



SPECIAL CHIEFS ASSEMBLY AND NATIONAL CHIEF ELECTION

December 5-7, 2023

Shaw Centre, 55 Colonel By Drive, Ottawa ON • Hybrid Event

CONFERENCE BOOKLET



ASSEMBLY OF FIRST NATIONS
Special Chiefs Assembly

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

Ottawa is located on the unceded unsundered Territory of the Algonquin People.

ASSEMBLÉE DES PREMIÈRES NATIONS
Assemblée extraordinaire des Chefs

Du 5 au 7 décembre 2023 - Centre Shaw - Ottawa (Ontario)

Ottawa est située sur le territoire non cédé et non abandonné du peuple algonquin.



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RULES OF PROCEDURE FOR AFN ASSEMBLIES

REGISTRATION

1. Every person attending the Annual General Session, or a Special Session of the Assembly of First Nations, online or in person, must register as a Chief, Proxy, Elder, Elder's Helper, AFN Council representative, Guest, Media, or Observer, and pay such fees as have been set by the Executive Committee prior to the Assembly.
2. Every person must review and sign an acknowledgement of the AFN Code of Conduct for Event Participants as part of the registration process.
3. Except for Assembly Staff, no person shall be admitted to the Assembly unless they are duly registered. No person shall register under more than one category.

CHIEF

4. A person may register as a Chief if their name is on a current list of the Chiefs for all First Nations maintained by the AFN Secretariat. Where there has recently been an election or change by the First Nation in who occupies the position of Chief, the person presenting as Chief may offer proof of credentials by presenting a letter from the electoral officer or other verifiable proof that they now occupy the position.

PROXY

5. A person may register as a proxy if they present a duly executed Band Council Resolution (BCR) from the Member of the Assembly of First Nations on whose behalf the proxy is made, or a hand-written or typewritten letter signed by the Chief. Facsimiled or emailed documents will be accepted provided they are legible.
6. No person may carry more than one (1) proxy.
7. A person carrying a proxy may not delegate or assign their proxy.

ELDERS

8. A person may register as an Elder if they are recognized as such by a principal organ of the AFN, or their First Nation.

ELDERS HELPERS

9. Where a person registering as an Elder is accompanied by a helper, the helper may be registered as an Elder's Helper.



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AFN YOUTH COUNCIL / WOMEN'S COUNCIL/ KNOWLEDGE KEEPERS COUNCIL/ FIRST NATIONS VETERANS COUNCIL AND 2SLGBTQIA+ COUNCIL

10. A person may register as a representative of the AFN Youth Council, Women's Council, Knowledge Keepers Council, First Nation Veterans Council and 2SLGBTQIA+ Council, if they are a current member of the Council on behalf of which they are purporting to register.

GUESTS

11. A person may register as a guest if they have been officially invited to the Session by the National Chief or Executive Council.

MEDIA

12. A journalist, reporter or persons attending a Session on behalf of a media organization must be accredited by the AFN Communications Director.

OBSERVERS

13. All persons other than those described in paragraph 3 through 11 may register as an observer.

DISPUTES OVER REGISTRATION

14. All disputes regarding registration will be referred to the Registration Coordinator, who may consult with AFN Legal Counsel, for a final decision.
15. Any person wishing to appeal a decision of the Registration Coordinator may request to be heard by the AFN Knowledge Keepers Council, which may make a recommendation to the Assembly.

REGISTERED REPRESENTATIVES

16. For purposes of these Rules, only persons registered as a Chief or a Proxy is a Registered Representative.
17. A member First Nation may be represented by one Registered Representative.

SEATING

18. Elders, Council Members and Registered Representatives will be given priority access to seating in the main seating area.
19. A designated seating area will be available at all Assemblies for Chiefs and/or Proxies.
20. The designated seating area will recognize and encourage seating by Nations / Treaty affiliations.



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SESSION

21. A regular Annual Session or Special Session is a meeting commonly referred to as an Assembly held in accordance with Article 9 of the AFN Charter.
22. A regular Annual Session or Special Session will normally start at 9:00 a.m. and will not normally continue for longer than three days.
23. The Speaker/Chairperson(s) may recess or adjourn the session at any time during the session at their discretion. When announcing a recess or temporary adjournment, the Speaker/Chairperson(s) will specify the time and place that the session will resume.

QUORUM

24. 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.
25. The Registration Coordinator must advise the Speaker of the number of Registered Representatives one hour after the Call to Order of a session.

ADOPTION OF AGENDA AND RULES

26. The Draft Agenda and Rules of Procedure for this Assembly will be adopted by a motion by First Nations-in-Assembly.
27. The Draft Agenda of National Assemblies shall be structured to allow for a period of discussion on duly presented resolutions and decision on each day of the Assembly.
28. Any proposal to amend the Charter shall be the first order of business on the agenda.

RECORD OF PROCEEDINGS

29. A Record of Proceedings will be maintained for all sessions and will include:
 - a) description of meeting (i.e., Annual or Special);
 - b) name of the assembly;
 - c) date and location of meeting;
 - d) the name of the Speaker/Chairperson(s);



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- e) all the main motions (including mover and seconder), points of order and appeals whether sustained or lost, and all other motions that were not lost or withdrawn;
- f) resolutions and votes; and
- g) the hours of meeting and adjournment.

SPEAKER/CHAIRPERSON(S)

APPOINTMENT

30. The National Chief, with the advice of the Executive Council, must appoint a person to serve as permanent Speaker/Chairperson for Assemblies. This position should be filled by an individual with legal/mediation training, bilingual, public speaking and a high degree of familiarity with First Nations political culture, traditions and values. The Speaker must be available to participate in Assembly planning, briefing and follow-up analyses.

DUTIES

31. The Speaker/Chairperson(s) are the presiding officers for the Session and have overall responsibility for the conduct of the Session. They must preserve order and decorum throughout the session.

AUTHORITY

32. The Speaker/Chairperson(s) must decide any questions of order that arise during the session and, in doing so, may consult with AFN Legal Counsel or whomever they feel is necessary to arrive at a decision.

ORDERLY CONDUCT

33. Every person in attendance at the Session must conduct themselves in a manner that is respectful of the honour and decorum of the Assembly and uphold the terms of the Code of Conduct for Event Participants.
34. No person shall be permitted in the Session while under the influence of alcohol or drugs.
35. The Speaker/Chairperson(s) may order anyone disruptive to the proceedings to be evicted and may prohibit them from re-entering the Session.



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RESOLUTIONS (PLEASE ALSO REFER TO THE RESOLUTIONS PROCEDURES)

36. The Assembly may give policy direction or mandate any of its principal organs to take action on an issue by adopting a Resolution.

RESOLUTIONS COMMITTEE

37. The Chief Executive Officer, shall before the Session, establish a Resolutions Committee, consisting of technical and legal advisors for the purpose of reviewing resolutions before they are presented to the Assembly.

FORM AND TIME

38. Every Resolution must be:
- a) moved and seconded by Registered Representatives;
 - b) presented in draft form to the Resolutions Committee no later than 5 weeks prior to the Assembly; and
 - c) mover and seconder must be present at Assembly to speak to the resolution.

ROLE OF RESOLUTIONS COMMITTEE

39. When presented with a draft Resolution, the Resolutions Committee shall:
- I. Review it to ensure that:
 - a) its purpose and intent are clearly understood,
 - b) it is consistent with and within the powers set out in the Charter,
 - c) it is not in conflict with past resolutions or if so, that such is clearly stated within the resolution,
 - d) it is not in conflict with a draft resolution that has already been submitted,
 - e) it is a resolution that can be reasonably implemented by the AFN, including taking into consideration financial implications.
 - II. Advise the Mover and Seconder of substantive or procedural irregularities that could impede the Assembly's ability to arrive at a consensus on the resolution;
 - III. Make recommendations to the Mover and Seconder on revisions that may assist the adoption of the resolution; and
 - IV. If necessary, take other steps to facilitate agreement among the parties on the resolution.



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- V. Resolutions that do not meet the criteria will be returned to the Mover and Seconder for further work. Resolutions will be provided to First Nations-in-Assembly for consideration once all criteria have been satisfied.
- 40. The Resolutions Committee shall indicate to the Speaker/Chairperson(s) that it has reviewed the draft Resolution and shall recommend that the Resolution be placed before the Assembly.
- 41. The Speaker/Chairperson(s) may follow the recommendation of the Resolutions Committee or may take such other direction as they see fit.

CONDUCT OF DEBATE

- 42. Only Registered Representatives, or, with permission of the Speaker/Chairperson(s), their designated spokesperson may address the Assembly.
- 43. A person who seeks to address the Assembly shall rise and use a microphone when provided. If they are attending virtually, they shall electronically signal their desire to take the floor and use the dedicated electronic platform when recognized by the Speaker/Chairperson
- 44. No person shall address the Assembly unless first recognized by the Speaker/Chairperson(s).
- 45. A person must identify themselves and their member First Nation before addressing the Assembly.
- 46. A Registered Representative or, at the discretion of the Speaker/ Chairperson(s), their designated spokesperson may speak to the issue under debate. Where a designated spokesperson speaks on behalf of a Registered Representative, they shall conform to the rules of debate of the Assembly and the Registered Representative shall forfeit their right to be heard on the same matter during the debate on that issue unless otherwise permitted by the Speaker/Chairperson(s).
- 47. Unless the Speaker/Chairperson(s) indicates otherwise, a Registered Representative may speak for up to five minutes when introducing an issue, and subsequent Registered Representatives or their designate may speak to the issue for no longer than three minutes. Following debate on the issue, the Registered Representative who introduced the issue may re-address the issue for three minutes. Limitations on presentations will be strictly enforced and interventions from the floor will be monitored through a warning system that ends with the muting of the microphone.



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CONSENSUS DECISION MAKING

48. When entertaining a motion, the Speaker/Chairperson(s) shall seek a consensus decision or general agreement by the Assembly.
49. The Speaker/Chairperson(s) may ask if anyone opposes the decision. If there is no opposition, the Speaker/Chairperson(s) may declare that the Resolution has been adopted by consensus.
50. The Speaker/Chairperson(s) may allow additional time to build a consensus and if all efforts at achieving consensus have been exhausted without success, they shall put the matter to a vote.

VOTING

51. Voting may be by show of hands, by standing vote or by such other means as the Speaker/Chairperson(s) deems appropriate.
52. 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.
53. Registered Representatives who abstain from the vote will not be counted in calculating the necessary percentage required to carry the motion.
54. This July 2023 AGA will be held in "hybrid" format; Registered Representatives may also participate using an electronic platform and Online/Remote Voting System:
 - (a) in respect of each poll, a member may exercise its one vote by having its member delegate or duly appointed proxy cast a vote using the Online/Remote Voting System;
 - (b) to be eligible to vote, (i) a member delegate must be on the voters list and be present at the meeting, or (ii) a proxy must be duly appointed and be present at the meeting;
 - (c) a member will be deemed to be "present" at this Assembly for the purposes of the Bylaws, the Rules of Procedures for AFN Assemblies, the Charter of the Assembly of First Nations, as well as this Schedule, if the member delegate or duly appointed proxy attends this Assembly by videoconference in accordance with the instructions provided by the AFN Secretariat;
 - (d) member delegates on the voters list and duly appointed proxies who are present at the meeting will be provided access to the Online/Remote Voting System;



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- (e) casting a vote in a poll using the Online/Remote Voting System will be deemed to be a “secret ballot” for the purposes of the Bylaws and Governance Manual;
 - (f) in circumstances where a member delegate or duly appointed proxy wishes to publicly declare their abstention or opposition to a vote, the Chair may publicly enter this into the Record of Proceedings; and
 - (g) in circumstances where a delegate or duly appointed proxy cannot access the Online/Remote Voting System, the Registration Coordinator will make available an alternate means to cast a vote (i.e., Vote by telephone.) In these circumstances, all other rules set herein apply.
55. The specific Online/Remote Voting System to be used in this Assembly will be selected by the Executive Committee and must:
- (h) incorporate an authentication system to confirm that voters are entitled to vote and to restrict voting to one vote per member per poll;
 - (i) ensure the secrecy of the vote; and
 - (j) include security protocols and data and privacy protection measures.
56. The Chairperson(s)/Speaker(s) of the Assembly, in consultation with the Resolutions Committee and the Registration Coordinator will determine when and for how long online/telephone voting will be open to members during this Assembly (the “Online/Telephone Voting Period”) subject to proper notice of the Online/Telephone Voting Period being provided to members.

DISPUTES

57. Where a Registered Representative wishes to appeal a ruling of the Speaker/Chairperson(s), they shall do so by way of a motion.
58. A decision of the Speaker/Chairperson(s) may be overturned by a simple majority of Registered Representatives.

COUNTING THE VOTES

- (a) For resolutions conducted in accordance with this Assembly, the Chair will: confirm the final count of votes cast using the Online/ Telephone Voting System and read the results into the record before the meeting is adjourned.
- (b) The Registration Coordinator will generate and make a secure electronic record of votes cast, the voters list, the identities of members who cast votes using the Online Voting System, and any other record the Registration Coordinator deems appropriate (the “Electronic Record”) to allow for verification of the voting and results of the vote.



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- (c) The Electronic Record made will be delivered to AFN's head office, where it will remain for thirty (30) calendar days after this Assembly or such longer period as a court of competent jurisdiction may order. The Electronic Record may be accessed and/or inspected only in the presence of legal counsel for AFN.
- (d) No one may challenge the voting results unless filing an appeal in accordance with the Bylaws.

INTERPRETATION

- 59. These Rules of procedures are intended to be consistent with the Bylaws and the AFN Charter.
- 60. The Bylaws and the AFN Charter continue to apply to this Assembly conducted in accordance with these Rules. To the extent that an inconsistency is identified between these rules and the Charter, the Charter will prevail to the extent of the inconsistency, and the remainder of the Rules will continue to be valid and apply.

IMPLEMENTATION

- 61. In accordance with the AFN Charter, the Executive is empowered in between Assemblies, to conduct business and implement decisions as passed by the Chiefs- in-Assembly.

62. OFFICE OF THE SPEAKER/CHAIRPERSON(S)

- 1. The Speaker/Chairperson(s) shall be the presiding officers for the Assembly. From the opening Call to Order until the final adjournment, the Speaker/Chairperson(s) shall control all proceedings, except during the election process for the Office of National Chief at which time the Chief Electoral Officer is in control. In order to do this, the Speaker/Chairperson(s) shall be completely non-political with regard to all issues.
- 2. Speaker/Chairperson(s) shall not participate in the discussions. Their role is to control discussions so as to make the best use of the limited time available.
- 3. In order to facilitate an orderly and productive meeting the Speaker/Chairperson(s) shall have sole authority over the following:
 - 1. Office of the Speaker/Chairperson(s):
 - a) Recording Staff and Technicians
 - b) Resource Staff, Legal Advisors and Technicians
 - 2. Deputy Speakers



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3. Assembly Coordinator and Registration Coordinator
4. Security Coordinator
5. Floor Distribution Coordinator
6. Resolutions Committee
7. Media Relations

DUTIES OF THE SPEAKER/CHAIRPERSON(S)

1. The Speaker/Chairperson(s) shall ensure that all preparations for the Assembly are complete, except for the election process, which is the responsibility of the Chief Electoral Officer.
2. The Speaker/Chairperson(s) shall ensure that the Registration Coordinator is prepared for the Assembly.
3. The Speaker/Chairperson(s) shall ensure that the Security Coordinator is prepared for the Assembly.
4. The Speaker/Chairperson(s) shall assign duties to each Deputy Speaker.
5. The Speaker/Chairperson(s) shall govern the Assembly by the rules set out under 'Rules of Procedure for AFN Assemblies.'

RECOMMENDATION FOR SPEAKER/CHAIRPERSON(S)

1. When a decision is being considered, it is recommended that the Speaker/Chairperson(s) ask the following questions in the following order:
 - a) Ask if anyone is opposed to the Resolution/Motion.
 - b) Ask if there are any abstentions.
 - c) Ask if all are in support.



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This is a consolidation of the original AFN Charter adopted in 1985 and subsequent amendments up to 2022.

December 2022

CHARTER OF THE ASSEMBLY OF FIRST NATIONS (AFN)

PREAMBLE

WE THE CHIEFS OF THE INDIAN FIRST NATIONS IN CANADA HAVING DECLARED:

THAT our peoples are the original peoples of this land having been put here by the Creator;

THAT the Creator gave us laws that govern all our relationships for us to live in harmony with nature AND MANKIND, THAT the laws of the Creator defined our rights and responsibilities;

THAT the Creator gave us our spiritual beliefs, our languages, our cultures, and a place on Mother Earth which provided us with all our needs;

THAT we have maintained our freedom, our languages, and our traditions from time immemorial;

THAT we continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed:

THAT the Creator has given us the right to govern ourselves and the right to self determination;

THAT the rights and responsibilities given to us by the Creator Cannot be altered or taken away by any other nation;

THAT our aboriginal title, aboriginal rights and international treaty rights exist and are recognized by international law,

THAT the Royal Proclamation of 7 October 1763 is binding on both the Crowns of the United Kingdom and of Canada,

THAT the Constitution of Canada protects our aboriginal title, aboriginal rights (both collective and individual) and international treaty rights;

THAT our governmental powers and responsibilities exist; and THAT our nations are part of the international community

ARE DETERMINED

To protect our succeeding generations from colonialism;



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To reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of our First Nations large and small;

To establish conditions under which justice and respect for the obligations arising from our international treaties and from international law can be maintained, and

To promote social progress and better standards of life among our peoples,

AND FOR THESE ENDS,

To respect our diversity,

To practice tolerance and work together as good neighbors, To unite our strength to maintain our security, and To employ national and international machinery for the promotion of the political, economic and social advancement of our peoples,

SO, WE HAVE RESOLVED TO CONFINE OUR EFFORTS TO ACCOMPLISH COMMON AIMS.

ACCORDINGLY, our respective Governments, through their Chiefs assembled in the City of Penticton in 1982, agreed to establish a national organization known as the Assembly of First Nations (AFN) and now agree in the City of Vancouver in 1985 to the Charter of the Assembly of First Nations.

IDEALS

ARTICLE 1

Diplomatic and political relations between First Nations in all fora of the Assembly of First Nations shall be guided by the following ideals:

- a) By virtue of their rich heritage, historical experience and contemporary circumstances, First Nations possess common interests and aspirations to exercise their political will in common and to develop a collective struggle or cause based upon the Indian values of trust, confidence and toleration.
- b) By virtue of the recognition and affirmation of their mutual freedom and self determination, First Nations possess the knowledge and political will to respect the sovereignty of each First Nation.
- c) By virtue of the recognition and respect for their mutual sovereign equality, First Nations can establish collective political relations based upon respect for diversity.
- d) By virtue of their mutual belief in justice, First Nations can establish collective political relations that will not render a single First Nation to suffer or benefit as a direct result of privilege, favoritism preferential treatment or the abuse of power.



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Special Chiefs Assembly

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PRINCIPLES

ARTICLE 2

First Nations, in the pursuit of the ideals stated in Article 1, shall subscribe to and maintain these Principles:

1. First Nations involved in diplomatic and political relations within the Assembly of First Nations recognize that collective political power and action is a practical imperative for the preservation and integrity of the right of self-determination for each First Nation.
2. In order to achieve political solidarity, diplomatic and political relations between First Nations involved in the Assembly of First Nations shall be characterized by the principles of coexistence and diversity.
3. The purpose, authority, responsibilities and jurisdiction of the Assembly of First Nations shall be derivative in nature and scope. All actions or initiatives in excess of the delegation from First Nations shall be null and void and of no force or effect.
4. All delegated power, mandates or responsibility derive from the sovereignty of First Nations; and the persons or institutions entrusted to exercise such delegation have a sacred trust and duty, in performance, to comply strictly with the nature and quality of the delegation.
5. 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.
6. Any decision or direction on a subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations, may be undertaken as a national or international matter provided the First Nations-in- Assembly have reached a consensus to grant delegated power, mandate or responsibility to the Assembly of First Nations. When all efforts at achieving a consensus have been exhausted without a success, a positive vote of 60% of the Chiefs and Proxies of First Nations shall be sufficient for the Assembly of First Nations to undertake any subject matter of a national or international matter. 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 agree-



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ment. 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.¹

ROLE AND FUNCTION

ARTICLE 3

The role and function of the Assembly of First Nations is:

- a) To be a national delegated forum for determining and harmonizing effective collective and co-operative measures on any subject matters which the First Nations delegate for review, study, response or action.
- b) To be a national delegated forum of First Nations which, by virtue of their sovereignty, are the sole legitimate source for what it is, does or may become in the future.
- c) To be a national delegated forum for the purpose of advancing the aspirations of First Nations and to remain subordinate in strength power and resources to the First Nations jurisdiction for which it is established to serve.
- d) To perform and adhere strictly, as a sacred trust and duty, to the nature, scope and extent of the delegation granted from time to time by First Nations.
- e) To seek, utilize and distribute resources for the greater benefit of all First Nations in endeavours that are truly in form and substance national or international in nature and scope and for which delegation has been granted by First Nations.

MEMBERSHIP

ARTICLE 4

All First Nations in Canada have the right to be Members of the Assembly of First Nations.

ORGANS

ARTICLE 5

1. There are established as principal organs of the Assembly of First Nations:
 - First Nations-in-Assembly;
 - The Confederacy of Nations;
 - The Executive Committee;

¹ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 3/ 2021 Article 2 (6) Clarification of Designated Representative and Proxy



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- The Secretariat;
 - The Knowledge Keepers Council;²
 - The Council of Women;
 - The National Youth Council; and
 - The First Nations Veterans Council.³
 - Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex and Asexual Plus (2SLGBTQIA+) Council;⁴
2. Such subsidiary organs may be found necessary may be established from time to time by the First Nations-in-Assembly.

THE FIRST NATIONS-IN-ASSEMBLY COMPOSITION ARTICLE 6

1. The First Nations-in-Assembly shall consist of all the Chiefs of those First Nations who exercise their right to be Members of the Assembly of First Nations.
2. Each First Nation shall have one representative in the First Nations-in-Assembly.
3. In the absence of a Chief of a First Nation, Proxies, who are accredited officially in writing by a First Nation for that purpose, may participate in the First Nations-in-Assembly.⁵

FUNCTIONS AND POWERS ARTICLE 7

1. The First Nations-in-Assembly is a forum for First Nations to conduct nation-to-nation discussions, consultations and deliberations and to collaborate on any matter within the jurisdiction of First Nations.
2. The First Nations-in-Assembly have power:
 - a) To discuss any matter related to the conduct or operations of any organ of the Assembly of First Nations and to make binding decisions regarding such matters.
 - b) To make decisions on any subject matter that chiefs of First Nations desire to initiate or undertake co-operatively and collectively through the Assembly of First Nations.

² Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 01/2020 Article 5 (1) – Knowledge Keepers Council

³ Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 02/2020 Article 5 (1) – First Nations Veterans Council

⁴ Special Chiefs Assembly December 7-9, 2021, Ottawa, ON Resolution 15/2021 - Establishment of a 2SLGBTQIA+ Council

⁵ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 3/2021 Article 2 (6) Clarification of Designated Representative and Proxy



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- c) To delegate authority, mandates, tasks, responsibilities or duties to the Assembly of First Nations whenever such delegation is deemed necessary by the Chiefs of the First Nations.
 - d) To ensure that the positions and directions given by First Nations are implemented and to take disciplinary measures whenever the sacred trust and duty to perform and adhere to, in strict compliance with the delegation is deliberately breached.
 - e) To instruct the Executive Committee to proceed with a ratification process of its decisions regarding any subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations.
 - f) To ensure that the Principles enumerated in Article 2 are maintained and put into practice in relation to the role and function of the Assembly of First Nations and all its regions.
 - g) To be, in general, the sole legitimate inherent source of what the Assembly of First Nations is, what it can do and what it may become in the future.
3. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
- a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - b) The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - d) The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.



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- e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.⁶

DECISION MAKING

ARTICLE 8

1. 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.⁷
2. In the event of voting, each member shall have one vote which may be exercised by proxy.

ASSEMBLIES

ARTICLE 9

The First Nations-in-Assembly shall meet in regular annual sessions in the months of June or July and in such special sessions as occasion may require. Special sessions may be convened by the National Chief at the request of the Confederacy of Nations, or of the Executive Committee.

PROCEDURE

ARTICLE 10

The First Nations-in-Assembly shall adopt its own Rules of Procedure.

THE CONFEDERACY OF NATIONS COMPOSITION

ARTICLE 11

The Confederacy of Nations shall be composed of First Nations representatives of each region on the basis of one representative for each region plus one representative for each 10,000

⁶ Special Chiefs Assembly December 3-5, 2019, Ottawa, ON Resolution 74/2019 Article 7 (3) (a) (b) (c) (d) (e) – Chiefs Committees

⁷ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 3/ 2021 Article 8 (1) Clarification of Designated Representative and Proxy



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First Nations' citizens of that region.

For the purposes of representatives and quorum, the Executive Committee shall maintain a record of the First Nations populations of each region which shall be British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia, Newfoundland, New Brunswick, Prince Edward Island, Northwest Territories, Yukon Territory.⁸

FUNCTIONS AND POWERS

ARTICLE 12

1. The Confederacy of Nations exists and functions as the governing body between assemblies of the First Nations-in-Assembly, with authority:
 - a. To review and enforce decisions and directions of the First Nations-in-Assembly.
 - b. To interpret resolutions, decisions and directions of the First Nations-in-Assembly in cases where ambiguity or conflict arises in the interpretation of resolutions, decisions.
 - c. To ensure that the Secretariat and Executive Committee (including the National Chief) conform to, and implement, the decisions and directions of the First Nations-in-Assembly.
 - d. To take corrective and remedial disciplinary measures in respect of any member of the Secretariat or Executive Committee (including the National Chief) in instances of willful breach of a national mandate.
 - e. To receive, consider, make decisions and take appropriate action on any matter raised by an individual First Nation or collectively of First Nations between meetings of the First Nations-in-Assembly provided that the response and action undertaken is within the scope of existing delegated mandates of the First Nations-in-Assembly, and provided resources that may be required are available and within the budget of the organization, and further provided that the matter dealt with does not have a detrimental effect on the rights and interests of all First Nations.
 - f. To address any emergency in matters of a fundamental nature affecting one or more First Nations. The Confederacy of Nations shall consider, first, whether that matter is of a fundamental nature, second, whether an emergency exists before any decision or action is taken on that matter. Any decision made shall be referred to the First Nations-in-Assembly at the earliest opportunity for ratification.

⁸ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 04/2021 Article 11 Composition Change Prince Edward Island



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- g. To approve, allocate, monitor and control the fiscal resources of the Assembly of First Nations.
- h. To develop short-term and long-term plans and establish priorities consistent with the directions and decisions of the First Nations-in-Assembly.
- i. To ensure that quarterly written reports are submitted directly to the Chiefs of the First Nations.

ACCOUNTABILITY ARTICLE 13

1. The Confederacy of Nations shall be accountable to, shall report to and take direction from the First Nations-in-Assembly.
2. The Confederacy of Nations representatives may be elected or appointed and removed by the Chiefs of each region at a meeting convened for that purpose.

MEETINGS ARTICLE 14

The Confederacy of Nations shall meet in regular quarterly sessions and in such special sessions as occasion may require. Special sessions may be convened by the National Chief on his own initiative, or at the request of a quorum for the duly selected members of the Confederacy of Nations or at the request of the Executive Committee.

QUORUM

ARTICLE 15

Fifty percent of participating representatives and fifty percent of the participating regions shall constitute a quorum for any meeting of the Confederacy of Nations.

PROCEDURE ARTICLE 16

The Confederacy of Nations shall adopt its own Rules of Procedure.

THE EXECUTIVE COMMITTEE COMPOSITION

ARTICLE 17

1. Executive Committee shall consist of the National Chief, the AFN Regional Chiefs and the Chairperson of the Knowledge Keepers Council⁹ (in an advisory capacity).

⁹ Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 01/2020 Article 17 (1) – Knowledge Keepers Council



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2. National Chief shall be elected in accordance with Article 22 of the present Charter.
3. The AFN Regional Chiefs shall be elected by the Chiefs in their regions according to the following formula: one each from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia, Newfoundland, New Brunswick, Prince Edward Island, Northwest Territories, Yukon Territory.¹⁰
4. The AFN Regional Chiefs shall be elected for a three-year term and shall be eligible for re-election. The term of office may be terminated before the expiry date if the Chiefs of that Region so decide at a meeting called for that purpose.¹¹

FUNCTIONS AND POWERS ARTICLE 18

1. The Executive Committee shall function as a unit and any decisions or actions by any individual member of the Executive Committee shall be null and void and of no force or effect.
2. The Executive Committee shall make representations on behalf of First Nations consistent with properly delegated mandates.
3. The Executive Committee shall monitor, and control the Secretariat, set policy for the internal operations of the Secretariat, select all senior officials and approve all personnel or service contracts the value of which exceeds five thousand (\$5,000.00) dollars.
4. On matters of concern to an individual First Nation that will not affect other First Nations, the Executive Committee shall consider a request from any First Nation and decide on an appropriate course of action.
5. The Executive Committee shall bring to the attention of First Nations, the First Nations-in-Assembly and the Confederacy of Nations any matters which, in their opinion, may jeopardize the security, survival, rights, aspirations and jurisdiction of First Nations.
6. The Executive Committee shall develop the budget requirements of the Assembly of First Nations and obtain the approval of the budgets by the Confederacy of Nations.
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.
8. In implementing the decisions of the First Nations-in-Assembly and the Confederacy

¹⁰ Special Chiefs Assembly December 3-5, 2019, Ottawa, ON Resolution 74/2019 Article 7 (3) (a) (b) (c) (d) (e) – Chiefs Committees

¹¹ Special Chiefs Assembly December 3-5, 2019, Ottawa, ON Resolution 74/2019 Article 7 (3) (a) (b) (c) (d) (e) – Chiefs Committees



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of Nations, the Executive Committee shall comply in all cases with the true spirit and intent of the delegation granted from time to time.

9. The National Chief shall assign portfolios in a collaborative process with the Executive Committee and/or re-assign portfolio topics to Regional Chiefs serving on the Executive Committee to lead specific topics of work as required. Upon assignment, the Regional Chief shall report quarterly to the Executive Committee and the First Nations-in-Assembly as well as to their own Regions. If the Regional Chief fails to report quarterly, the National Chief may consider re-assigning the portfolio.
 - a) The portfolio holder shall be responsible for leading the work of the portfolio as directed by resolutions from the First Nations-in-Assembly;
 - b) The portfolio holder shall chair all Chiefs' Committee meetings that are associated with their portfolio and oversee the work of the Chiefs' Committee to ensure that all procedures and processes are being followed and maintained under the Terms of Reference, By-Laws and the AFN Charter.¹²
10. Members of the Executive Committee may participate in Confederacy of Nations meetings with voting privileges.

ACCOUNTABILITY ARTICLE 19

The Executive Committee shall be accountable to, shall report to and take direction from the Confederacy of Nations and the First Nations-in-Assembly.

- a. Each Region shall formally adopt rules, policy and procedures for the operation of the Regional AFN offices.
- b. Regional Chiefs, upon election, shall swear an oath of office that contains the role, function, authority and accountability provisions contained in the AFN Charter. The Oath of Office swearing-in will include ceremony as guided by Knowledge Keepers from the Region.¹³

NATIONAL CHIEF

ROLE AND FUNCTION 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.

¹² Special Chiefs Assembly December 3-5, 2019 Ottawa, ON Resolution 73/2019 Article 18 (9) (a) (b) – Executive Committee Portfolios

¹³ Special Chiefs Assembly December 3-5, 2019 Ottawa, ON Resolution 77/2019 Article 19 (a) (b) - Regional Chief Oath of Office and adoption of rules, policies and procedures for AFN Regional Offices



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2. The National Chief shall take direction from the Executive Committee as a unit, and, with the Executive Committee, is responsible to the Confederacy of Nations and ultimately to the First Nations-in-Assembly.
3. The National Chief shall make regular political and financial reports to his colleagues in the Executive Committee, to the Confederacy of Nations and to the First Nations-in-Assembly.
4. The National Chief has a political role and is the primary spokesperson of the Assembly of First Nations.
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.
6. The National Chief shall preside over Executive Committee and Confederacy of Nations meetings.
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 obligations to the First Nations.
8. The National Chief shall operate the Secretariat within the Budget approved each fiscal year by the Confederacy of Nations.
9. The National Chief shall reside in the National Capital area.
10. The National Chief shall be paid a salary established by the First Nations-in-Assembly.

AUTHORITY AND ACCOUNTABILITY ARTICLE 21

1. The National Chief shall have no inherent political authority.
2. Any authority the National Chief may have shall derive exclusively and entirely from authority granted from time to time by the First Nations-in-Assembly.
3. As a leader who exercises delegated mandates, authority, responsibilities and duties, the National Chief has a sacred political trust to comply in every respect with the direction given by the First Nations-in-Assembly, the Confederacy of Nations and the Executive Committee.

ELECTION AND TERM ARTICLE 22

1. The National Chief shall be elected by the First Nations-in-Assembly by a majority of



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60% of the registered representatives of First Nations at an Assembly convened for the purpose of electing a National Chief.

2. The National Chief shall be elected for a three-year term and be eligible for re-election but may be removed by a majority of 60% of the registered representatives of First Nations at a Special Assembly convened by the Confederacy of Nations for that purpose.
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.
4. A National Chief who is seeking re-election, and any other candidate for the Office of National Chief, shall maintain a strict accounting of all moneys raised for their campaign and a preliminary disclosure of these records shall be made to the Assembly at which they are seeking election prior to the time of the election.
5. At any Assembly at which an election for the Office of National Chief occurs, the Chief Electoral Officer shall review the accounts disclosed by each candidate in accordance with paragraph 4 of this Article and shall ensure that standards set for such accounts by the First Nations-in-Assembly are applied fairly and evenly to all candidates.
6. The National Chief shall swear an oath of office that contains the Role, Function, Authority and Accountability provisions contained in the AFN Charter. The Oath of Office swearing-in will include ceremony as guided by the Knowledge Keepers Council.

14

COUNCILS

KNOWLEDGE KEEPERS COUNCIL COMPOSITION ARTICLE 23

1. The Council shall consist of three Knowledge Keepers, inclusive of male, female, and 2SLGBTQQIA peoples, from each of AFN's affiliated regions across Canada. Each Region shall appoint and can remove a Knowledge Keeper to serve on the Council in accordance with the process and procedures governing that Region.

14 Resolution 75/2019 Article 22 (6) – National Chief Oath of Office



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2. Two Resident Knowledge Keepers, who represent the genders/sexes equally, inclusive of 2SLGBTQIA people, shall be appointed to and can be removed from the Council by the National Chief, on advice from the AFN Executive Committee.
3. Knowledge Keepers shall elect a Chairperson and an alternate Chairperson to preside over Council meetings.¹⁵

COUNCIL OF WOMEN ARTICLE 23.A

1. The Council of Women shall consist of one or more female(s) in a leadership position representing each of the twelve regions according to the following formulas: one each from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia, Newfoundland, New Brunswick, Prince Edward Island, Northwest Territories, and the Yukon Territory. Each region will be responsible for identifying the process for the appointment of their regional representative. In addition, the Chairperson (or designate) shall be associated with the Secretariat and be a member of the Executive Committee.¹⁶
2. The Chairperson will be selected by the representatives of the Council of Women; each representative will serve for a term of three years and shall be eligible for re-appointment.

NATIONAL YOUTH COUNCIL ARTICLE 23.B

1. The National Youth Council shall consist of two youth representatives from each of the twelve regions of the Assembly of First Nations.¹⁷
2. Each region shall determine their one male and one female representative between the ages of 16 and 29 inclusive and appoint them to the National Youth Council.
3. The National Youth Council shall elect two Chairpersons, one of whom shall be male and one female, representative of east and west (which shall include the North).
4. The National Youth Council shall be appointed for a term of three years and shall be eligible for reappointment.

¹⁵ Annual General Assembly December 8-9, 2020, Ottawa, ON
Resolution 01/2020 Article 23 (1) (2) (3) – Knowledge Keepers Council

¹⁶ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 04/2021 Article 23. A (1) Composition
Change Prince Edward Island

¹⁷ Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 04/2021 Article 17 (2) Composition
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FIRST NATIONS VETERANS COUNCIL ARTICLE 23.C

1. The First Nations Veterans Council shall consist of veterans, representative of all First Nations veterans within Canada and the United States of America, as well as First Nations within the Royal Canadian Mounted Police (RCMP), the Canadian Department of National Defense, First Nation Peacekeeper societies, First Nations police forces and First Nations who have served in other law enforcement agencies.
2. The First Nations Veterans Council shall be inclusive of male, female, and 2SLGBTQQIA peoples.¹⁸

2SLGBTQQIA+ COUNCIL ARTICLE 23.D

1. The 2SLGBTQQIA+ Council shall consist of one or more 2SLGBTQQIA+ people in a leadership position representing each of the twelve regions according to the following formulas: one each from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia, Newfoundland, New Brunswick, Prince Edward Island, Northwest Territories and the Yukon Territory. Each region will be responsible for identifying the process for the appointment of their regional representative. In addition, the Chairperson (or designate) shall be associated with the Secretariat and be a member of the Executive Committee.
2. The Chairperson will be selected by the representatives of the 2SLGBTQQIA+ Council, each representative will serve for a term of three years and shall be eligible for re- appointment.¹⁹

ROLE AND FUNCTION

KNOWLEDGE KEEPERS COUNCIL

ARTICLE 24

1. The role of the Knowledge Keepers Council is to provide assistance, guidance and support to the National Chief, Executive Committee and First Nations-in-Assembly.
2. The Knowledge Keepers Council will meet bi-annually in conjunction with the AFN Annual General Assembly and Special Assembly. The Council Chairperson may call additional Council meetings where, in the view of the Chairperson, such meetings are necessary.

¹⁸ Annual General Assembly December 8-9, 2020, Ottawa, ON
Resolutions 02/2020 Article 23.C (1) (2) – First Nations Veterans Council

¹⁹ Special Chiefs Assembly December 7-9, 2021, Ottawa, ON Resolution 15/2021- Establishment of a 2SLGBTQQIA+ Council



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Special Chiefs Assembly

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

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Assemblée extraordinaire des Chefs

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3. The Knowledge Keepers Council may provide oral and/or written reports to the First Nations-in-Assembly, Executive Committee and National Chief on issues that the Council deems of national or international concern.
4. The Chairperson or the alternate shall participate in Executive Committee meetings in an advisory capacity.
5. The role of the Resident Knowledge Keepers is to provide assistance, guidance and support to the National Chief and the Executive Committee.²⁰

COUNCIL OF WOMEN

ARTICLE 24.A

1. The Council of Women 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 First Nations-in-Assembly or to any subsidiary organ on any such question or matter.
2. Any member of the Council of Women may participate fully in meetings of the First Nations-in-Assembly or of the Confederacy of Nations or of any subsidiary organ. The Chairperson (or designate) of the Council of Women may participate in meetings of the Executive Committee.
3. The Council of Women will determine and elaborate further on quorum, procedures, functions, etc. at the inaugural meeting of the Council.

NATIONAL YOUTH COUNCIL

ARTICLE 24.B

1. The National Youth Council may discuss any questions 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.
2. At least two representatives of the National Youth Council (chosen by consensus by members of the Council) shall participate in all Annual General Assemblies and Confederacy of Nations meetings.
3. The two National Youth Council Chairpersons shall be advisory members to the Executive Committee meetings.

²⁰ Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 01/2020 Article 24 (1)(2)(3)(4)(5)
- Knowledge Keepers Council



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4. The role and function of members of the National Youth Council is to represent First Nations youth perspectives in all political, social, economic, cultural and traditional matters.

FIRST NATIONS VETERANS COUNCIL

ARTICLE 24.C

1. The First Nations Veterans Council shall promote the recognition of contributions of First Nation veterans in Canada made in all conflicts as allies to Canada, to educate First Nations about the history of First Nations veterans, develop and maintain a database recognizing First Nations Veterans and to engage with Veterans Affairs Canada in efforts to advance reconciliation and healing.²¹

2SLGBTQQIA+ COUNCIL ARTICLE 24.D

1. The 2SLGBTQQIA+ 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.
2. Any member of the 2SLGBTQQIA+ Council may participate fully in meetings of the AFN Executive Committee or of the Confederacy of Nations or of any subsidiary organ. The Chairperson (or designate) of the 2SLGBTQQIA+ Council may participate in meetings of the Executive Committee.
3. The 2SLGBTQQIA+ Council will determine and elaborate further on quorum, procedures, functions, etc. at the inaugural meeting of the Council.²²

THE AFN SECRETARIAT COMPOSITION

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.

²¹ Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 02/2020 Article 24.C – First Nations Veterans Council

²² Special Chiefs Assembly December 7-9, 2021, Ottawa, ON Resolution 15/2021- Establishment of a 2SLGBTQQIA+ Council



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FUNCTIONS

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.
2. The Secretariat shall provide administrative, technical and support services to the Assembly of First Nations.
3. The Secretariat shall receive, administer and distribute monies and transact business and engage in such activities as are ancillary to, or necessary for, the realization of the decisions of the First Nations-in-Assembly, the Confederacy of Nations and the Executive Committee.
4. The AFN Secretariat shall provide orientation on behalf of the Assembly of First Nations specifically to support and provide information for official AFN political and/or technical representatives to ensure the efficiency of AFN's operations, gatherings and assemblies.

ARTICLE 27

1. All members of principal organs of the AFN with a direct conflict of interest or appearance of a conflict of interest must adhere to Section 27 of this Charter.
2. Conflict of interest are or may be:
 - a. defined as situations in which personal, business, or financial considerations may affect, or appear to affect a member of the Principal Organ's objectivity, judgement or ability to act in the best interests of the Assembly of First Nations.
 - b. real, potential or perceived in nature:
 - i. a real conflict of interest arises where a member of a Principal Organ has a private or personal interest, for example, a close family connection or financial interest.
 - ii. a potential conflict of interest may arise when a member of a Principal Organ has a private or personal interest, such as an identified future commitment.
 - iii. A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a member of a Principal Organ has a conflict of interest, even if there is no real conflict. Full disclosure, in itself, does not remove a conflict of interest.



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3. Conflicts of Interest should be declared as soon as is practicable to the respective body, and that person must recuse themselves from deliberation and decision on that topic.
4. Where a conflict of the issue is raised by any members of principal organs of the AFN, the AFN may choose to retain the advice of legal counsel for advice on the conflict-of-interest matter to uphold the integrity of the applicable process. Each principal organ of the AFN may choose to address and resolve the issue by means identified by that organ to maintain the integrity of the process.

ARTICLE 28

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.

ADOPTION OF THE CHARTER

ARTICLE 29

The present Charter is adopted by consensus or general agreement of the Chiefs and their duly accredited representatives of the First Nations present at the VI Annual Assembly of First Nations held in Vancouver, British Columbia, on 31 July 1985.

NOTE: This Appendix is an integral part of the Charter.

APPENDIX "A" (1990)

ELECTORAL RULES FOR THE OFFICE OF THE NATIONAL CHIEF

A. Appointment of the Chief Electoral Officer

1. At least ten (10) weeks prior to the General Assembly at which the election is to occur, the Confederacy of Nations shall meet and have included on its agenda an item dealing with the appointment by resolution of the Chief Electoral Officer.
2. The Chief Electoral Officer shall assume office eight (8) weeks prior to the election and shall cease functions two (2) weeks after the election.
3. Once in office, the Chief Electoral officer is an absolutely impartial officer of the Assembly accountable directly to the General Assembly or Confederacy.



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4. The Chief Electoral Officer can be removed only for cause by resolution of the General Assembly or the Confederacy.

B. Functions of the Chief Electoral Officer

1. The Chief Electoral Officer is responsible for:
 - (a) devising nomination forms and receiving nominations of candidates for the Office of National Chief and ensuring that they are in proper form including a passport-type photograph;
 - (b) mailing the names and brief particulars of the candidates to the Chiefs (using the official list of Chiefs at the National Office) at least four (4) weeks before the election;
 - (c) receiving an accounting from all candidates of all moneys raised and spent for their campaigns including the names of contributors;
 - (d) reviewing the accounts disclosed by each candidate and ensuring that spending limits are applied fairly and evenly to all candidates;
 - (e) arrangements for the All-Candidates Open Forum on the evening prior to the election (and presiding thereat);
 - (f) informing the All-Candidates Open Forum of the preliminary financial record of each candidate including the names of contributors;
 - (g) devising and making all administrative arrangements in connection with the election at the General Assembly including the destruction of the ballots upon a resolution of the Assembly,
 - (h) counting of the ballots (after voting has occurred) in the presence of one (1) observer each appointed by the candidates and of at least one (1) security officer;
 - (i) announcing the results of the ballot to the General Assembly; and
 - (j) submitting a written report on the election including details of results, to the Executive Committee within two (2) weeks after the election.

NOTE: The Executive Committee shall make available to the Chief Electoral Officer such staff and facilities as he might require to carry out his duties.

C. The Timing of the Election

1. The election for the Office of National Chief shall take place on the morning of the second day of the General Assembly at which the election is to occur, the first ballot commencing at 9:00 o'clock and ending at noon. (If necessary, the election procedure shall continue throughout the day.)



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2. On the evening prior to the election, the candidates are obliged to participate all together in an open forum (This is in addition to any meetings with caucuses as individual candidates may choose to participate in).
3. As soon as the election results have been announced, the declared winner shall take the Oath of Office as National Chief in the presence of the General Assembly and shall assume office from that time.

D. The Nomination and Endorsement of Candidates

1. Commencing eight (8) weeks prior to the election and ending at midnight on the day that is five (5) weeks prior to the election, nomination papers in proper form shall be submitted to the Chief Electoral Officer at the Branch Office of the Assembly of First Nations in the National Capital Region.
2. Each nomination in proper form shall be endorsed by fifteen (15) eligible electors who shall be Chiefs representing First Nations Members of the Assembly and at least eight (8) of them shall be from a province or territory other than that from which the candidate comes.
3. Each nomination in proper form shall be accompanied by a statement signed by the candidate certifying that the candidate is of the age of eighteen (18) years and upwards and is of First Nations ancestry and belongs to a specified First Nation community which is in good standing as a Member of the Assembly of First Nations. Note: For the purpose of these Rules, the term "in good standing as a Member of the Assembly of First Nations means that the particular community holds itself out to be a Member of the Assembly, subscribing to the Charter of the Assembly (in particular, accepting the Role and Function of the Assembly as set out in Article 3 and the principles as set out in Article 2) and supporting the work of the Assembly.
4. Each nomination in proper form shall be accompanied by a photograph and biographical sketch of the candidate as well as appropriate addresses and telephone numbers.

E. Campaign Expenses

1. The limit for expenditures by each candidate for election purposes shall be thirty-five thousand dollars (\$35,000.00).
2. On the day prior to the election, each candidate shall submit a certified preliminary statement of campaign expenses and names of contributors to the Chief Electoral Officer in sufficient time for the All-Candidates Open Forum to be informed.



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NOTE: The Chief Electoral Officer may disqualify any candidate who does not participate in the All-Candidates Open Forum or does not submit a financial statement or whose financial statement appears, upon reasonable grounds, to be false.

An appeal from such disqualification may be made by the disqualified candidate to the General Assembly.

F. Conduct of the Election

1. All voter registration for the election shall cease one (1) hour before the ending of the first ballot, that is, at 11:00 a.m.
2. Each Member of the Assembly shall have one (1) vote.
3. Only accredited representatives of Members shall be allowed to vote.
4. A Member may be represented by proxy in the form of a duly executed original or facsimiled Band Council Resolution (BCR) or an original or facsimiled hand-written or typewritten letter signed by the chief representative of the Member for whom the proxy is made provided that the signature is legible.
5. No accredited representative may carry more than one (1) proxy.
6. There shall be no proxies of proxies.
7. The winner of the election shall be that person who first gains a majority of sixty (60) per cent of the votes of the representatives of Members who are registered at the Assembly.
8. A candidate who fails to gain at least fifteen (15) votes shall be automatically eliminated.
9. In addition to any candidate eliminated under clause 8, after each ballot, the candidate who gains the lowest number of votes shall be automatically eliminated.
10. Any candidate may withdraw from the election at any time.

Amendments

1. VII Annual General Assembly
August 20, 1986, St John's, Newfoundland Resolution 16/86 Articles 17(3), 20(9), 22(3) (4) (5)



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2. VIII Annual General Assembly June 26, 1987, Toronto, Ontario Resolution 43/87
Appendix "A" - Electoral Rules for the Office of National Chief
3. XI Annual General Assembly May 7, 1990, Whitehorse, Yukon Resolution 1/90 Appendix "A" - Electoral Rules for the Office of National Chief Resolution 2/90 Article 11(1) (2)
4. Special Chiefs Assembly December 11, 1990, Ottawa, Ontario Resolution 12/90

Appendix "A" - Electoral Rules for the Office of National Chief; Article D(3)

5. XIV Annual General Assembly July 29, 1993, Tsuu T'ina Nation, Calgary, Alberta Resolution 11/93 Article 17(3)
6. XXII Annual General Assembly July 17-19, 2001, Halifax, N.S. Resolution 16/2001 Article 23.A, Article 24.A, Article 5
7. XXII Annual General Assembly July 17-19, 2001, Halifax, N.S. Resolution 25/2001 Article 23.B, Article 24.B, Article 5
8. XXIII Annual General Assembly
July 16-18, 2002, Kahnawake, Quebec Resolution 29/2002 Article 27
9. Special Chiefs Assembly December 3-5, 2019, Ottawa, ON Resolution 73/2019 Article 18 (9) (a) (b) – Executive Committee Portfolios Resolution 74/2019 Article 7 (3) (a) (b) (c) (d) (e) – Chiefs Committees Resolution 75/2019
Article 22 (6) – National Chief Oath of Office Resolution 76/2019
Article 17 (4) – Numerical correction, inclusion of a number '4'. Resolution 77/2019
Article 19 (a) (b) - Regional Chief Oath of Office and adoption of rules, policies and procedures for AFN Regional Offices.
10. Annual General Assembly December 8-9, 2020, Ottawa, ON Resolution 01/2020
Article 5 (1) – Knowledge Keepers Council Resolution 02/2020
Article 5 (1) – First Nations Veterans Council Resolution 01/2020 Article 17 (1) –
Knowledge Keepers Council Resolution 01/2020
Article 23 (1) (2) (3) – Knowledge Keepers Council Resolutions 02/ 2020 Article 23.C
(1) (2) – First Nations Veterans Council Resolution 01/2020 Article 24 (1)(2)(3)(4)(5)
- Knowledge Keepers Council Resolution 02/ 2020 Article 24.C – First Nations Veterans
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11. Annual General Assembly July 6-8, 2021, Toronto, ON Resolution 03/2021 Clarification of Designated Representative and Proxy Article 2 (6) – Principles
Article 6 (3) – First Nations-in-Assembly Composition Article 8 (1) – Decision Making
Article 27 Resolution 04/2021 Composition Change Prince Edward Island Article 11- Confederacy of Nations Composition
Article 17 (3) – The Executive Committee Composition Article 23.A (1) Council of Women Composition Article 23.B (1) National Youth Council Composition
12. Special Chiefs Assembly December 7-9, 2021, Ottawa, ON Resolution 15/ 2021 Establishment of a 2SLGBTQIA+ Council Article 5 (1) - Principles
Article 23.D- Composition 2SLGBTQIA+ Council Article 24.D – Roles and Function 2SLGBTQIA+ Council
13. Special Chiefs Assembly December 6-8, 2022, Ottawa, ON Resolution 19/ 2022 Executive Committee Representation Newfoundland Article 11 – The Confederacy of Nations Composition
Article 17(3) – The Executive Committee Composition
Article 23.A – Council of Women
Article 23.D (1) – 2SLGBTQIA+ Council
Resolution 20/2022
Corporate Name Change
Article 5 (1) – Organs
Article 25 – The AFN Secretariat Composition
Article 26 (1) – The AFN Secretariat Functions
Appendix “A” (1990) – D (1) The Nomination and Endorsement of Candidates
Resolution 21/2022
Conflict of Interest
Article 27 – Conflicts of Interest
Resolution 22/2022
AFN Orientation
Article 26 (4) – The AFN Secretariat Functions



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ASSEMBLY OF FIRST NATIONS RESOLUTIONS PROCEDURES

WHAT ARE RESOLUTIONS?

Resolutions are the essential mechanism by which First Nations provide specific mandates and direction to the Assembly of First Nations (AFN). The resolutions process serves to effectively foster and capture national consensus on significant policy matters and are considered at the Annual General Assembly or at the Special Chiefs Assembly.

WHAT IS THE ROLE OF THE RESOLUTIONS COMMITTEE?

The Resolutions Committee manages all administrative aspects of the resolutions process from the time draft resolutions are first submitted in draft format until they are finalized and posted on the AFN website. The Resolutions Committee consists of technical and legal advisors that review all resolutions before they are presented to the First Nations-in-Assembly. The Resolutions Committee works closely with the Co-Chairs appointed to preside over the Assembly and also with the AFN Executive Committee.

WHO CAN SUBMIT RESOLUTIONS?

Resolutions will only be accepted by the Resolutions Committee if the name and First Nation of the mover and seconder are noted on the resolution. The mover and seconder must be either a Chief or a duly mandated Proxy and must be available to speak to the Resolution at the Assembly. If the mover and seconder are not noted on a resolution submitted for consideration, then the resolution will not be recorded and entered into the process as an official draft resolution.

WHERE DO YOU SEND RESOLUTIONS?

The format to submit a resolution is preferably by email using the draft resolution template posted on the AFN website at www.afn.ca. If it is not possible to send the draft resolution in electronic format, a copy may be faxed or mailed to the Resolutions Committee at the AFN office.

Assembly of First Nations Resolutions Committee 55 Metcalfe Street, Suite 1600 Ottawa, ON K1P 6L5 Fax: 613-241-5808

[E-mail: resolutions@afn.ca](mailto:resolutions@afn.ca)

WHEN MUST RESOLUTIONS BE SUBMITTED?

On September 25, 2020, the AFN Executive Committee approved the addition of Schedule A, the Online/ Remote Voting Framework to the Rules and Procedures for AFN Assemblies. To



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enable the virtual format required for Assemblies, the AFN Executive Committee also changed the resolution submission deadline to fall on the Friday five full weeks prior to the first day of a scheduled Assembly. A Call for Resolutions will be distributed at least one month before the due date and reminder notices will be sent approximately 2 and 1 week before the final due date.

Resolutions that are received after the deadline will generally not be considered and have to be re-submitted for consideration at a subsequent Assembly. In rare circumstances, a late resolution that is of an urgent or emerging nature will be considered provided that it meets the following criteria:

- it is in relation to an emergent issue of concern to the Chiefs-in-Assembly that arose after the resolutions deadline and requires intervention prior to the next scheduled Assembly;
- it is in relation to a situation that has national implications;
- the resolution complies with the guidelines for resolutions set out elsewhere in this policy; and
- the advancement of the resolution is supported by at least half of the members of the AFN Executive.

All late resolutions are subject to approval by the co-Chairs at an Assembly, in consultation with the AFN Executive and the Resolutions Committee. The Resolutions Committee will submit all late resolutions to the Executive Committee with recommendations on which resolutions meet the late resolutions criteria and could be prioritized for discussion by First Nations-in-Assembly, should time be available. The AFN Executive will meet at the end of each day during an Assembly to discuss any late draft resolutions that were submitted on site and communicate their decision on whether the draft resolution should proceed and be considered by the First Nations-in-Assembly to the Resolutions Committee. The co-Chairs will work to resolve issues relating to a late resolution in dialogue with members of the AFN Executive Committee.

All accepted late resolutions will be clearly marked as such and may be deliberated upon at a set time on the Assembly Agenda, generally occurring on the third day of the Assembly. Given the time required to process draft resolutions, including AFN Executive review, late draft resolutions will not be processed for consideration by the First Nations-in-Assembly after Day 2 of an Assembly. Draft resolutions submitted on site on the last day of an Assembly will be referred to the AFN Executive for their consideration.



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WHAT MUST A RESOLUTION INCLUDE?

It is the responsibility of the Resolutions Committee to ensure that all resolutions for consideration meet the criteria outlined below:

- Includes name and First Nation of mover.
- Includes name and First Nation of seconder.
- Has a short but descriptive title.
- Is national in scope (cannot be purely regional).
- Is identified as either mandate/directional, organizational or support.
- Has a timeline or lifespan.
- Is relevant and strategic.
- Uses consistent wording (demand, request, direct, etc.).
- Considers the cost of implementation and available sources of funding.
- Is clear in its purpose and intent.
- Is consistent with the powers set out in the AFN Charter.
- Is not in conflict with previously passed resolutions (or clearly state within the new draft that there is a conflict).
- Is not in conflict with other draft resolutions that have been submitted.
- Is no longer than two (2) pages.

HOW DO THE FINAL RESOLUTIONS GET ACTIONED?

The Resolutions Committee assigns each resolution to the appropriate AFN unit based on its subject matter. An update report for resolutions passed at the Assembly is prepared for distribution at the next Assembly. This report includes each of the resolutions with the number, title, mover, seconder and all clauses in the “Therefore be it resolved” section. The actions taken to implement the resolution are outlined for each resolution. This report is included with the distribution information at the next Assembly.

Resolutions, once adopted, will remain the mandate of the AFN unless modified by subsequent resolution or until the resolution expires due to completion of all actions in the operative clause. If there is no action on resolutions within five years, they are then deemed inactive.



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TYPES OF RESOLUTIONS

Mandating/Directional: These provide specific direction and/or mandate a specific action on a particular matter. AFN requires a mandate to engage with government on particular topics. In addition, the resolution process allows First Nations-in-Assembly to set out their collective position on a particular issue, legislation, or any matter affecting First Nations. These resolutions require full consideration by the First Nations-in-Assembly during designated times identified by subject matter on the Assembly agenda.

Organizational: These relate to internal matters regarding the operation and function of the AFN (such as the audit or appointment of officials). These resolutions require full consideration by the First Nations-in-Assembly and may be addressed during the Business portion of the meeting ordinarily at the beginning of Day One.

Support: These call for a specific advocacy approach such as writing a letter or requesting a meeting. It is important that support resolutions clearly describe the desired outcome from First Nations-in-Assembly, in order to ensure that the request is being addressed in the most effective and timely manner possible. There may be other tools and means that could be explored that might achieve the desired outcome rather than through a Support resolution. For example, if the Chief/Proxy is looking for an action such as correspondence from the National Chief to a specific federal Minister, then this could be done without a resolution. The Resolutions Committee could simply put in a request for this action to the National Chief's Office.

Support resolutions will be dealt with at such times that the specific topic area to which they relate is being discussed OR brought to First Nations-in-Assembly on the final day of the Assembly and may be read and adopted as a block.

GUIDELINES

HOW DO YOU WRITE A RESOLUTION?

General Format and Writing Guidelines

Writers are encouraged to observe the following guidelines when drafting resolutions for submission to the Resolutions Committee:

- All AFN resolutions have the same format which includes the information block (general info including mover and seconder), the preamble (background information that follows the term “whereas”), and the operative clause (course of action set forth by “therefore be it resolved that”).
- Writers are asked to use the template that can be found at www.afn.ca.



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- A vocabulary that is national in scope should be used at all times when drafting resolutions in order to maintain national significance of all AFN resolutions.
- Keep wording as simple, straightforward, and specific as possible.
- Be clear and concise when stating rationale and desired outcomes.

Information Block

- Title: this should appropriately reflect the intended course of action of the resolution.
- Subject: main topic area of the resolution (health, education, treaties, etc.).
- Mover: include properly spelled Chief or Proxy name (first and last names), community name, province.
- Seconder: include properly spelled Chief or Proxy name (first and last names), community name, province.

Preamble (begins with “WHEREAS”)

- This section provides the background information for the resolution.
- It identifies the exact problem to be addressed.
- Each “whereas” is a reason for the resolution and each reason requires a separate clause.
- If the rationale cannot be explained in five clauses or less due to the complexity of the issue, then background or supporting documentation may be provided to the Resolutions Committee.
- This section should prepare the reader for the action presented in the next section.

Operative Clause (begins with “THEREFORE BE IT RESOLVED that the First Nations-in-Assembly”)

- This is the very reason why the resolution is being drafted in the first place.
- The course of action that is being put forward should be identified here.
- Each action requires a separate clause.
- Be as clear as possible when stating what the resolution is meant to achieve.
- Try to begin each clause with an action verb (e.g., direct, request, call upon, etc.)
- There should be no doubt as to what action is being requested, who should do it, how it should be done and when it should be done.
- Clauses addressing federal issues should direct the AFN to request the federal government to work to achieve the desired objective (e.g., “that the Chiefs-in- Assembly direct



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the AFN to urge/call upon the federal government to...”).

- The Chiefs-in-Assembly cannot direct another organization or government to do something, however, a course of action can be recommended to another organization.
- A recommendation for action must consider the cost of doing so and may be contingent upon funding—any available sources of funding should be identified in the resolution.

PROCESS

WHAT STEPS DOES A RESOLUTION GO THROUGH?

There are several steps in the resolutions process from the time of submission of the draft resolution to the time the final versions are signed by the National Chief and distributed to First Nations.

PRE-ASSEMBLY:

1. Draft resolutions are received and recorded by the Resolutions Committee (all versions of submissions from original to final draft are kept on file*).
2. Review for compliance with the resolution policy. (If necessary, return any submitted resolutions to the originator to have deficiencies corrected.)
3. Review for grammar and format.
4. Resolutions are compiled in a package and reviewed in draft form by the AFN Executive, at a meeting convened for this purpose.
5. Send to appropriate team leader for content and technical review.
6. Draft resolutions are posted on the AFN website.
7. Based upon Executive and Team Leader review and feedback, advise the mover/ seconder of substantive or procedural irregularities that could impede the Assembly's ability to arrive at a consensus on the resolution and/or make recommendations on revisions that may assist the adoption of the resolution.
8. Resolutions Committee meets to review all draft resolutions including legal review and to discuss any potentially contentious issues.
9. Steps may need to be taken to facilitate agreement or consolidate drafts where resolutions dealing with the same subject matter are submitted.
10. Modify draft resolutions as required.



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11. Send suggested changes back to the originators.
 12. Resolutions that do not meet the criteria will be returned to the originator for further work. Resolutions will be provided to Chiefs-in-Assembly for consideration once all criteria have been satisfied.
 13. Prepare final draft versions for presentation at Assembly.
 14. Prioritize the order of resolutions based on the draft agenda for the Assembly.
 15. Assign draft number beginning with #1/year.
 16. Send for translation to French.
 17. Send all drafts (English and French) for inclusion in the Assembly kit materials for distribution at time of registration. They are also posted on the AFN website.
- * If background materials accompany the draft resolution, the material will be forwarded to the appropriate team leader and kept on file. However, the background will not be translated, nor will it be included in the distribution package at the Assembly.

DURING THE ASSEMBLY:

Final Draft Resolutions

1. Projected time that resolutions will be discussed will appear on the Assembly agenda provided to delegates.
2. The Co-Chairs will introduce each draft resolution by indicating the number, the title of the resolution, the mover and the seconder.
3. The Co-Chairs will ask the mover and seconder to identify themselves. If they are not present, the Co-Chairs will ask another Chief/Proxy to move/second the draft resolution. If there is no mover and seconder, the resolution may be deferred to a later time, or it dies.
4. At this point, the mover may declare intent to withdraw the proposed resolution. In this event, the Co-Chairs will declare the resolution withdrawn and no further debate or comments will be allowed.
5. If not withdrawn, the Co-Chairs will read the resolution in its entirety.
6. The Co-Chairs will call for the mover to speak to the resolution and open the debate. The mover and seconder are allowed a limited and pre-determined amount of time to speak to the resolution.



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7. The resolution is then debated by the Chiefs-in-Assembly. Each delegate is allowed a limited and pre-determined amount of time to speak to the resolution.
8. A designated member of the Resolutions Committee, as well as the official note taker, will record any amendments from the floor.
9. Amendments from the floor are allowed if they comply with the intent of the original resolution. Amendments will be accepted when duly moved and seconded. The amendments must be submitted in writing to the Resolutions Committee and the note taker.
10. When the Co-Chairs call an end to the debate, they will then call for any opposition or abstentions to the resolution.
11. If there is no opposition or abstentions, the Co-Chairs will declare the draft resolution carried by consensus.
12. If there is opposition, the Co-Chairs may allow additional time to build consensus.
13. If all efforts at achieving consensus have been exhausted without success, the Co-Chairs shall put the matter to a vote.
14. As long as there is a quorum (see Rules of Procedure for AFN Assemblies), there can be a vote on the resolution.
15. Voting may be by a show of hands, by standing vote, or by another means as determined by the Co-Chairs.
16. At least 60% of the Chiefs/Proxies in attendance must vote in favour of the resolution for it to be carried.
17. Abstentions will not be counted in calculating the necessary percentage required to carry the resolution.
18. The results of the vote will be recorded including the decision (number of votes for, against, and abstentions) and the date/time.

Other Notes

1. If the allotted time for resolution debate and vote expires, the session will be closed unless a majority of delegates present vote to extend the allotted time. If the resolutions do not get debated due to time constraints or lack of quorum, the Co-Chairs may refer the draft resolutions to the next AFN Executive Committee meeting, with recommendations, for their consideration.



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2. Resolutions proposed from the floor will not be entertained unless the Co-Chairs deem the action appropriate after consultation with the Resolutions Committee, the AFN Executive Committee or others as the Co-Chairs deem appropriate and necessary. The Co-Chairs would then suspend the Rules of Procedure for the stated purpose and asks the delegate to proceed. If there is any objection, a majority of delegates present may decide if the rules are suspended.
3. All final draft resolutions are kept at the distribution table.

POST-ASSEMBLY:

1. All versions of the draft resolutions are returned to the AFN office electronically and in hard copy for filing.
2. All draft resolutions carried by the Chiefs-in-Assembly are still considered “draft” until they are amended and signed off by the National Chief. It may take several weeks before the final versions are ready for distribution.
3. The Resolutions Committee will maintain a list and contact information for all inquiries for copies of final resolutions and these will be circulated as they become available.
4. Draft versions are amended, using tracked changes, by the Resolutions Committee as passed by the Chiefs-in- Assembly. Changes are made based on the handwritten notes taken by the Resolutions Committee, the note taker’s notes as well as the submissions provided by the mover/seconded.
5. Resolutions passed by the Chiefs-in-Assembly shall not be further amended or modified except where spelling, grammar and clarification requirements suggest that additional changes are absolutely necessary.
6. All information in the information block (mover/seconded name, community, etc.) is verified against the registration list.
7. All amended resolutions will be reviewed one last time by the Resolutions Committee.
8. The list of resolutions including the original draft number and the new final number (determined chronologically from the last resolution passed in that calendar year) is prepared.
9. Final versions, with tracked changes, are sent for translation to French.
10. English and French final versions are printed on AFN letterhead and provided to the National Chief for his signature.
11. Once signed, they become final and are distributed and posted on the AFN website.



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12. All original finals are given to Central Records for safekeeping. All original drafts are filed by the Resolutions Committee.

Other Notes

1. If the draft resolutions have been referred to the AFN Executive, copies will be prepared, and a package made available prior to the next AFN Executive meeting.
2. All resolutions passed by the AFN Executive follow the same process as those passed by the Chiefs-in-Assembly.



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