

---

# Assembly of First Nations

---

50 O'Connor Street, Suite 200  
Ottawa, Ontario K1P 6L2  
Telephone: (613) 241-6789 Fax: (613) 241-5808  
www.afn.ca



---

# Assemblée des Premières Nations

---

50, rue O'Connor, Suite 200  
Ottawa, Ontario K1P 6L2  
Téléphone: (613) 241-6789 Télécopieur: (613) 241-5808  
www.afn.ca

May 10, 2024

Letter to all First Nations:

In accordance with Article 27 of the Charter, I am pleased to provide you with a written 60 days' notice regarding proposed amendments to the Charter that will be presented during the Annual General Assembly on July 9-11, 2024, for consideration by the First Nations-in-Assembly.

The following draft resolutions are attached for your review:

- DR 01-2024 Addressing National Chief Election Voting Deadlocks
- DR 02-2024 Clarifying Rules and Procedures for Establishing Quorum at AFN Assemblies
- DR 03-2024 Amendment to Charter Re: Establishment of an Accessibility and Disability Council as a Recognized "Principal Organ" Under Article 5 of AFN Charter
- DR 04-2024 Executive Committee Regional Chiefs – Financial Security and Charter Protection

Sincerely,

A handwritten signature in black ink, appearing to be "Craig Gideon".

Craig Gideon  
A/Chief Executive Officer

**DRAFT CHARTER RESOLUTION**  
**# 0 1 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

---

**TITLE:** Addressing National Chief Election Voting Deadlocks

---

**SUBJECT:** AFN Charter

---

**MOVED BY:** Chief David Monias, Pimicikamak Cree Nation, MB

---

**SECONDED BY:** Chief Matt Pasco, Oregon Jack Creek Band, BC

---

**WHEREAS:**

- A. The Chiefs' Committee on Charter Renewal (CCoCR) continues to identify and discuss potential amendments to the Charter of the Assembly of First Nations (AFN).
- B. Recent and recurring concerns involving deadlocks or prolonged repeated voting requirements by Chiefs when there are only two candidates remaining on the ballot are areas identified by the CCoCR for improvement. Specially, Article 22(1) and the Appendix "A" (1990) ELECTORAL RULES FOR THE OFFICE OF NATIONAL CHIEF, which do not provide a clear and time-effective means for resolving voting deadlocks in the instances that the final two candidates fail repeatedly to reach the 60% qualified majority threshold.
- C. There have been previous National Chief elections where multiple rounds of non-decisive voting continued through the evening into the next day, and where the 'deadlock' could only be resolved through a voluntary concession. Such voting deadlocks undermine morale and are a risk to the health and wellbeing of participants to the Assembly.
- D. The December 2023 Special Chiefs Assembly (SCA) saw another prolonged election that included 2 rounds of non-decisive voting for the final two candidates, which has renewed calls to amend the AFN Charter provisions.
- E. This AFN Charter Resolution seeks to improve and clarify the National Chief Election provisions within the Charter by amending the Appendix "A" (1990) provisions to address voting deadlocks when only two candidates remain, and amending Article 22(1) to refer specifically to Appendix "A" for electoral rules.
- F. This AFN Charter Resolution also presents an opportunity to address other outstanding Charter amendment recommendations, particularly regarding campaign expenses and recognition of virtual and hybrid Assembly formats.

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

- 1. Direct that the following amendments be made to AFN Charter Appendix "A" (1990), Electoral Rules for the Office of the National Chief:
  - I. To amend B. 1(b) Functions of the Chief Electoral Officer to now read, "e-mailing the names and brief particulars of the candidates to the Chiefs (using the official list of Chiefs at the

**DRAFT CHARTER RESOLUTION**  
**# 0 1 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

- National Office) at least four (4) weeks before the election, and posting the same information on the AFN website;”
- II. To amend E. 1 Campaign Expenses by replacing “\$35,000” with “\$100,000”;
  - III. To amend F.2 under Conduct of Election, to add a second sentence that reads, “The vote may be cast in-person at the Assembly or virtually/online.”
  - IV. To amend F. 7 Conduct of Election, to read, “Subject to F.10, The winner of the election shall be that person who first gains a majority of sixty (60) per cent of the votes of members who cast ballots who are registered at the Assembly.”
  - V. To amend F. 10 Conduct of Election to add a second sentence, to read, “When there are only two candidates remaining, the Chief Electoral Officer shall announce that a final ballot will be conducted and the candidate with the most votes shall be declared the winner even if that candidate does not reach the 60% benchmark.
  - VI. To update the title of the Appendix to, “AFN Charter Appendix “A” (2024), Electoral Rules for the Office of the National Chief.”
2. Direct that Article 22(1) of the Charter of the Assembly of First Nations (AFN) be amended to read “The National Chief shall be elected by the First Nations-in-Assembly as per AFN Charter Appendix “A” (2024), Electoral Rules for the Office of the National Chief.”

**DRAFT CHARTER RESOLUTION**  
**# 0 2 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

---

**TITLE:** Clarifying Rules and Procedures for Establishing Quorum at AFN Assemblies

---

**SUBJECT:** Charter Renewal

---

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

---

**SECONDED BY:** Chief Matt Pasco, Oregon Jack Creek Band, BC

---

**WHEREAS:**

- A. It is essential that the rules and procedures for establishing, maintaining and questioning quorum at Assembly of First Nations (AFN) Assemblies are made clear, transparent, and practical to enforce.
- B. Questions pertaining to quorum at AFN Assemblies are frequent, contentious, and encroach on the limited and valuable time available for First Nations-in-Assembly to provide direction to the AFN.
- C. Prior to the July 2021 AFN Annual General Assembly (AGA) in Ottawa (virtual), the Rules of Procedure for AFN Assemblies contained an explanation of the process by which quorum is established and maintained through the full duration of an Assembly. This longstanding process was consistent with the Charter of the Assembly of First Nations (the Charter) provisions on quorum.
- D. AFN Resolution 03/2021, *Clarification of Designated Representative and Proxy* mandated a change to the Charter and the Rules of Procedure introducing a new description of quorum intended to prevent misunderstandings. However, this change presented new challenges and misunderstandings by:
  - i. Being insufficiently detailed;
  - ii. Removing description of the quorum process from the AFN Rules of Procedure;
  - iii. Introducing a description of quorum that is arguably inconsistent with those longstanding processes; and
  - iv. Being impractical to uphold through the full duration of an Assembly in a manner that is consistent, transparent, accurate, and time efficient.
- E. Neither the current nor previous versions of the Charter properly accounted for the fact that Assemblies are now often held remotely or in hybrid, and that Chiefs and Proxy Representatives participating virtually must also be counted as “present” on the Assembly floor. The new proposed description for quorum should clearly account for virtual participation.
- F. In the current version of the Charter, under the heading of Decision Making, Article 8 (1) describes the rules for both quorum and voting for the First Nations-in-Assembly. For increased clarity, it is proposed that the new Charter description for quorum be provided in an amended Article 8 (1), and the rules for voting be retained separately as new Article 8 (2).

**DRAFT CHARTER RESOLUTION**  
**# 0 2 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

- G.** This resolution seeks to replace AFN Resolution 03/2021, *Clarification of Designated Representatives and Proxy*.

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

1. Direct that Article 8 (1) of the Charter of the Assembly of First Nations (AFN) be amended to read, "Quorum for Assemblies will be established as follows:
  - a) On each day of the Assembly, a count will be conducted of Chiefs and Proxy Representatives present on the floor of the Assembly room, including those who are present in the designated virtual Assembly room.
  - b) On each day of the Assembly, a quorum will then be maintained so long as the number of Chiefs and Proxy Representatives present on the floor of the Assembly room (including those attending virtually) is equal to at least 51% of that initial count for that day.
  - c) On each day of the Assembly, quorum must be established prior to decision-making by the First Nations-in-Assembly."
2. Direct that a new Article 8(3) be inserted, and reads as, "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."

**DRAFT CHARTER RESOLUTION**  
**# 03 / 2024**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

---

**TITLE:** Amendment to Charter Re: Establishment of an Accessibility and Disability Council as a Recognized “Principal Organ” Under Article 5 of AFN Charter

---

**SUBJECT:** AFN Charter; Advisory Council; Accessibility and Disability

---

**MOVED BY:** Chief Byron Louis, Okanagan Indian Band, British Columbia

---

**SECONDED BY:** Chief James Hobart, Spuzzam First Nation, British Columbia

---

**WHEREAS:**

- A. The Assembly of First Nations (AFN) has supported First Nations leaders and First Nations persons with disabilities (FNPWD) for decades to empower their voices and participation in the drafting of text for the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the Organization of American States Declaration on the Rights of Indigenous Peoples and the Preamble of the United Nations Convention on the Rights of Persons with Disabilities, (UN-CRPD) among others.
- B. The Declaration states in Article 21(2) *Particular attention shall be paid to the rights and special needs of Indigenous Elders, women youth, children, and persons with disabilities.*
- C. The preamble of the UN-CRPD stresses that persons with disabilities "are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, Indigenous or social origin, property, birth, age or other status." The CRPD is the only UN human rights instrument with an explicit sustainable development dimension.
- D. The World Conference on Indigenous Peoples in 2014 called on relevant United Nations entities and bodies to take action to include Indigenous peoples/persons with disabilities in their respective areas of work and to support the creation, strengthening and capacity development of organizations of Indigenous peoples/persons with disabilities.
- E. An Inter-governmental federal framework established in 1997, IN UNISON: A Canadian Approach to Disability Issues, demonstrated a commitment to the following vision: "Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."
- F. In the 1980's-90's economic recession, funding for First Nations regional disability networks were unfunded and funding has not since been restored.
- G. Given this void, First Nations disability networks are often replaced with pan-Canadian groups and pan-Indigenous funding models that often lack accountability to First Nations rights-holders. This

# DRAFT CHARTER RESOLUTION

## # 0 3 / 2 0 2 4

### AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

colonial policy and ongoing budgetary constraints continue to disregard the distinct political, health, legal, economic, social, and cultural institutions and policies and fundamental human rights of FNPWD.

- H. Moreover, Federal Budget 2024 continues to apply fiscal constraints at the expense of Canada's human rights obligations to FNPWD, and the federal government applauds the Canada Disability Benefit (CDB) as a budget win, when in principle this policy will further impoverish FNPWD and others.
- I. The close relationship between state public budgets and human rights mechanisms has been recognized in international human rights instruments where states budgets must be adhering to their human rights obligations; this is fundamental to upholding the rights of FNPWD, among others.

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

1. In accordance with Article 5.1, (Principal Organs) amend the AFN Charter: to include an AFN Accessibility and Disability Council under Article 5.1, include its Composition under Article 23(E), and its Role and Function under 24(E).
2. Direct the AFN to advocate for sustained resources to support the establishment of an AFN Accessibility and Disability Council, including sufficient funding.
3. Adopt the following description of the AFN Accessibility and Disability Council including the Composition and Role and Function:

#### **The Accessibility and Disability Council**

##### ARTICLE 23 (E)

##### COMPOSITION

1. The Accessibility Disability Council shall consist of the lived experience of First Nations persons and Knowledge Keepers with disabilities and First Nations care givers and representatives from the First Nations Blind and Deaf community, among others. The Accessibility and Disability Council shall be inclusive of male, female, and 2SLGBTQQIA peoples with lived experience with a disability. Each Region shall appoint and can remove one member to serve on the Council in accordance with the process and procedures governing that Region.
2. The Chairperson will be selected by the representatives of the Accessibility and Disability Council; each representative will serve for a term of three years and shall be eligible for re-appointment.

**DRAFT CHARTER RESOLUTION**  
**# 0 3 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

ARTICLE 24 (E)

ROLE AND FUNCTION

1. The role of the Accessibility and Disability Council is to provide assistance, guidance, and support to the National Chief, Executive Committee and First Nations-in-Assembly to support the creation, strengthening, and capacity development of the AFN with respect to FNPWD.
2. The Accessibility Disability Council may discuss any question or any matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and make recommendations to the Executive Committee, the Confederacy of Nations, the AFN Executive Committee or to any subsidiary organ on any such question or matter.



**DRAFT CHARTER RESOLUTION**  
**# 0 4 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

---

**TITLE:** Charter Amendment - Executive Committee Regional Chiefs – Financial Security and Charter Protection

---

**SUBJECT:** Governance

---

**MOVED BY:** Naa Sháade Hani Eric Morris, Teslin Tlingit Council, Yukon

---

**SECONDED BY:** Chief Amanda Leas, *Ta'an Kwäch'än Council, Yukon*

---

**WHEREAS:**

- A. Article 5 of the UN Declaration of the Rights of Indigenous Peoples state “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State’.
- B. Article 18 of the UN Declaration of the Rights of Indigenous Peoples state “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”.
- C. Article 39 of the UN Declaration of the Rights of Indigenous Peoples state “Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration”.
- D. The Assembly of First Nations is a national organization, established to advocate and advance the aboriginal and treaty rights of its First Nations membership, as directed by the First Nations in Assembly and carried out by the Executive Committee and Secretariat, in accordance with the Charter of the Assembly of First Nations, originally adopted in 1985 and recently consolidated in December 2022 (the “Charter”).
- E. Article 2.5 of the Charter provides:  
*The Assembly of First Nations shall remain at all times an instrument to advance the aspirations of First Nations and shall not become greater in strength, power, resources or jurisdiction than the First Nations for which it was established to serve.*
- F. The Executive Committee represents one of the eight organs within the national organization as set out in Article 5 of the Charter.
- G. Regional Chiefs who serve on the Executive Committee provide invaluable representation to the national organization on behalf of the First Nation rights holders of their respective regions, as guided by Articles 18 and 19 of the Charter. Regional representation within the Executive Committee provides important historical, cultural and geographical perspectives while supporting the work of the National Chief and when implementing the First Nations in Assembly directives in a national context.
- H. The National Chief, as a member of the Executive Committee, has financial security and Charter protection to serve their office by way of Article 20(10).

# DRAFT CHARTER RESOLUTION

## # 0 4 / 2 0 2 4

### AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- I. Regional Chiefs, as members of the Executive Committee also require financial security and Charter protection to serve their office and exercise their duties and responsibilities in a meaningful manner as guided by the Charter, bylaws and policies of the Assembly of First Nations.
- J. The Government of Canada provides funding to support the core services of the national organization.
- K. Article 2.7 of the Charter provides:

*The resources allocated to the Assembly of First Nations Secretariat shall be distributed and utilized for the great benefit of all Member First Nations in efforts that are truly in form and substance national in scope and for which consensus has been achieved by the member First Nations.*

- L. It is recommended that the Charter be amended to provide the financial security and protection to the offices of the Regional Chiefs.
- M. It is recommended that Article 18 be amended to provide for the express requirement to provide Executive Committee Regional Chiefs with a **base** annual salary and that Article 20(7) be amended to include the requirement that the annual budgets established for the office of the National Chief and Executive Committee include **core funding for the regions that will financially support the annual base salaries** for the Regional Chiefs, established in accordance with a policy approved by the First Nations in Assembly, as follows:

Articles	Current Language	Proposed Amendment
Article 18	Propose a new section 11.	The Executive Committee Regional Chiefs shall be paid a <b>base</b> salary established by the First Nations in Assembly and financially supported by the Assembly of First Nations national office.
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 their duties and obligation to the First Nations.	The National Chief shall develop a budget for the office of National Chief and the rest of the Executive Committee, <b>which includes core funding that can support a base salary for Executive Committee Regional Chiefs</b> , and retain support staff to help the Executive Committee carry out their duties and obligations to the First Nations.

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

1. Approves amending Article 18 to include a new section that states “The Executive Committee Regional Chiefs shall be paid a **base** salary established by the First Nations in Assembly and financially supported by the Assembly of First Nations National Office.”
2. Approves amending Article 20(7) to read “The National Chief shall develop a budget for the office of National Chief and the rest of the Executive Committee, which includes **core funding that can support a base salary** for Executive Committee Regional Chiefs, and retain support staff to help the Executive Committee carry out their duties and obligations to the First Nations”.

**DRAFT CHARTER RESOLUTION  
# 0 4 / 2 0 2 4**

**AFN Annual General Assembly, July 9-11, 2024, Montreal, QC**

3. Approves the changes to the Charter to come in effect immediately and be applied retroactively to the 2024-2025 annual budgets.
4. Directs the National Chief and Secretariate to identify financial resources within the Assembly of First Nation 2024-2025 budget to support the implementation of Articles 18(11) and 20(7).