Services Canada, "ISC") to re-establish the National Advisory Committee (NAC) to oversee recommendations for medium and long-term relief related to the CHRT decision and to provide general advice on program reform. By way of Resolution 62/2016, *Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan's Principle*, the First Nations-in-Assembly supported the re-establishment of the NAC.
- F. The NAC is an AFN-convened committee, and co-facilitated by the AFN and the Caring Society, and includes regional representatives, representatives from Indigenous Services Canada, and a Youth and an Elder representative. The regional representatives, a Youth representative and an Elder representative are appointed by the AFN Regional Chiefs in accordance with regional processes.
- G. In 2022 CHRT 8, the CHRT ordered the Parties to establish an Expert Advisory Committee (EAC) to develop and oversee the implementation of an evidence-informed work plan to prevent the recurrence of Canada's systemic discrimination. This includes an independent evaluation of ISC to identify systemic barriers that have led to the discrimination related to First Nations children and youth, as well as a training program for staff working within the FNCFS Program to address the "old mindset" that has contributed to the discrimination found by the CHRT.
- H. The EAC is co-chaired by the AFN, Caring Society and ISC. Members of the EAC were appointed by the ISC Deputy Minister in consultation with the Parties to the CHRT Complaint, and also include representatives from the Parties to the CHRT. Appointed members have a variety of expertise, including FNCFS, trauma, public finance, Indigenous law, history, and Indigenous research and evaluation.
- I. By way of Resolutions 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, and 61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, the First Nations-in-Assembly established the National Children's Chiefs Commission ("NCCC") to oversee and provide strategic direction in relation to Long-Term Reform.
- J. By way of Resolution 60/2024, the First Nations-in-Assembly directed the NCCC to establish a negotiation team ("NCCC Negotiation Team") with regional representation that will be responsible for carrying out the negotiations for Long-Term Reform.
- K. The NAC, EAC, NCCC and NCCC Negotiation Team have all developed Terms of Reference, which are included in the 2025 AFN Annual General Assembly materials and are available from: <https://www.nationalchildrenschiefscommission.org/tor-page>.

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

## **AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the National Children's Chiefs Commission (NCCC) to consult with the First Nations caucus of the National Advisory Committee (NAC) and with the Expert Advisory Committee (EAC) to solicit input on Long-Term Reform.

# DRAFT RESOLUTION # 53 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

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**TITLE:** Affirming First Nations Direction on Long-Term Reform

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**SUBJECT:** Children and Families; Governance

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**MOVED BY:** Chief Pauline Frost, Vuntut Gwitchin First Nation, YK

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**SECONDED BY:** Chief Rebecca Knockwood, Fort Folly First Nation, NB

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the *United Nations Declaration Act* recognize the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.
- B. The 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 subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
  - ii. 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.
  - iii. 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.
  - 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.
  - v. 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.
  - vi. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights complaint in 2007 alleging Canada's inequitable provision of First

# DRAFT RESOLUTION # 53 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

Nations child and family services (FNCFS) and its choice not to correctly implement Jordan's Principle were discriminatory resulting in serious and irremediable harms.

- D. The Canadian Human Rights Tribunal ("CHRT" or "Tribunal") substantiated the human rights complaint in 2016 and ordered Canada to cease its discriminatory practices, reform the FNCFS program and immediately implement the full scope of Jordan's Principle.
- E. The onus is solely on Canada to cease harming children and families by eliminating its systemic discrimination in FNCFS and Jordan's Principle and ensuring it never happens again ("Long-Term Reform").
- F. Between 2016 and 2025, the CHRT maintained jurisdiction to ensure Canada fully implements its orders, and issued over 20 non-compliance and procedural orders against Canada.
- G. On July 11, 2024, Canada, AFN, the Chiefs of Ontario (COO), and Nishnawbe Aski Nation (NAN) announced the completion of a Draft Final Agreement (FA) to resolve the systemic discrimination in FNCFS.
- H. On October 18, 2024, the First Nations-in-Assembly rejected the draft FA and, via resolutions 60/2024 and 61/2024, called for a new approach to negotiate Long-Term Reform, led by a newly created National Children's Chiefs Commission (NCCC) vested with the authority to oversee and provide strategic direction in relation to Long-Term Reform.
- I. Through their own processes, eleven regions appointed Commissioners, Alternates and technicians to the NCCC and they have been meeting on a weekly basis since January 2025.
- J. Since October 18, 2024, the First Nations-in-Assembly and the NCCC have made significant efforts to compel Canada to end its systemic discrimination in FNCFS and Jordan's Principle:
  - i. The First Nations-in-Assembly passed resolution 90/2024 calling on Canada to obtain a new negotiation mandate within thirty days;
  - ii. The NCCC wrote to Canada on January 17, January 24, February 21, and March 13, March 19, and June 4 advising that the NCCC is fully prepared to resume negotiation and calling for meetings to finalize a Long-Term Reform agreement; and
  - iii. Attempted to secure a letter of commitment from Canada by analysing feedback from Rights Holders, developing a detailed analysis of unresolved negotiation issues, and charting an achievable pathway to resolution aligned with directions of the First Nations-in-Assembly.
- K. Canada maintained an intransigent attitude towards the negotiation of a national Long-Term Reform agreement, for example:
  - i. Canada refused to entertain amendments to the draft FSA proposed by the Rights Holders;
  - ii. Canada refused to provide a mandate to negotiate Long-Term Reform outside of Ontario;
  - iii. Canada refused to engage in any manner with the NCCC; and
  - iv. Canada stated in legal filings that continued discussions would be unproductive and there is "no practical utility in [continuing] to consult with the Complainants [i.e., the AFN and Caring Society] at this time."

# DRAFT RESOLUTION # 53 / 2025

## AFN Annual General Assembly, September 3-5, 2025, Winnipeg, MB

- L. Canada's decision to unilaterally end national Long-Term Reform negotiations bypasses and undermines the collective decision-making of First Nations-in-Assembly.
- M. The strength of the NCCC's negotiation position rests on the CHRT orders and the mandates provided by the First Nations-in-Assembly.
- N. Since the adoption of AFN resolutions 60/2024 and 61/2024, AFN lawyers have continually stated to the CHRT that they do not have instructions on how to proceed and have taken "no position" in CHRT pleadings.
- O. The Tribunal recently reminded the Parties (in 2025 CHRT 80) that children cannot wait for long-term reform and directed the Caring Society and the AFN to consult with the National Children's Chiefs Commission, First Nations Chiefs, and other experts, including First Nations and First Nations organizations outside Ontario, as well as those that have filed interested party motions, to develop an evidence-based, comprehensive National FNCFS long-term reform plan and requested remedies outside Ontario.

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

1. Condemn Canada for failing to advance reconciliation by:
  - a. Dishonourably violating its positive duty of diligent implementation;
  - b. Not immediately ending its systemic discrimination and fully complying with Canadian Human Rights Tribunal (CHRT) orders; and
  - c. Terminating national Long-Term Reform consultations on July 11, 2024 and failing to obtain an adequate new negotiation mandate to ensure that systemic discrimination does not recur.
2. Call upon Canada to immediately end its systemic discrimination and obtain a new negotiation mandate that is aligned with the mandate provided by First Nations-in-Assembly and the CHRT Orders.
3. Direct the NCCC to work with the Caring Society and the Assembly of First Nations (AFN), in consultation with First Nations and First Nations organizations, to develop an evidence-based, comprehensive National FNCFS long-term reform plan and requested remedies, consistent with 2025 CHRT 80.
4. Direct the AFN consistent with its sacred duty to implement the decisions of First Nations-in-Assembly, to support the NCCC to fulfill the mandate vested to it by the First Nations-in-Assembly which, includes:
  - a. Advocating to Indigenous Services Canada (ISC) to fund the NCCC according to the budget request submitted to ISC by the AFN on behalf of the NCCC on April 23, 2025;
  - b. Where legal processes are concerned, ensuring that all instructions to AFN legal counsel fully align with the positions provided by the NCCC, consistent with the decisions of the First Nations-in-Assembly, provided that such positions do not conflict with the AFN Charter, its by-laws or decisions of First Nations-in-Assembly or Executive Committee, and provided that they do not direct AFN legal counsel to litigate against one or more regions of the AFN or certain members of the First Nations-in-Assembly.