
Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 01/2021

TITLE: Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools

SUBJECT: Residential Schools, Justice, Children

MOVED BY: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Kukpi7 Judy Wilson, Neskonlith, BC

DECISION Carried; 2 objections

WHEREAS:

- A. On May 27, 2021, information became public about the Tk'emlúps te Secwépemc efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School, which had been a matter of concern for generations and a matter raised by the survivors before the Truth and Reconciliation Commission and Canada.
- B. The information has now come forward regarding the loss of life of children at the schools, disappearances, and instances where there was a failure to document or protect the deceased children, who were deprived of their identity, culture and values, and raising evidence of mass human rights violations of national and international concern.
- C. The Crown's racist, colonial laws and policies towards Indigenous Peoples, many of which continue despite the termination of the Residential School System, were acknowledged in the June 2008 apology issued by former Prime Minister Harper in the House of Commons to survivors of Indian Residential Schools across Canada (the "Apology"). The Apology acknowledged that the objective of the Residential School System was to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant settler culture. However, the Government of Canada has refused to support the work required to

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reveal the truth of the Residential School System and has not acknowledged or recognized that this was a genocide inflicted upon Indigenous Peoples by the State in partnership with the churches.

- D. Protecting and managing burial sites or mass graves near Residential Schools will require the appointment of a unique legal entity or guardian comprised of representatives of Canada and First Nations, families and communities concerned, and the participation by an appropriate United Nations agency representative, such as the Expert Mechanism on the United Nations Declaration on the Rights of Indigenous Peoples, or other United Nations human rights entity, to ensure the legal interests and rights of Indigenous Peoples are upheld and protected.

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

1. Stand in solidarity with the Tk'emlúps te Secwépemc and all survivors of the Residential School System and their families and assert that the mass grave discovered at the former Kamloops Indian Residential School reveals Crown conduct reflecting a pattern of genocide against Indigenous Peoples that must be thoroughly examined and considered in terms of Canada's potential breaches of international humanitarian and human rights law.
2. Fully support United Nations Resolution 60/147: "*UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*", and assert that there is serious evidence that Canada and the churches have violated international human rights and humanitarian law through the hiding, damaging, interfering with and destroying of mass graves and the concealment of records and archival material about the schools with an intent to delay or hide identification of the sites.
3. Calls on the federal and provincial governments, in full partnership with First Nations, to take immediate action to identify, seize and control all records of the schools to ensure they inform the investigation needed, and to provide without any limitation, the records to the Indian Residential School Survivors, their families and First Nations, supporting them to gain full and complete access, including funding the necessary resources to digitize, host and assess the records in the possession of churches, archives, and held by the federal government. A six month time frame will be given to governments and the Roman Catholic Church to respond.
4. Calls upon the Government of Canada to work with First Nations impacted and identify and appoint a Special Rapporteur to conclude and establish a guardianship structure that respects the laws of Tk'emlúps te Secwépemc and any other First Nation where similar sites are identified, ensuring the entity has proper legal protection and takes all necessary measures to address this situation and comply with international and humanitarian standards, including powers to identify all unmarked burial sites connected to residential schools and protect these from erosion, destruction, manipulation or disturbance.

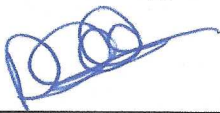
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5. Calls upon the Province of British Columbia and the Government of Canada to establish a safe and confidential process for the reporting of the existence and location of mass graves to support and ensure a verified list of all known locations of mass graves, a proactive search for additional sites, including those that might have been desecrated or concealed by religious or state officials, and to establish, fund, and regulate a proper framework regarding the use of digital technologies to discover mass burial sites which ensures complete accountability for the death or inhumane disposal of the remains of our children.
6. Calls upon the Roman Catholic Church, having operated the Kamloops Indian Residential School, and over 70% of all Residential Schools in Canada, to issue a formal apology through the Pope and to renounce the doctrines of moral superiority that the church used to justify imposing its spirituality and beliefs through a harsh environment without the consent of First Nations, and in particular to be fully accountable to the Tk'emlúps te Secwépemc along with all Indigenous Peoples.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 02/2021

TITLE: Preliminary Examination of the Prosecutor of the International Criminal Court

SUBJECT: Residential Schools in Canada, Crimes against humanity

MOVED BY: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Kukpi7 Wayne Christian, Splatsin First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) Articles 2, 7,8,9, 10,11,12,13,14,17,18,22,23,25,26,39,40,42,43 and 44 are applicable to this subject matter and should be upheld and promoted by all First Nations.
- B. A group of lawyers in Canada have requested a preliminary examination of the Prosecutor of the International Crime Court by commenced proprio motu pursuant to Article 15 of the *Rome Statute of the International Court*.
- C. The accused are agents, employees or actors working for the Government of Canada and the Government of Vatican City State/Holy See ("Vatican").
- D. The Complaint is regarding the recent discovery of the unmarked burial site of 215 graves of children who were under the forced care of the Government of Canada and Vatican at the Kamloops Indian Residential School in Kamloops, British Columbia.
- E. The Complainants submit the deaths, located within unmarked graves and the general treatment of the 215 deceased children constitute crimes against humanity.
- F. The Complainants submit that there are likely other mass burials sites across Canada at former Indian Residential School sites and that the accused have taken actions to cover up these gravesites to hide their crimes against humanity from the world.

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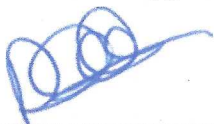
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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to immediately begin work with all First Nations in Canada to support the investigation of former Indian Residential School sites with the purpose of identifying crime scenes of children.
2. Direct the AFN to work with all First Nations in Canada to support additional works as required and considered appropriate by each First Nation to conduct archeological investigations, document research and other such methods of investigation as required to collect more information about any gravesites discovered during the investigation.
3. Direct the AFN to seek justice through intervention at the International Criminal Court in this matter, to hold the Imperial Crown, Government of Canada and the Vatican accountable for their actions and to seek justice for the crimes against humanity for the victims' families and the international community.
4. Direct the AFN to formally invite the International Commission on Missing Persons to work with First Nations to support the work as part of an international entity.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 03/2021

TITLE: Clarification of Designated Representative and Proxy

SUBJECT: AFN Charter Renewal

MOVED BY: Khelsilem, Skwxwu7mesh Uxwumixq, BC

SECONDED BY: Chief Roderick Gould, Abegweit First Nation, PEI

DECISION Carried; 27 objections; 7 abstentions

WHEREAS:

- A. The Charter has inconsistencies related to the description of quorum for decision making purposes. Wording in Article 2(6) Principles and Article 8(1) creates ambiguity and amendments are necessary to avoid any misunderstandings that could lead to conflict within the AFN Assemblies.

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

1. Direct that Article 2 (6) should be amended to change the term "designated representative" to Proxy representative.
2. Be it further resolved that Article 8 (1) be amended to read, "Quorum will be established when a minimum of 51% of those Chiefs and Proxies registered for the Assembly are present in the Assembly room. Decisions of the First Nations-in-Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving a consensus have been exhausted without success, a positive vote of 60% of the Chiefs and Proxy representatives of First Nations present in the Assembly room shall be sufficient to constitute a decision."
3. Be it further resolved that the AFN Rules and Procedures be amended to reflect the same language as the Charter and that this amendment is effective immediately.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 04/2021

TITLE: Composition Change Prince Edward Island

SUBJECT: AFN Charter Renewal

MOVED BY: Chief Darlene Bernard, Lennox Island First Nation, PEI

SECONDED BY: Chief Roderick Gould, Abegweit First Nation, PEI

DECISION Carried; 28 objections; 6 abstentions

WHEREAS:

- A. On July 25, 2019, at the Annual General Assembly, the Chiefs passed resolution #72/2019 that directed the Assembly of First Nations (AFN) to work with the Chiefs of Prince Edward Island, (PEI), to prepare an amendment to Article 17 of the Charter to change the composition of the Executive Committee to allow for a PEI Regional Chief.
- B. The Chiefs' Committee on Charter Renewal has met to discuss resolution #72/2019 and the potential impacts to the AFN Composition under the Charter, including organizational structure and financial budgets.

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

1. Direct that Article 17 Composition and any other articles that refer to the number of Regional Chiefs, be amended to include Prince Edward Island as a Region represented under the Charter.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 05/2021

TITLE: Allocation of Early Learning and Child Care Investments in Budget 2021

SUBJECT: Early Learning and Child Care (Health, Social, Education)

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

SECONDED BY: Chief Alvin Francis, Nekaneet First Nation, SK

DECISION Approved by the AFN Executive Committee by consensus

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 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.
- iii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- iv. Article 14 (3): States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- 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.

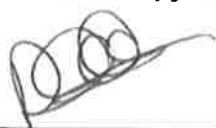
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- vi. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*, adopted a framework that articulates a First Nations vision towards a system of high-quality, culturally-based and holistic Early Learning and Child Care (ELCC) for all First Nations children. The Framework recognizes that First Nations are a distinct people with rights to self-determination, including the right to control the design, delivery, and administration of ELCC.
- C. The National Expert Working Group (NEWG) on First Nations ELCC was mandated by AFN Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care (ELCC)*, to oversee the national engagement process to inform the Indigenous ELCC Framework and to lead the work on First Nations ELCC at the national level.
- D. In September 2018, the Indigenous ELCC Framework was released, with Canada committing up to \$1.02 billion over 10 years for First Nations ELCC service delivery, program enhancement and expansion, partnerships and governance, to be divided nationally as directed by First Nations. This investment was part of Canada's Indigenous ELCC Transformation Initiative, which enables greater Indigenous control in ELCC governance, decisions, and investments, and upholds a principle of local and regional decision-making and control.
- E. AFN Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, directed the allocation of these funds on an interim basis based on the following formula:
 - i. Per capita funding based on the Modified Berger Formula using the Indian Registration System population counts of on and off -reserve children aged 0-6, weighted for remoteness.
- F. The current funding allocation model was provided as an interim measure to ensure that First Nations ELCC funding was distributed in a timely manner. The interim model fails to account for needs-based factors.
- G. The NEWG is expected to report back to Chiefs-in-Assembly in December 2021 with a revised, long-term First Nations-determined funding model for ELCC, as mandated by AFN Resolution 20/2020, *Extension of Interim First Nations Early Learning and Child Care Funding Allocation Approach*.
- H. In the 2020 Speech from the Throne, Canada made commitments towards a national system of childcare for all children in Canada. Budget 2021 commits to enshrining the principles of a national system in federal legislation on ELCC.

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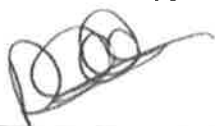
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- I. Budget 2021 proposed to invest \$30 billion over five years in new funding in ELCC, of which \$2.5 billion over five years is committed to Indigenous ELCC, specifically:
 - i. Over five years, \$768.11 million is dedicated to First Nations ELCC programs and services, and \$110.4 million is dedicated to First Nations ELCC governance capacity.
 - ii. In 2021-22, \$46.46 million is available for First Nations ELCC programs and services, and \$22.08 million is available for First Nations ELCC governance capacity.
- J. Employment and Social Development Canada (ESDC) has indicated that the First Nations portion of Budget 2021 ELCC funds for governance capacity and programs and services are subject to direction by Chiefs-in-Assembly, including its allocation across regions. Without a resolution on regional allocation of Budget 2021 funds for First Nations governance capacity and programs and services, there is a risk that First Nations funding may lapse or be reprofiled.
- K. First Nations assert their rights and jurisdiction in a multitude of ways, including collectively, through Historic Treaties, Modern Treaties, Self-Government Agreement and other mechanisms. The Government of Canada has an obligation to ensure that all First Nations, regardless of the mechanisms they choose to assert their rights and jurisdiction, have equitable access to ELCC funds.
- L. Canada has not funded the AFN or the NEWG in over two fiscal years for national-level work. The NEWG has consistently called for funding to support national-level work on governance capacity and has affirmed that this funding cannot come at the expense of investments in regional governance, programs or services.

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

1. Support the application of the interim funding model from Assembly of First Nations (AFN) Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, to Budget 2021 investments in First Nations Early Learning and Child Care (ELCC) for governance capacity and programs and services for the current fiscal year, until March 31, 2022, based on the following formula:
 - a. Per capita funding based on the Modified Berger Formula using the Indian Registration System population counts of on and off-reserve children aged 0-6, weighted for remoteness.
2. Direct the AFN to call on Canada to adequately and immediately fund national-level ELCC work at the AFN and the National Expert Working Group (NEWG) on First Nations ELCC.
3. Direct the AFN to establish a Chiefs' Committee on Early Learning and Child Care to provide direction for the implementation of Budget 2021 investments and the ongoing implementation of the First Nations and Indigenous ELCC Frameworks.

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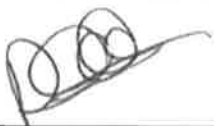
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**ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, 2021, Ottawa (Ontario)**

Resolution no. 05/2021

4. Direct the Chiefs' Committee on Early Learning and Child Care to report to the Chiefs-in-Assembly in December 2021.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 06/2021

TITLE: Yukon River Chinook Salmon of Canadian-Origin

SUBJECT: Fisheries

MOVED BY: Dan Yetthi Hede, Nicole Tom, Little Salmon Carmacks First Nation, YK

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

DECISION Approved by the AFN Executive Committee by consensus

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 relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- iii. Article 29 (1): Indigenous peoples 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 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.

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- B. Since time immemorial, wild Yukon River Chinook salmon are among the most important food sources for First Nations along the Yukon River.
- C. Each First Nation manages their respective fisheries according to their traditional laws, values, and principles, and works to ensure sustainability of those fisheries for their current and future generations.
- D. Yukon River Chinook salmon are deeply embedded in the identity, culture, society, spirituality, and ancient way of life of First Nations along the Yukon River. Yukon River Chinook salmon are featured heavily in Indigenous languages, songs, legends, stories, traditional ecological knowledge, traditional phenological knowledge, traditional teachings for preparation and preservations, and demonstrate the intrinsic connection between the people, land and resources.
- E. The Yukon River Chinook salmon stocks of Canadian origin have been in a long-term state of decline since the late 1990s. Stocks are now currently less than half of historical abundance levels and are experiencing low productivity levels. The 2021 pre-season information forecasts yet another low return, which are cumulatively unsustainable over the long-term.
- F. In 2019 and 2020, Canada and the US have failed to meet spawning escapement goals for Canadian-origin Chinook that both parties have agreed to under the 2001 *Yukon River Salmon Agreement* of the Canada-US *Pacific Salmon Treaty*. These conservation concerns have led to a restriction on the constitutionally protected right of Yukon First Nations to harvest Chinook salmon for food, social, and ceremonial purposes.
- G. Yukon First Nations are concerned about the declining abundance in stocks, coupled with the growing uncertainty in environmental conditions, and the inability of the US to manage Alaskan fisheries to Treaty-established escapement and harvest sharing goals.
- H. Yukon First Nations have witnessed the collapse of salmon fisheries elsewhere along the Pacific Coast, such as the Fraser River sockeye, and wish to act now before such a biological disaster occurs to Yukon River Chinook salmon.

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

1. Direct the Assembly of First Nations (AFN) to urge the Prime Minister and the Minister of Fisheries and Oceans to initiate a federal inquiry, in partnership with Yukon First Nations, to investigate the decline of Yukon River Chinook salmon of Canadian-origin and provide recommendations to address that decline.
2. Direct the AFN to advocate to the Minister of Fisheries and Oceans Canada to establish additional oversight and supports for the proper implementation of the *Yukon River Salmon Agreement* to ensure that Canada-US Treaty obligations are met on an annual basis.

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3. Direct the AFN to work with Yukon River First Nations to engage with the Minister of Fisheries and Oceans to immediately prioritize and dedicate resources to reverse the long-term decline of Yukon River Chinook Salmon of Canadian-origin, ensuring direct funding towards Yukon First Nations to lead conservation efforts.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 07/2021

TITLE: Creation and Implementation of Legislation for First Nations Policing as an Essential Service

SUBJECT: Policing, Public Safety

MOVED BY: Ogimaa Duke Peltier, Wiikwemkoong First Nation, ON

SECONDED BY: Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg, QC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 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 actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.
- B. The Assembly of First Nations (AFN) has previously been mandated to advocate for new legislation that would recognize First Nations policing services as an essential service through AFN Resolution 45/2017, *Federal Investments in First Nations Police Services*, Resolution 107/2017, *Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service*, Resolution

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, 2021, Ottawa (Ontario)

Resolution no. 07/2021

06/2020, Support for Advocacy on Systemic Racism in Canada, and Resolution 07/2020, Call for Reform to Address Institutional Racism in the Justice System.

- C. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation will recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- D. The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes those Nations that wish to exercise their right to self-determination by providing police services for their Nation.
- E. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.

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

1. Direct the Assembly of First Nations (AFN) to continue working with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations policing services as an essential service to end inequitable programming and funding under the First Nations Policing Program (FNPP).
2. Direct the AFN to work with AFN regional offices to carry out an engagement process with First Nations, Tribal Councils, or Treaty Organizations on the co-development and implementation of legislation that recognizes First Nations policing as an essential service while respecting and upholding both pre-existing or otherwise developed processes.
3. Direct the AFN to call on Provinces and Territorial governments to respect and honor the existing 48/52 funding formula under the FNPP. If that formula changes, it does so in favor of First Nations.
4. Direct the AFN to advocate for First Nations, Tribal Councils or Treaty Organizations to be sufficiently funded to create and administer their own essential police services.
5. Direct the AFN to advocate for sufficient funding be made available for the infrastructure necessary to create and administer essential police services.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 08/2021

TITLE:	Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQIA People
SUBJECT:	Safety and Security of Indigenous Women, Girls, and 2SLGBTQIA People
MOVED BY:	Chief Adrienne Jerome, La Nation Anishnabe du Lac Simon, QC
SECONDED BY:	Chief Shelley Sabattis, Oromocto First Nation, NB
DECISION	Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 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 Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) in August 2016. The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- C. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women, girls and 2SLGBTQIA peoples. The Final Report also contains 4 overarching findings relating to rights recognition, justice, security, health and wellness. It also contains 231

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Calls for Justice which include recommendations to governments, institutions, industries, service providers, partners and all Canadians.

- D. Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honour the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systematic change;
 - ii. Recognize that any process including roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support families and communities in their healing journeys, and honour the MMIWG; and
 - iii. Recognize that a one-day roundtable on MMIWG is not sufficient.
- E. AFN Resolution 67/2019, *Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQIA*, mandates the AFN to:
- i. Call upon the Federal government to ensure that all engagement on a National Action Plan be carried out using the "Families First" approach.
 - ii. Direct the AFN to seek out appropriate funding and resources to:
 - i. Attend and participate in all Roundtable meetings in every regions; and
 - ii. Co-ordinate its own engagement with First Nations on a National Action Plan.
 - iii. Direct the AFN to develop its own First Nations led National Action Plan with input from the regions and first Nations survivors, families and the First Nations Coalition for Grassroots Families and advocate for all governments to adopt it.
 - iv. Call upon the federal government to ensure that AFN Women's Council participates in the selection process for any representative appointed to implement the National Inquiry's Final Report *Calls for Justice*; including the development and implementation of a National Action Plan.
 - v. Direct the AFN to ensure the First Nations Action Plan is respective of any Nation, women, or regional-led processes in regard to their planning.
- F. In June 2021, Crown Indigenous Relations and Northern Affairs (CIRNA) released a National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQIA people. Further work is needed to implement the National Action Plan.

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

1. Call upon the federal government to ensure that all activities with respect to the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people be carried out using a “Families First” and distinctions-based approach.
2. Direct the Assembly of First Nations (AFN) to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the Nation Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 10/2021

TITLE: Support for the co-development of a new distinctions-based Indigenous Languages Funding Model

SUBJECT: Languages

MOVED BY: Ogimaa Duke Peltier, Wiikwemkoong, ON

SECONDED BY: Kukpi7 Wayne Christian, Splatsin, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. Assembly of First Nations (AFN) Resolution 77/2017, *Support for continued co-development work on the Indigenous Languages Act*, adopted a set of principles to inform the framework and approach for co-developing legislation, regulations and policies regarding the protection, promotion, preservation, revitalization, recovery and maintenance of First Nations languages, including a principle about the "articulation of specific federal obligations, duties and authorities to protect and support Indigenous languages including funding".

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- C. Through AFN Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*, the Chiefs-in-Assembly fully supported the report's 94 Calls to Action including specific calls (13, 14, 15, 16, 17, 84, and 85) about Indigenous Peoples' languages.
- D. AFN Resolution 06/2015, *Revitalization of Indigenous Languages: Concrete Actions to Support Indigenous Languages Teachers and Cultural Centres*, calls for policy and legislative changes at the federal, provincial and territorial levels to appropriately support Indigenous language revitalization as part of the reconciliation process flowing from the Truth and Reconciliation Commission of Canada's Final Report and Calls to Action.
- E. The *Indigenous Languages Act* (the Act) was co-developed by the Assembly of First Nations (AFN) and the Department of Canadian Heritage (DCH), along with Inuit and Métis representative organizations, and received Royal Assent in 2019.
- F. The purposes of the Act include, among other things:
- i. 5(c) establishing a framework to facilitate the effective exercise of the rights of Indigenous peoples that relate to Indigenous languages, including by way of agreements or arrangements referred to in sections 8 and 9 (of the Act); and
 - ii. 5(d) establishing measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.
- G. The Indigenous Languages Funding Model (Funding Model) would be a measure for facilitating the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance, strengthening, and normalization of First Nations languages, referred to in paragraph 5(d) of the Act.
- H. In recent years and decades, there have been numerous consultations and engagements on a variety of topics that are relevant for a new Funding Model. The Minister of Canadian Heritage, however, has not consulted specifically about procedures for the negotiation of agreements or arrangements under sections 8 and 9 of the Act, despite contemplating section 8 or 9 agreements.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly

1. Reaffirm that jurisdiction over First Nations languages remains with individual First Nations.
2. Affirm that First Nations' jurisdictions in respect of their languages apply in connection with their citizens residing off-reserve or off settlement lands as well as with citizens residing on reserve or on settlement lands.
3. Reaffirm the principles and direction set out in the *Indigenous Languages Initiative Report* and affirmed through Assembly of First Nations (AFN) Resolution 77/2017.

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4. Direct the Chiefs Committee on Languages (CCOL), the Technical Committee on Languages (TCOL), and the AFN to be guided by those principles in the work that they undertake with Canada to develop a new Funding Model for revitalizing First Nations languages.
5. Direct the CCOL, TCOL and AFN to continue collaborating with regions, First Nations, First Nations educators, First Nations language experts, the Government of Canada, other Indigenous organizations, and other organizations as required, in developing a new Funding Model, including a framework or regulations for agreements or arrangements under sections 8 or 9 of the Indigenous Languages Act (the Act).
6. Direct the CCOL, TCOL, and the AFN to ensure that any Funding Model developed further to the parties' collaborative work, including any related framework or regulations for agreements or arrangements:
 - a. does not detract or hinder First Nations from advancing their own processes towards language revitalization;
 - b. does not define, limit, prejudice, abrogate or derogate from any of the rights, interests or jurisdiction of individual First Nations, or from advancing their own processes towards language revitalization;
 - c. supports First Nations, regional groups, Treaty groups, or language groups that want to independently engage in processes relating to First Nations languages; and,
 - d. includes an agreed upon process to ensure that there is an equitable and sustainable distribution of funds across the regions.
7. Direct the AFN to return to the First Nations-in-Assembly when the Funding Model is complete to seek ratification.
8. Direct the AFN to seek periodic involvement of central agencies of the Government of Canada in discussions about the Funding Model, including frameworks or regulations for funding agreements.
9. Call on the Government of Canada to include First Nations partners in these discussions to advance First Nations interests.
10. Call upon the Government of Canada to ensure that funding distributed through the funding model will be protected so that there will not be a decrease or loss in this funding in future years.
11. Call on the Government of Canada to give effect to paragraph 5(e.1) of the Act by facilitating meaningful opportunities for First Nations governments, First Nations governing bodies and First Nations-led organizations to collaborate in policy development related to the implementation of the Act.
12. Call on the Minister of Canadian Heritage to comply with paragraph 45(1)(a.1) and section 45.1 of the Act by:
 - a. consulting with First Nations governments, First Nations governing bodies and First Nations-led organizations before the Governor in Council makes regulations respecting procedures for

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consultations required under the Act, as well as for the negotiation of agreements or arrangements under sections 8 and 9 of the Act; and

- b. ensuring that First Nations governments, First Nations governing bodies and First Nations-led organizations are afforded a meaningful opportunity to collaborate in policy development leading to the making of regulations under section 45 of the Act.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 11/2021

TITLE:	Improving Assembly of First Nations Financial Procedures to reinforce transparency and accountability and advance First Nations jurisdiction, priorities and interests
SUBJECT:	Assembly of First Nations Internal Governance: Financial Management
MOVED BY:	Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK
SECONDED BY:	Khelsilem, Skwxwu7mesh Úxwumixw, BC
DECISION	Approved by the AFN Executive Committee by consensus.

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 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.
 - 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.
- B. The Assembly of First Nations ("AFN") is a national organization established to advance the collective interests and priorities of its membership, as represented by those First Nations in Canada that are recognized in accordance with Article 4 of the Assembly of First Nations Charter ("Charter").

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- C. The Executive Committee, inclusive of the National Chief and the 10 Regional Chiefs, established in accordance with Article 17 of the Charter receives its mandates and takes direction from the First Nations-in-Assembly by way of Assembly Resolutions ("AFN mandates").
- D. The Executive Committee is responsible to monitor and set policy for the internal operations of the Secretariat (Article 18.3); develop budget requirements of the AFN (Article 18.6); secure, monitor and control the financial resources of the AFN (Article 18.7); and authorized to deploy resources to fulfil its duties or responsibilities (Article 18.9); and is accountable to the First Nations-in-Assembly (Article 19).
- E. The subject matters of AFN mandates and internal operations of the Secretariat correspond and directly impact the jurisdictions, rights and priorities of the First Nation members of the AFN.
- F. The efforts and success of the Executive Committee and Secretariat to secure federal resources and inform federal policies can create unintended barriers for First Nations to access similar federal monies to support distinctive regional approaches to realize the common objectives of the AFN mandates.
- G. First Nations seek to strengthen public confidence in the internal management of the AFN National office and that financial decisions are made objectively, fairly and in strict compliance with financial safeguards, such as conflict of interest guidelines.
- H. First Nations seek to ensure that their regional priorities and interests continue to inform and complement the realization of the AFN mandates while also ensuring that the implementation of the AFN mandates do not impede First Nations access to federal resources, or hinder distinctive regional approaches, but rather support and strengthen the exercise of First Nations' jurisdictions, rights and priorities.
- I. AFN National office in securing federal resources to advance AFN mandates (such as Bill C15: UN Declaration, MMIWG, Bill C91: Indigenous Languages, Bill C-92: First Nations, Inuit, Métis children, youth and families) has impacted First Nations rights holders (such as Yukon First Nations) who in turn are having to seek regional monies to inform these national processes, established through the AFN National office and Canada. The effect of this approach exhausts limited regional resources in order to inform and influence these national discussions that have direct impacts on First Nations' jurisdictions, rights and priorities.
- J. The Chiefs-in-Assembly have an interest to inform the AFN annual budget process and spending considerations to correspond with regional priorities, where possible, and ensure that when AFN secures federal resources that regional access to these monies is considered as part of the AFN budgeting and spending approach.
- K. The Chiefs-in-Assembly have an interest to ensure, when realizing the AFN mandate objectives, that AFN management uphold the principles of transparency, accountability and ensure that in the distribution of AFN resources that there are strict applications of conflict of interest guidelines while also seeking to achieve regional parity in the award of AFN contracts.

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THEREFORE, BE IT RESOLVED THAT the Chiefs-in-Assembly:

1. Direct the AFN Executive Committee to provide to the Chiefs-in-Assembly, each year and prior to the commencement of a new fiscal period, budget projections for those funding proposals that have been submitted for the upcoming fiscal year. This projection will outline the proposed annual operating budget and spending priorities of the AFN in order that the First Nation members can provide recommendations to inform the resulting AFN annual operational and spending priorities.
2. Direct the AFN Executive Committee, as part of their responsibility to monitor and control the financial resources of AFN and in accordance with the principles of accountability and transparency, to review the financial reports (monthly or quarterly) with a purpose to ensure regional parity in the distribution of AFN resources (to financially support the regional and national implementation of AFN mandates) and compliance with the AFN financial policies, procedures and conflict of interest requirements.
3. Direct the AFN Executive Committee to strike an external review committee, comprised of one Chief or expert from each respective region, to conduct a review of AFN financial policies and practices (the "Review") and provide a report with recommendations to the AFN Executive Committee with the intent of implementing the recommendations in the 2022/2023 fiscal year. This Review will have, at minimum, the following scope:
 - a. identify how the current practice and process of awarding contracts is exercised;
 - b. review any concerns, past or present, with conflicts of interest with respect to AFN Executive Committee members and AFN management;
 - c. make recommendations to strengthen financial policies and procedures with respect to conflict of interest;
 - d. review policies and processes with respect to transparency, accountability and reporting to the AFN Executive Committee on contracts awarded, regardless of value; and
 - e. make recommendations on potential amendments to the financial policies and procedures on how to ensure greater transparency and accountability and consistency with other governance tools and processes.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 12/2021

TITLE: Implementation of Online Gaming

SUBJECT: Inherent Right and Treaty Rights to Gaming

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

SECONDED BY: Chief Marcel Head, Shoal Lake Cree Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

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" and "By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."
 - ii. 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.
 - 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. First Nations in Saskatchewan assert a right to a Treaty Economy and an Inherent and Treaty Right to gaming.
- C. The Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly passed Resolution #2153 and Resolution #2190 directing the FSIN and the Saskatchewan Indian Gaming Authority (SIGA) to implement online gaming.

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- D. SIGA has negotiated a draft Letter of Intent (LOI) with the Saskatchewan Gaming Corporation to operate an online gaming platform with SIGA as the lead proponent/operator of the online platform.
- E. The Government of Saskatchewan has approved the LOI and the implementation of online gaming with a revenue share between the Government of Saskatchewan and First Nations in Saskatchewan.
- F. SIGA is prepared to approve the LOI and Online Gaming Operating Agreement and implement online gaming as quickly as possible.
- G. First Nations in Saskatchewan want to implement online gaming as soon as possible.

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

1. Support the Federation of Sovereign Indigenous Nations and the Saskatchewan Indian Gaming Authority in implementing online gaming as an assertion of First Nations Inherent and Treaty rights.

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 13/2021

TITLE: Single Event Sports Betting

SUBJECT: Gaming

MOVED BY: Chief Wally Burns, James Smith Cree Nation, SK

SECONDED BY: Proxy Neil Sasakamoose, Red Pheasant First Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. Bill C-218, *the Safe and Regulated Sports Betting Act* is a private member's Bill presented to the Parliament of Canada that proposes amendments to the Criminal Code of Canada that would allow Single Event Sports betting in Canada.
- C. The Saskatchewan Indian Gaming Authority (SIGA) supports the implementation of Single Event Sports Betting and made presentations to the Justice and Human Rights Committee of the Parliament of Canada.
- D. Bill C-218, *the Safe and Regulated Sports Betting Act* continues through the parliamentary process required to become law in Canada, which requires First Nations and First Nations-operated casinos like SIGA casinos, to obtain a licence from a province of Canada in order to offer Single Event Sports Betting.
- E. The most effective way to implement Single Event Sports betting is through an Online Gaming platform.

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F. First Nations in Saskatchewan assert a right to a Treaty Economy and an Inherent and Treaty Right to gaming and that the Criminal Code provisions on gaming infringe on those rights.

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

1. Support the implementation of Single Event Sports Betting and calls for the amendment of Bill C-218, *the Safe and Regulated Sports Betting Act* and the Criminal Code of Canada to allow First Nations to implement Single Event Sports Betting, without the requirement of a licence or permission from a province or territory of Canada.
2. Direct the AFN Executive Committee Portfolio Holder to work with First Nations across Canada to secure the right for respective First Nations to implement Single Event Sports Betting within their Treaty and traditional territories.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 14/2021

TITLE: Support for Criminal Code Amendments

SUBJECT: Gaming

MOVED BY: Chief Lorie Whitecalf, Sweetgrass First Nation, SK


SECONDED BY: Chief Nathan Pasap, White Bear First Nation, SK

DECISION: Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. First Nations in Saskatchewan assert the right to a Treaty economy and the Inherent and Treaty Right to gaming is an important source of own-source revenue in the economy.
- C. White Bear First Nation exercised these Rights by establishing the first owned and operated First Nation casino in these Treaty areas.
- D. The Criminal Code of Canada restricts First Nations from participating in gaming unless they have a licence from a province in Canada.

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- E. The Minister of Justice and Attorney General of Canada is seeking the views of First Nations and First Nations organizations on the participation of Indigenous peoples in the gaming industry and the regulation of that industry across Canada.
- F. First Nations in Saskatchewan have long sought recognition of First Nations jurisdiction over gaming, and First Nations are actively practicing our Inherent Right and Jurisdiction.

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

1. Support amendments to the Criminal Code of Canada and any other laws of Canada that recognize the full jurisdiction of First Nations over gaming.
2. Direct that any amendments to the Criminal Code of Canada require a full in-depth consultation process with First Nations impacted.
3. Direct the AFN Executive Committee Gaming Portfolio Holder to engage with the Minister of Justice and Attorney General to secure full recognition of First Nations jurisdiction over gaming.

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