



**ASSEMBLY OF FIRST NATIONS
2023 ANNUAL GENERAL ASSEMBLY
DRAFT RESOLUTIONS**

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TITLE:	Unilateral Education Programming Decisions by Indigenous Services Canada
SUBJECT:	Education
MOVED BY:	Tyrone McNeil, Proxy, Cheam First Nation, BC
SECONDED BY:	Chief George Cote, Cote First Nation, SK

WHEREAS:

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- vi. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- vii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

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- B. The Government of Canada's *Principles: Respecting the Government of Canada's Relationship with Indigenous Peoples* states:
 - i. Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resources.
- C. First Nations have inherent and Treaty rights in regard to education, and the Government of Canada must uphold and honour the inherent authority and jurisdiction of First Nations to exercise control over their education.
- D. *First Nations Control of First Nations Education, 2010*, asserts First Nations rights and responsibility to direct and make decisions regarding all matters related to First Nations learning.
- E. Education is a fundamental human right and for First Nations, this right is uniquely situated within a framework of inherent rights that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- F. Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nations Education*, AFN Resolution 20/2021, *First Nations Control of Federal Funding* and, the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*, support policy or program changes that advance First Nations control of First Nations education through the implementation of regional approaches and funding decisions that are based on substantive equality and equitable methodologies.
- G. The Minister of Indigenous Services Canada (ISC) has made a unilateral and colonial decision to centralize and manage the \$40 million partnership advancement funding stream of the Education Partnership Program (EPP) instead of allocating these funds to First Nations regions.
- H. The Minister of ISC has ignored and disregarded the recommendations made by the Chiefs' Committee on Education to decentralize the program and implement an equitable funding methodology. ISC's unilateral decision will cause greater inequity amongst First Nations in every region who do not have existing formalized agreements with ISC under EPP, undermine the AFN and ISC co-development process, and restrict First Nations from controlling their own education processes.

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

1. Reaffirm First Nations inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to improve and strengthen partnerships with First Nations through an honourable, transparent, and respectful process that supports First Nations control of First Nations education, First Nations decision-making in all processes concerning education, and regional First Nations models of education.

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- 4.** Call on the Minister of Indigenous Services Canada to recognize the Chiefs' Committee on Education recommendations to decentralize all funding in education programming and support regional model approaches, implementation, and equitable funding methodologies, primarily base plus per-capita allocations.
- 5.** Call on the Minister of Indigenous Services Canada to immediately meet with the Chiefs' Committee on Education, the National Indian Education Council and the Assembly of First Nations to rectify unilateral decision-making processes and ensure First Nations Adult Education and Education Partnership Program authorities, funding methodologies, and requirements are consistent with the Chiefs' Committee on Education recommendations.
- 6.** Direct the AFN to advocate for additional sources of funding in place of any funding loss to First Nations in the Ontario region related to the Education Partnerships Program (EPP).

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TITLE:	A Study on First Nations Guaranteed Liveable Income
SUBJECT:	Social Development, Poverty Reduction
MOVED BY:	Chief Darlene Bernard, Lennox Island First Nation, PEI
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - Article 23 Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** The 2019, Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women states:
- Calls for Justice 4.5: We call upon all governments to establish a guaranteed annual livable income for all Canadians, including Indigenous Peoples, to meet all their social and economic needs. This income must take into account diverse needs, realities, and geographic locations.
- C.** First Nations experience poverty at rates that are disproportionately higher than non-Indigenous Canadians. These experiences have been exacerbated by the COVID-19 pandemic due to inflation of goods, high rates of food insecurity, inadequate access to clean water and poorer living conditions, highlighting the urgency for First Nations communities to be supported to explore the option of a culturally appropriate guaranteed livable income, to improve First Nations quality of life.
- D.** Mainstream poverty alleviation strategies and approaches are not adequate for First Nations. They fail to account for First Nations understandings of the world which emphasize land and resources as well as a relationship to language, culture, and ceremonies as central determinants of individual and community wellness.

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- E. A guaranteed livable income is a government-benefit system where every individual and family, should their income fall below a pre-determined amount, and is not conditional on meeting employment criteria, receives a monthly payment to cover basic necessities required to support a healthy quality of life.
- F. In April 2023, Bill S-233, *An Act to develop a national framework for guaranteed livable basic income*, had its second reading in the Senate of Canada in April 2023. The Bill calls on the Minister of Finance to conduct a study to develop a national framework for the implementation of a guaranteed basic livable income so that every person has access to a basic livable income regardless of age or participation in education or training in the labour market.
- G. In February 2023, the House of Commons passed Bill C-22, *An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act*. In May 2023, the Bill began its third reading in the Senate of Canada. Bill C-22 calls on the Minister of Employment and Social Development to pay a Canada disability benefit to a person who is eligible for the benefit, applies or has an application made on their behalf, in accordance with the regulations, and meets any other conditions set out in the regulations.
- H. Bill S-233 and C-22 do not consider the socioeconomic realities of First Nations. A study to identify First Nations-specific considerations for guaranteed livable income may inform a First Nations position on this matter, provide recommendations on First Nations' concerns and priorities, and adapt the First Nations disability lens of including Persons with Different Abilities (PWDA).

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

1. Direct the Assembly of First Nations (AFN) Technical Working Group on Social Development (TWGSD) to conduct and oversee a research study to identify First Nations' concerns and priorities as it relates to guaranteed livable income, including the fiscal impacts and policy opportunities for the On-reserve Income Assistance Program.
2. Direct the AFN to seek funding from the Government of Canada for the TWGSD to conduct and oversee the study.

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TITLE:	Approval of the Updated AFN Chiefs Committee on Charter Renewal – Terms of Reference (2023)
SUBJECT:	AFN Chiefs' Committee on Charter Renewal
MOVED BY:	Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Dean Sayers, Batchewana First Nation, ON

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal has pre-existing mandates as established by First Nations-in-Assembly in alignment with the AFN Charter that include:
- Providing recommendations on structural changes to the Assembly of First Nations (AFN) (established in 2017 and 2019);
 - Overseeing a review of management and financial policies and procedures (established in 2021 and 2022); and
 - Developing recommendations and overseeing a forensic audit over ten years in areas of payouts and contracts (established in 2022).
- B. Article 7 (1) (g) of the AFN Charter states:
- "The First Nations-in-Assembly have power:
 - (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."
- C. The Chiefs' Committee on Charter Renewal was formed through AFN Resolution 05/2017 at the July 2017 Annual General Assembly.
- D. The Chiefs' Committee on Charter Renewal had a Terms of Reference approved by the Executive Committee on September 26th, 2019, based on the mandate described in (A) (i) of this resolution.
- E. The 2019 Terms of Reference are the current Terms of Reference for the Chiefs' Committee on Charter Renewal.
- F. As per the AFN Charter, the Chiefs' Committee on Charter Renewal is accountable to the First Nations-in-Assembly and the Executive Committee. Any questions on the Chief's Committee on Charter Renewal mandates shall be referred to the Executive Committee. The Committee will report on mandates and progress at general and special assemblies.
- G. Resolution 05/2017 passed by First Nations-in-Assembly directed the Chiefs' Committee on Charter Renewal to "consult with First Nations about the structure of the AFN and assist their work in developing viable options on AFN restructuring" and take into account:

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- i. The role and nature of the AFN to ensure appropriate governance is consistent with nation building.
 - ii. The governance structure of the AFN to enable leaders of traditional governance systems, clans and modern governance arrangements to participate in decision making.
 - iii. The structure of the AFN to ensure that all First Nation citizens, regardless of where they reside or their status under the colonial Indian Act, are represented.
- H. The First Nations-in-Assembly passed the following resolutions with mandates for the Chiefs Committee on Charter Renewal to conduct further work related to:
 - i. 05/2017 *Chiefs Committee on AFN Charter Renewal*
 - ii. 11/2021 *Improving Assembly of First Nations Financial Accountability*
 - iii. 02/ 2022 *Addressing AFN Governance Gaps*
 - iv. 03/2022 *Investigation and Audit of AFN's Financial and Management Policies*
 - v. 13/2020 *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations*
- I. The Chiefs' Committee on Charter Renewal submitted a revised draft Terms of Reference to the AFN to the Executive Committee in November 2022.
- J. The revised draft Terms of Reference incorporated the work requested by the First Nations-in-Assembly as per Resolutions 02/2022, 03/2022, and 11/2021, and expanded certain sections to improve clarity, readability and address concerns around conflict of interest.
- K. The Executive Committee approved Motion 4 from their December 4th, 2022 meeting, which called for "the regions (to) engage their Chiefs and bring back suggested changes to the Terms of Reference by March 1st, 2023" and that a "Resolution on the Terms of Reference will be prepared for the April 4, 5, 6, 2023 AFN Special Chiefs Assembly for final approval by the First Nations in Assembly after the AFN Executive Committee approves the Terms of Reference."
- L. Approval of the updated Terms of Reference will support the Chiefs' Committee on Charter Renewal to meet the expectations and mandates as voted on and approved by the First Nations-in-Assembly.
- M. The Chiefs' Committee on Charter Renewal requests the assistance of the First Nations-in-Assembly to approve its Terms of Reference to affirm its mandate.
- N. Article 27 (1) of the AFN Charter on Conflict of Interest states:
 - i. *"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."*
- O. The Chiefs' Committee on Charter Renewal has received a legal opinion on addressing conflicts of interest with regard to the Chiefs Committee on Charter Renewal and the Executive Committee (see attached), which recommends the First Nations-in-Assembly consider for approval the Chiefs' Committee on Charter Renewal Terms of Reference (2023).

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- P.** Members of the Executive Committee, including the National Chief, will comply with the AFN Charter's provisions on the appearance of a conflict of interest and actual conflict of interest and remove themselves from any deliberations and decisions of the Chiefs' Committee on Charter Renewal where there is an appearance of a conflict of interest and actual conflict of interest as per the legal opinion.
- Q.** This resolution aims to reaffirm the support of the First Nations-in-Assembly for their full and expanded mandate and to garner full and unimpeded support from the Executive Committee and AFN Secretariat for the Chiefs' Committee on Charter Renewal mandate.
- R.** The Chiefs' Committee on Charter Renewal recommends the First Nations-in-Assembly approve this resolution.

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

- 1.** Approve the Terms of Reference for the Chiefs Committee on Charter Renewal.
- 2.** Direct the AFN Executive to fully support the Chiefs Committee on Charter Renewal as the updated 2023 Terms of Reference.

DRAFT RESOLUTION # 04 / 2023

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TITLE:	Approval of Consultation and Engagement on AFN Charter 2.0 – Consultative Draft
SUBJECT:	AFN Chiefs’ Committee on Charter Renewal
MOVED BY:	Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Dean Sayers, Batchewana First Nation, ON

WHEREAS:

- A.** The Chiefs’ Committee on Charter Renewal was formed by Assembly of First Nations (AFN) Resolution 05/2017 at the July 2017 Annual General Assembly.
- B.** Based on resolutions passed by First Nations-in-Assembly and its draft Terms of Reference (2023), the mandate of the Chiefs Committee on Charter Renewal is to:
 - i.** Lead efforts to renew the AFN Charter by providing recommendations for amendments to the AFN Charter and policy changes to the First Nations-in-Assembly that will assist the AFN in achieving its purpose.
 - ii.** Bring forward recommendations based on past work, current work, and future reviews through reports and draft resolutions for consideration by the First Nations-in-Assembly that will consider amendments to the AFN Charter, policies and procedures as part of this renewal process.
- C.** The Chiefs’ Committee on Charter Renewal has met nine (9) times since July 2022 and is recommending changes to the AFN Charter in eleven (11) areas to improve the AFN in achieving its purpose.
- D.** The Chiefs’ Committee on Charter Renewal wishes to consult and engage with the AFN Community, which includes AFN Secretariat, AFN Regions, First Nations leaders, staff, and advisors, on the AFN Charter 2.0 – Consultative Draft.
- E.** The First Nations-in-Assembly supports the Chiefs’ Committee on Charter Renewal to explore the following topics as part of the AFN Renewal Initiative:
 - i.** Renewing the AFN Principles and Purpose
 - ii.** Clarifying the Role of AFN Members, Meetings and the Decision-Making Process
 - iii.** Adding in Participatory Representatives to participate in AFN meetings
 - iv.** Restructuring the Office of the National Chief into the Office of the National President
 - v.** Restructuring the Confederacy of Nations into an AFN National Council
 - vi.** Restructuring the Executive Committee into an Executive Council

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- vii. Restructuring the AFN Secretariat governance to create an elected Board of Directors for the AFN Secretariat
 - viii. Creating an Office of an Integrity Commissioner to adjudicate disputes and complaints
 - ix. Formalizing guidelines for all AFN Elections and the Election Rules
 - x. Restructuring AFN Chiefs Committee into AFN Working Groups
 - xi. Developing an AFN Legal Fund
- F. The Chiefs' Committee will use the above list of topics detailed within the AFN Charter 2.0 Consultative Draft and Charter Renewal 2023 Report, which are to be used to consult and engage the AFN Community.
- G. The First Nations-in-Assembly believes it is time to renew the structure of the AFN to assist the AFN in achieving its purpose.
- H. The Chiefs' Committee on Charter Renewal recommends the First Nations-in-Assembly approve this resolution.

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

1. Supports the Chiefs' Committee on Charter Renewal to engage the Assembly of First Nations (AFN) Community on the AFN Charter 2.0 – Consultative Draft and seeks input, feedback, and direction on the Chiefs' Committee on Charter Renewal's draft recommendations from the AFN Nations and First Nations from all Regions.
2. Directs the Chiefs Committee on Charter Renewal to launch a period of consultation and engagement with the AFN Community on the AFN Charter 2.0 – Consultative Draft.
3. Direct the Chiefs' Committee on Charter Renewal to provide a report on the feedback received and incorporate the feedback received into a Final Draft AFN Charter 2.0 to be presented for consideration at a Special Chiefs Assembly.
4. Direct the AFN Secretariat to provide adequate resources to the Chiefs' Committee on Charter Renewal to engage with the AFN Community on the AFN Charter 2.0 – Consultative Draft and development of the AFN Charter 2.0 – Final Draft.

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TITLE:	Call for Extending Indigenous Services Canada's Timeline for Developing the Long-term and Continuing Care Framework
SUBJECT:	Health, Social Development
MOVED BY:	Chief Allan Polchies Jr., St. Mary's Wolastoqiyik First Nations, NB
SECONDED BY:	Chief Sheldon Kent, Black River First Nations, MB

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.
 - Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing sanitation, health and social security.
 - Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
- B. The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:
- Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind."
- C. Bill C-81, *the Accessible Canada Act*, was passed in the House of Commons on May 29, 2019, and received royal assent on June 21, 2019. The Accessible Canada Act's aim is to make a barrier free Canada by January 1, 2040, including working with provinces and territories to coordinate efforts on accessibility.

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- D. Assembly of First Nations (AFN) Resolution 19/2019, *Developing a Seven Generations Continuum of Care for First Nations by First Nations of Health, Economic and Social Services*, mandated the AFN to work with Indigenous Services Canada (ISC) to reform the conventional siloed program-by-program approach to long-term and continuing care services into a wraparound continuum of care to ensure stronger health, social, and economic wellbeing for aging First Nations and Persons with Different Abilities (PWDA) at all stages of life.
- E. Budget 2019 provided \$8.5 million over two years for ISC to work with First Nations and Inuit communities to develop a Wholistic Long-term and Continuing Care Framework. The First Nations-led engagements hosted between September 2020 and September 2022 emphasized the importance of ensuring improved services and supports within the Assisted Living and First Nations and Inuit Home and Community Care (FNIHCC) Programs are administered in a wholistic wraparound support method within First Nations.
- F. Engagement summary reports were submitted by First Nations to ISC to be synthesized into a national engagement summary report. ISC's national engagement summary report was delayed and provided inadequate time for First Nations feedback before being finalized in April 2023. Many First Nations leaders expressed disappointment with the quality of the report and stated the development of the framework should not be based exclusively on the unsatisfactory report.
- G. In their 2021 Mandate Letter, the Minister of Indigenous Services was directed to work with First Nations and other federal departments to co-develop a distinctions-based Indigenous Long-term and Continuing Care Framework to ensure Indigenous Peoples can receive these services in or near their own communities.
- H. In 2022, the AFN Executive Committee passed Resolution 44/2022, *Co-development of Policy Options with Indigenous Services Canada for a Memorandum to Cabinet on the Wholistic Long-term and Continuing Care Framework*, mandating the AFN's work to co-develop policy recommendations to address the shortfalls caused by the current siloed approach to service delivery and recommend a First Nations-informed path forward for Long-term and Continuing Care services.
- I. On April 20, 2023, the Chair of the Chiefs' Committee on Health (CCOH) sent a letter to ISC's Minister to affirm the AFN's commitment to the co-development of policy options and requesting additional time to adequately analyze and deliberate the priorities for reform by amending ISC's current timeline of submitting a Memorandum to Cabinet from Fall 2023 to Winter 2024.
- J. The AFN is currently planning a series of virtual regional focus groups on the Wholistic Long-term and Continuing Care Framework to further discuss the priorities for reform and co-develop First Nations-led policy recommendations. Following the conclusion of the series of regional focus groups, the AFN will provide a summary report, host a national validation session and report back to First Nations at the December 2023 Special Chiefs Assembly for additional validation prior to submitting the recommendations to ISC to annex into a memorandum to cabinet in Winter 2024.

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

1. Call upon the federal government to revise their Memorandum to Cabinet submission timeline to Winter 2024 to allow Indigenous Services Canada (ISC) and the Assembly of First Nations (AFN) the appropriate amount of time to work with First Nations in the co-development of policy recommendations for the development of a continuous, dynamic wholistic Seven Generations Continuum of Care approach that effectively provides culturally safe care to First Nations across their lifespan.
2. Direct the Chiefs' Committee on Health to continue to oversee the AFN and the Technical Working Group on Social Development (TWGSD) co-development of policy recommendations with ISC for a Wholistic Long-term and Continuing Care Framework through the reform of the Assisted Living (AL) and First Nations and Inuit Home and Community Care (FNIHCC) Programs.
3. Direct the AFN to continue to work horizontally in the co-development of policy options for the reform of the AL and FNIHCC programs into a Wholistic Long-term and Continuing Care Framework.
4. Direct the AFN to seek validation of the proposed First Nations-developed policy recommendations for the reform of the AL and FNIHCC Programs in December 2023.

DRAFT RESOLUTION # 06 / 2023

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TITLE:	Measures to Address the Impacts of the Opioid Crisis
SUBJECT:	Health
MOVED BY:	Chief Amanda Leas, Ta'an Kwäch'än First Nation, YK
SECONDED BY:	Chief Nicole Tom, Little Salmon Carmacks First Nation, Carmacks, YK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 7: Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.
 - Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Canada continues to experience an unregulated drug toxicity crisis primarily involving opioids. Between January 2016 and June 2022, there were a total of 32,632 apparent opioid toxicity deaths between. A national study of opioid poisoning-related hospitalizations revealed higher rates among people with lower levels of income and education, people who were unemployed or out of the labour force, Indigenous Peoples, people living in lone-parent households, and people who spend more than 50% of their income on housing.
- C. In 2011, the Assembly of First Nations (AFN), along with Health Canada and the National Native Addictions Partnership Foundation (now Thunderbird Partnership Foundation) released *Honouring Our Strengths (HOS): A Renewed Framework to Address Substance Use Issues Among First Nations People in Canada*. As the Framework is meant to address all substance use issues, the Health Sector is working with Indigenous Services Canada on follow up work to the recommendations from this framework. This will help guide further action with the framework itself and how it could support the AFN's Opioid Strategy.
- D. AFN Resolution 82/2016, *Development of a First Nations Opioid Strategy*, directed the Chiefs' Committee on Health to create a First Nations specific action plan to address the opioid crisis.

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- E. In response the First Nations Specific Opioid strategy was released in 2019 and has since been shared with all First Nations across Canada. The AFN also hosted a dialogue session on the Opioid Strategy at the 2019 Annual General Assembly in Fredericton, NB. Participants in the dialogue session highlighted priority areas such as: community outreach, Naloxone use, how members in urban areas are affected, and the need to take a social determinants of health approach.
- F. AFN Resolution 89/2018, *Response to the Ongoing Opioid and Methamphetamine Crisis*, directs the AFN to:
 - i. Call on Indigenous Services Canada to commit immediate sustainable, predictable, and long-term funding for First Nations to:
 - a. Support the implementation of recommended actions identified in the First Nations Specific Opioid Strategy (Opioid Strategy).
 - b. Expand on/ or develop the recommendations and actions identified in the Opioid Strategy to address the use of non -prescribed drugs in First Nations.
 - c. Expand on/ or develop the recommendations and actions identified in the Opioid Strategy to address the use of methamphetamines and other illicit drugs in First Nations.
 - d. Support First Nations in addressing the social determinants of health that contribute to the issues of addictions in First Nations.
 - e. Support First Nations in building capacity to for early intervention and prevention training that looks beyond the western medical models and utilizes traditional First Nations based methods.
 - f. Ensure First Nations can continue to practice traditional healing and medicinal approaches to support their well-being.
 - g. Support the AFN, in partnership with First Nations mental wellness organizations, to host a forum on mental wellness and addictions that will examine responses to opioid and methamphetamine addictions.
- G. AFN Resolution 109/2019, *First Nations Healing Approaches to the Opioid Crisis*, directs the AFN to Call on Indigenous Services Canada and Health Canada to fulfill their fiduciary obligation to fully support and finance First Nations wholistic approaches to healing to address the opioid crisis.
- H. The AFN's 2023 Pre-Budget Submission called on Canada to invest \$1.3 billion over five years for the National Native Alcohol and Drug Abuse Program (NNADAP) to help First Nations address their substance use needs.
- I. Despite representing just 2.6% of the total population, in 2017 Indigenous Peoples accounted for 10% of overdose deaths. Indigenous women are 8 times more likely to have a nonfatal overdose and five times more likely to have a fatal overdose than non-Indigenous women.

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- J. Yukon First Nations have been devastatingly impacted. In March 2023, Yukon Chief Coroner Heather Jones reported 25 deaths last year attributed to toxic substances, 20 of which involved opioids in our Yukon territorial population of about 43,000 people. On a per capita basis, that rate is worse than in B.C., which had the country's highest death toll last year with 2272 suspected illicit drug toxicity deaths. Of the 25 deaths from toxic drugs reported last year, 17 or about two-thirds identified as First Nations, The Yukon Bureau of Statistics pegs the territory's overall population as 22.3 percent Indigenous.
- K. In 2016, Canada released the *Canadian Drugs and Substances Strategy* a public-health focused approach, that outlines a framework for evidence-based actions to reduce the harms associated with substance use in Canada which includes four pillars: prevention, treatment, harm reduction, and enforcement.
- L. A Public Safety Canada Law Enforcement Roundtable in 2018 concluded there are not enough resources to do integrated police work in Indigenous communities. There is limited enforcement capacity to address the opioid crisis among other issues plaguing Indigenous communities. Recommendations included:
 - i. Increasing the availability of treatment-on-demand,
 - ii. Building law enforcement capacity to facilitate access to these services,
 - iii. Allocating more resources to do integrated police work in Indigenous communities, and,
 - iv. Ensuring individuals with living or lived experience are a part of the conversation around opioids.
- M. The medical journal the Lancet reported in an opinion piece in March 2023 that by available indicators, even after a decade, the effective strategies required to effectively curb and reverse the opioid death crisis in Canada remain largely absent. Moreover, evolving characteristics have added new challenges.
- N. If policymakers sincerely intend to revert the overdose death-epidemic, systematic risk population-wide prevention and 'vector-control' strategies targeting the core causes of overdose deaths ought to be deployed. This means no less than providing as many as possible of all at-risk individuals with the safe, predictable, pharmaceutical-grade substances that will effectively keep them from continued use of and exposure to illicit toxic drug supply.
- O. Responding to the opioid and drug crisis in communities may require increased access to First Nations policing services, access to restorative justice, healing lodges, and other required measures as identified by First Nations.

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

1. Call on the Assembly of First Nations (AFN) to undertake advocacy and provide political support First Nations who wish to bring civil law litigation against those trafficking and responsible for the loss of life in our First Nations to ensure reparations for this new genocide can be provided to assist families in their healing and First Nations to have the capacity to support measures to address the opioid crisis.

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2. Call on the AFN to request the federal government to:
 - a. Support First Nations in their efforts to ensure policing as an essential service.
 - b. Provide enhanced support for the RCMP to develop culturally-relevant and trauma-informed supports to support relationships with First Nation governments and their citizens where directed by the First Nation.
 - c. Provide immediate resources for any interested First Nations, including Yukon First Nations to create, implement, and maintain community safety officer programs.
 - d. Ensure First Nations governments who wish to provide safe and reliable access to predictable, pharmaceutical-grade substances are able to do so in exercise of their inherent and Treaty rights.
 - e. Provide funding and support for ongoing advisory committees on opioid addiction prevention and harm reduction, and for law enforcement and health care providers that will include committee representatives with living or lived experience.
3. Direct the AFN to call on Indigenous Services Canada to provide updates on recommendations from Honouring Our Strengths (HOS) Framework and the AFN's Opioid Strategy and that any work in updating First Nations on the recommendations must address identified gaps and ensure that the HOS and Opioid Strategy are relevant to the needs of First Nations.
4. Direct the AFN to call on ISC to ensure that enhanced flexible funding be accessible to all First Nations who wish to implement HOS Framework and Opioid Strategy and to work with relevant First Nations Mental Wellness organizations that would help them address their substance use needs.

DRAFT RESOLUTION # 07 / 2023

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TITLE:	Support for Dene Communities to be Recognized & Regarded as On-Reserve
SUBJECT:	Lands and Rights
MOVED BY:	Chief Eugene Hope, Acho Dene Koe, Dene First Nation, NWT
SECONDED BY:	Chief Kele Antoine, Łı́ıdlı́ Kúé, Denne First Nation, NWT

WHEREAS:

- A. The Dene have always governed themselves and occupied their territory called Denendeh.
- B. The Dene have entered into the international Treaties #8 and #11 in 1899 and 1921 with the British Crown.
- C. The federal government established the Government of the Northwest Territories (GNWT) in Yellowknife in 1967 without the consent of the Dene. The GNWT began receiving funding from the federal government and administering programs and services to the Dene without the consent of the Dene.
- D. Justice William Morrow in the Supreme Court of the Northwest Territories in the 1973 *Paulette* case ruled that the Dene did not cede, release, or surrender any of their rights at Treaty-making. He also determined that the Dene have ownership of 450,000 square miles of land.
- E. Dene communities are governed by Chiefs and Councils; however, the majority of these communities are not considered by the Government of Canada to have reserves. As a result, these communities do not receive on-reserve programs, services, or funding from the Government of Canada.
- F. The Government of Canada's failure to meaningfully implement the Dene - Crown Treaty Relationship has been detrimental to the Dene and has resulted in many long-term problems and obstacles related to governance, housing, social services, education, forestry, fisheries, health, economic development, infrastructure, water and sewage, employment, and caregiving.

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

- 1. Call on all levels of government to respect and recognize the spirit and intent of Treaties as understood by our Elders.
- 2. Support the Dene First Nations to be recognized and regarded, in their current state, as "on-reserve" in order to receive sufficient, needs-based, federal funding.
- 3. Support for the Dene First Nations in reallocating funds from the Government of Northwest Territories to the Dene First Nations to empower self-determination and self-governance, enabling them to administer their own programs and services based on their specific requirements.

DRAFT RESOLUTION # 08 / 2023

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TITLE:	Supporting First Nations to Receive Funding for Off-Reserve Members
SUBJECT:	Fiscal Relations
MOVED BY:	Chief Gordon Bluesky, Brokenhead First Nation, MB
SECONDED BY:	Chief Michael Starr, Star Blanket First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their institutions.
 - v. Article 39: Indigenous peoples have the right to access financial and technical assistance from States and through international cooperation for the enjoyment of rights contained in this Declaration.
- B. The funding allocated by the Government of Canada to First Nations governments is inadequate.
- C. The federal government has a fiduciary obligation towards First Nations. It must therefore take all appropriate steps so that all First Nations members can live in dignity and honour, as they are entitled.
- D. First Nations governments provide essential services to their citizens. First Nations governments must be adequately supported to deliver services to their citizens, while readying themselves for resuming their jurisdiction over the design, delivery and control of programs and services in alignment with their inherent and Treaty rights, title, and jurisdiction.
- E. The federal government provides funding to provinces to support certain provincial programs or services for residents of the province, including First Nations persons who reside off-reserve.

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- F.** First Nations governments do not receive funding to provide programs and services for their off-reserve members. First Nations governments' responsibility to their community members does not end at the colonial boundaries of the reserves. Members of every First Nation have the right to be supported whether they live on or off reserve.
- G.** Existing funding formulae and agreements are inadequate. First Nations desire to work with the federal government to support the development, application, and validation of new funding approaches that are sufficient to ensure that all First Nations governments can provide safe, reliable, culturally-appropriate services to both on- and off-reserve members.

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

- 1.** Call on the Government of Canada to work with First Nations to seek of new funding formulas and transfer agreements that provide adequate funding so all First Nations governments can provide safe, reliable, culturally-appropriate programs and services to both on and off-reserve members.
- 2.** Call on the Government of Canada to direct the funding that it currently transfers to the province on behalf of First Nations members who reside off-reserve to First Nations governments to enable them to provide improved services to their members who reside off-reserve.

DRAFT RESOLUTION # 09 / 2023

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TITLE:	Support for Increases to Tribal Council Funding
SUBJECT:	Fiscal Relations, Governance
MOVED BY:	Chief Lucien Wabanonik, Première Nation Anishinabe de Lac Simon, QC
SECONDED BY:	Kúkpi7 Rosanne Casimir of the Tk'emlúps te Secwépemc, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states (The UN Declaration):
 - i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 23: In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Tribal councils are organizations established by First Nations with common interests who voluntarily join together to provide capacity development and/or program services to member First Nations.
- C. The services delivered by Tribal Councils to their member communities are essential.
- D. Under the Indian Government Support Programs, delivered by Indigenous Services Canada, tribal council funding has not seen any significant increases in funding. The funding for the Tribal Council program was frozen in 1996, and further reduced by \$17 million in 2014.
- E. Inflation has eroded the purchasing power of the Tribal Councils and their ability to deliver the same level of services.
- F. Canada has seen an increase in inflation of 70% from 1996 to 2023. This means that today's prices are 1.70 times as high as average prices since 1996, according to Statistics Canada's Consumer Price Index.
- G. As a result, an increase to the funding provided under the Tribal Council program is necessary.
- H. Tribal council funding should be sufficient, sustainable and predictable, providing needs-based funding to include the cost of staff retention and training, office space, and needed capacity supports in communities.
- I. The Assembly of First Nations (AFN) continues to identify needed resources for supports for Tribal Council funding and other programs related to governance through its annual submission to the Standing Committee on Finance for inclusion in federal budgets. In 2022, the AFN included an ask of \$3.5 billion dollars over five years to address the gaps in funding for existing governance programs.

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- J. The 2019 Interim Report of the Joint Advisory Committee on Fiscal Relations (JACFR), *Honouring our Ancestors by Trailblazing a Path to the Future*, states:
- i. “Moving forward, co-development of a new fiscal relationship would feature enhanced engagement that involves First Nations more deeply and provides appropriate recognition of regional differences and enhanced collaboration with both individual First Nations governments and Treaty organizations as rights holders, as well as tribal councils and regional organizations, to direction needed to address the full range of issues pertinent to the continued co-development of a new fiscal relationship.”
- K. The Report also provided 24 recommendations in their 2019 Report, including a recommendation to:
- i. Finalize new funding arrangement policies to strengthen the commitment to flexible and predictable funding, the reduction of reporting burdens and a shift from program to outcome-based reporting, and the elimination of General Assessment Scoring of First Nation communities in favour of First Nations-led tools.

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

1. Call on the Assembly of First Nations (AFN) to provide political support for First Nations in securing increases in funding for the existing Tribal Council program through renewed funding agreements that include indexation, are needs-based, sufficient, predictable, and sustainable.
2. Call on Canada to ensure that Tribal Council program funding be increased to address chronic underfunding since 1996.
3. Mandate the Assembly of First Nations to immediately bring forward this resolution to the Government of Canada and to keep the First Nations and Tribal Councils apprised of the status of discussions.

DRAFT RESOLUTION # 10 / 2023

AFN Annual General Assembly, July 11-13, 2023, Halifax, NS

TITLE:	Support for an Independent Inquiry into First Nations Deaths while in Police Custody
SUBJECT:	Justice
MOVED BY:	Chief Sidney Peters, Glooscap First Nation, NS
SECONDED BY:	Chief Annie Bernard-Daisley, We'koqma'q First Nation, NS

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. Deaths of First Nations Peoples in custody impact all First Nations in Canada. Two young Mi'kmaw people have died in police custody in 2023 alone.
- C. The Province of Nova Scotia's investigation process for examining deaths in custody is inadequate and does not include a Mi'kmaw lens.
- D. Justice Canada's Indigenous Justice Strategy is taking too long to develop and is not a proper venue to investigate the causes of specific deaths of First Nations Peoples while police in custody.
- E. Recommendations to address deaths of First Nation peoples while in police custody need to include healing and prevention programs that are First Nations-led, rooted in First Nations knowledge, culture and ceremony, and inclusive of victims and their families.
- F. The Assembly of Nova Scotia Mi'kmaw Chiefs have called on the federal and provincial governments to support and fund a Mi'kmaw-led independent inquiry and have not received this support.
- G. Additionally, a Royal Commission of Inquiry established by Canada could provide resources and space to fully investigate this issue of national importance.
- H. Led by distinguished individuals, experts or judges, Commissions of Inquiry have the power to subpoena witnesses, take evidence under oath and request documents.

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

- 1. Call-upon on the Federal Government to call a Royal Commission of inquiry into First Nations deaths while in police custody.**
- 2. Direct the Assembly of First Nations to provide political advocacy support the Assembly of Nova Scotia Mi'kmaw Chiefs in demanding an independent, Mi'kmaw led inquiry into Mi'kmaw deaths in custody from the Province of Nova Scotia.**

DRAFT RESOLUTION # 11 / 2023

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TITLE:	Repeal or Amend Legislation that Breaches First Nations Inherent and Treaties Rights to Natural Resources
SUBJECT:	Economic Development, Rights, Treaties
MOVED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
SECONDED BY:	Chief Matthew Todd Peigan, Pasqua First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - iv. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.
- B. The following resolutions were passed by the Assembly of First Nations (AFN) First Nations-in-Assembly asserting Inherent and Treaty rights to natural resources:
- i. Resolution 56/2016, *Natural Resource Transfer Act (NRTA) Violation of Inherent Aboriginal and Treaty Rights*, directs the Government of Canada to conduct a thorough review of the NRTA and provincial acts that impact the inherent and Treaty Rights to hunt, fish and trap and ensure free, prior and informed consent in the review process and calls upon Canada to ensure that the principle of free, prior, and informed consent is followed in the review process on the NRTA.
 - ii. Resolution 31/2017, *Natural Resource Transfer Act*, directs the AFN Secretariat to support First Nations interested in challenging NRTA.
 - iii. Resolution 54/2022, *Political and Financial Support for the Western Treaty Nations on the Natural Resource Transfer Agreement Summit*, supports Western Treaty Nations in their efforts to re-establish First Nations jurisdiction, authority, and management over lands, water, wildlife, and natural resources.

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- C. First Nations have inherent and Treaty Rights that flow from the land prior to what is now Canada and beyond the United States border.
- D. The federal government has delegated jurisdiction to provinces and territories over Crown lands and natural resources.
- E. As per Resolution 56/2016, *Natural Resource Transfer Act (NRTA) Violation of Inherent Aboriginal and Treaty Rights*, the 1930 Natural Resources Acts have four basic effects:
 - i. It gave constitutional protection to the Indians' right to hunt, trap and fish for subsistence.
 - ii. It removes the Indians' Treaty right to hunt and fish commercially.
 - iii. It expanded the harvesting territory from the lands described in the Treaties. As a result, the Indians' right to hunt, trap, and fish became a province-wide right on all occupied Crown lands or any other lands to which the Indians have right of access. Because all three Prairie Provinces have identical protection, it really means that the Indians' right is a prairie-wide right.
 - iv. The NRTA expands the definition of "Indians" who can hunt in the Prairie provinces. Any Indian from anywhere can harvest for subsistence anywhere on the Prairie provinces.
- F. Many acts passed by the Parliament of Canada transfer control over Crown lands and natural resources from the Government of Canada to provincial and territorial governments, including but not limited to:
 - i. *The Natural Resources Acts (NRTA), 1930:*
 - a. *The Saskatchewan Natural Resources Act*
 - b. *The Alberta Natural Resources Act*
 - c. *The Manitoba Natural Resources Act* (which also applies to Lake of the Woods and Lac Seul in Ontario)
 - ii. *The Indian Lands Act (Ontario), 1924*
 - iii. *The Environmental Act S.N.S. 1994-95 (Nova Scotia) Section 103 regarding water courses*
 - iv. *The Indian Reserves of Nova Scotia Act – Mines and Minerals*
 - v. *The Navigable Waters Act (Ontario), and*
 - vi. *The British Columbia Indian Reserves Minerals Resources Act.*
- G. NRTAs were concluded without First Nations consultation or the consideration of First Nations Inherent and Treaty Rights. This is an egregious breach of Treaty.
- H. As per the NRTAs, "the foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province."
- I. First Nations in Alberta, Saskatchewan, and Manitoba deem NRTAs as illegal, unconstitutional, and a breach of Treaty.

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- J. On April 5, 2023, at the 2023 AFN Special Chiefs' Assembly, Federal Justice Minister David Lametti "commit(ted) to looking at the 1930 Natural Resources Acts".
- K. In response to criticism from premiers, on April 13, 2023, Prime Minister, Justin Trudeau stated, "natural resources are constitutionally directed to be the purview of the provinces. We're not putting that into question." This contravenes Canada's commitment to the *United Nations Declaration on the Rights of Indigenous Peoples Act* and Canada's Action Plan, Actions 32 and 33, to develop guidelines for free, prior, and informed consent regarding natural resources projects and commit to increasing the economic participation of Indigenous Peoples and their communities in natural resource development.

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

- 1. Direct the Assembly of First Nations (AFN) to undertake research to identify legislative and regulatory instruments where the federal government has delegated jurisdiction to provinces and territories over crown lands and natural resources that restrict or extinguish the inherent, Treaty and constitutional rights of First Nations.
- 2. Call on the Prime Minister of Canada and the provinces and territories to repeal or amend legislative and regulatory instruments that breach First Nations' Inherent and Treaty Rights, including the 1930 Natural Resources Acts.
- 3. Call upon Canada to ensure that the principle of free, prior, and informed consent is followed in any repeal or amendment of legislative and regulatory instruments that breach First Nations' inherent and Treaty Rights, including the 1930 Natural Resources Acts.

DRAFT RESOLUTION # 12 / 2023

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TITLE:	Final Settlement Agreement on Compensation
SUBJECT:	Child and Family Services
MOVED BY:	Chief Lorie Whitecalf, Sweetgrass First Nation, SK
SECONDED BY:	Chief Christine Longjohn, Sturgeon Lake First Nation, SK

WHEREAS:

- A. All the First Nations-in-Assembly honour all the children, youth, and families, those with us and those lost, who experienced egregious harms by Canada and its colonial structures, the impacts of which continue to be felt today. We dedicate ourselves to ensuring justice for all affected children, youth, and families.
- B. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - iv. Article 40: Indigenous peoples have the right to access to prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- C. The First Nations-in-Assembly commend the Representative Plaintiffs for their strength and resilience in pursuing the Class Action against Canada's discrimination under the First Nations Child and Family Services (FNCFS) Program and the improper implementation of Jordan's Principle seeking fair and equitable compensation for individuals impacted by this profound discrimination.
- D. In 2022, Canada and the Assembly of First Nations (AFN) sought the Canadian Human Rights Tribunal's (CHRT) approval of the \$20 billion Final Settlement Agreement (FSA) on Compensation. On October 24, 2022, the CHRT issued a letter decision confirming that the FSA on Compensation substantially, but not fully, satisfied its orders on compensation. The CHRT provided its full reasons on December 20, 2022 (2022 CHRT 41).

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- E. The First Nations-in-Assembly mandated the AFN by way of Resolution 28/2022, *Final Settlement Agreement on Compensation for First Nations Children and Families*, to, among other items:
 - i. support compensation for those entitled under the FSA and those entitled to \$40,000 plus interest under the CHRT compensation orders;
 - ii. direct the AFN to return to the First Nations-in-Assembly to provide regular progress reports and seek direction on implementation issues;
 - iii. expressed support for the Representative Plaintiffs and all victims and survivors of Canada's discrimination and sought to ensure that compensation would be paid as quickly as possible.
- F. The Representative Plaintiffs, youth in care and formerly in care, and those with lived experience in other class actions have expressed that supports for class members are imperative to their well-being, including mental wellness supports, financial literacy, and supports for youth past the age of majority, including for high needs Jordan's Principle recipients.
- G. Canada, the AFN, Moushoom counsel, and the First Nations Child and Family Caring Society of Canada (Caring Society) thereafter came together to amend the FSA on Compensation to address the concerns identified by the CHRT in 2022 CHRT 41. In these negotiations, the AFN advanced the mandates directed by the First Nations-Assembly in Resolution 28/2022.
- H. The Parties negotiated a revised Final Settlement Agreement on Compensation, providing over \$23 billion in compensation for the survivors and victims of Canada's discrimination, while addressing the issues highlighted by the CHRT in 2022 CHRT 41 and pursuing fair compensation for the Classes dating back to 1991.
- I. The FSA on Compensation was signed by all parties on April 19, 2023.

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

- 1. Support appointing Mary Teegee, Raymond Shingoose and/or Richard Grey to the Settlement Implementation Committee.
- 2. Work with the Plaintiffs to set up a new trustee board for the General Fund that consists of First Nation Child and Family Services (FNCFS) experts and FNCFS financial experts.
- 3. Call on Canada to provide financial support to FNCFS Agencies and First Nations to assist First Nations claimants and in support of providing information to First Nations claimants through the Talking Stick App.
- 4. Direct that AFN legal counsel donates a fair percentage of their fee to the First Nations children through established trust funds.
- 5. Direct the establishment of a formal working agreement and sub-committee between the National Advisory Committee and Deloitte Canada on dialogue with claimants.

DRAFT RESOLUTION # 13 / 2023

AFN Annual General Assembly, July 11-13, 2023, Halifax, NS

TITLE:	National Indigenous Gaming Regulator
SUBJECT:	Economic Development, Rights, Treaties
MOVED BY:	Chief Michael Starr, Star Blanket First Nation, SK
SECONDED BY:	Chief Lee-Anne Kehler, Kawacatoose First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - iv. Article 20: (1) Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- B. Prior to 1985, First Nations were involved in gaming on reserve.
- C. First Nations were not consulted on the June 6, 1985, binding Intergovernmental Agreement between the Government of Canada and all ten provinces to transfer gaming authority to the provinces and amend the *Criminal Code*. As a result, since 1987, the Assembly of First Nations (AFN) has asserted that Canada does not have the legal authority to convey to the provinces jurisdiction over First Nation gaming, demanded changes to the *Criminal Code*, and sought to ensure First Nations had the ability to exercise their jurisdiction to regulate gaming through many AFN resolutions, including:
- i. Resolution 46/2019, *Support for Sumas First Nation Gaming Initiatives*, reaffirming support for First Nations regulation of gaming or gambling activities and calls on Canada to amend the *Criminal Code* and for the provinces to repeal any legislative prohibitions to First Nations exercising their jurisdiction over gaming and gambling activities.

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- ii. Resolution 12/2021, *Implementation of Online Gaming* supporting implementing of online gaming as an assertion of First Nations Inherent and Treaty rights, and
 - iii. Resolution 18/2022, *Support for Criminal Code Amendments Regarding Gaming Jurisdiction*, calling on the Government of Canada to amend section 207 of the *Criminal Code* on gaming and betting.
- D. The *Criminal Code* prevents First Nations from participating in gaming unless they have a provincially issued licence.
- E. First Nations have an Inherent right to economic prosperity including jurisdiction to conduct, facilitate, and regulate gaming, online gaming, and gaming related activities independent of federal and provincial regulations.
- F. Currently, just two First Nations are exercising their inherent rights through operating gaming and on-line gaming, one of which licenses and regulates online gaming, under Section 35 (1) of the *Constitution Act, 1982*.
- G. The Federation of Sovereign Indigenous Nations (FSIN) and the provincial government worked together to establish and oversee charitable lottery schemes. On March 9, 2007, a licensing agreement was signed between Indigenous Gaming Regulators (IGR) and the Saskatchewan Liquor and Gaming Authority (SLGA). In accordance with this agreement, pursuant to paragraph 207 (1)(b) of the *Criminal Code*, IGR is the exclusive authority to lawfully license and regulate all on-reserve charitable lottery schemes in Saskatchewan.
- H. The FSIN, through the operation of IGR, is an industry leader and uniquely situated to help develop the capacity of First Nations regulators and contribute to a National Indigenous Gaming Regulator that would operate independent of federal and provincial regulations.
- I. First Nations have demonstrated diligence in the monitoring and enforcement of gaming licences.

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

1. Support research into the establishment of an independent National Indigenous Gaming Regulator that is optional for First Nations.
2. Support First Nations seeking to conduct, facilitate, and regulate gaming, online gaming, and gaming related activities independent of federal and provincial regulations.
3. Direct that the Assembly of First Nations (AFN) engage the Government of Canada to amend the *Criminal Code* as it relates to preventing First Nations from exercising their inherent rights in gaming.

DRAFT RESOLUTION # 15 / 2023

AFN Annual General Assembly, July 11-13, 2023, Halifax, NS

TITLE:	Support to Parents Affected by Historical Cases of Newborn Child Abduction
SUBJECT:	First Nation Women and Children
MOVED BY:	Chief Scott Eashappie, Carry the Kettle Nakota Nation, SK
SECONDED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK

WHEREAS:

- A. The United Nations Rights Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. First Nations women face dehumanizing treatment and systemic discrimination when it comes to accessing services with public sectors including but not limited to education, the justice system, and healthcare.
- C. First Nations women in Saskatchewan have courageously come forward with their stories about giving birth in the 1960's and 1970's and being notified by healthcare professionals that their newborns had died, only to later discover strong evidence that their children were apprehended with no record of where they were placed.
- D. RCMP investigations into these cases have stalled and the federal government refuses to disclose information that could confirm whether the babies were apprehended and placed in another home, citing privacy concerns for the possible children.
- E. This pattern of behavior by medical professionals in deceiving First Nations women while they are in a vulnerable state is akin to the forced and coerced sterilization that First Nations women have faced across Canada.

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

1. Call upon the federal government to call for an independent inquiry into the tragedy of First Nations newborn abductions by healthcare professionals.
2. Direct the Assembly of First Nations to advocate for an independent and thorough examination of each case involving the forced separation of First Nations newborns from their mothers with the ultimate goal of finding the truth, reuniting mother and child, and seeking justice for families.

DRAFT RESOLUTION # 16 / 2023

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TITLE:	Support for the Burns Way Partnership
SUBJECT:	Saskatchewan First Nations Veteran's Association
MOVED BY:	Chief Jeremy Fourhorns, Carry the Kettle Nakota Nations, SK
SECONDED BY:	Chief Marcel Head, Shoal Lake Cree Nations, SK

WHEREAS:

- A. First Nations Veterans have a long history and have been part of the Assembly of First Nations (AFN) since the beginning.
- B. In 2020, First Nations-in-Assembly passed Resolution 02/2020, *AFN First Nations Veterans Council*, to promote the recognition and contribution of First Nations veterans in Canada.
- C. Saskatchewan First Nations Veteran's Associations' visions are to bring equity to all First Nations Veterans in comparison with non-Indigenous Veterans and to ensure First Nations Veterans are provided with the quality of life they deserve in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*.
- D. Our First Nations Veterans have served Canada with honour, bravery, and integrity.
- E. The transition into civilian life often brings challenges due to trauma.
- F. On October 22, 2023, the Federation of Sovereign Indigenous Nations Veterans Association signed a historic memorandum of understanding (MOU) with the Royal Canadian Legion giving Indigenous Veterans in the Province of Saskatchewan equal rights and treatment along with non-Indigenous Veterans.
- G. The MOU signing broke the barriers that prevent Indigenous Veterans from getting the services they need to help them deal with their injuries, post-traumatic stress disorder, and problems encountered in their everyday lives.
- H. In memory of Earl Burns, the Burns Way Partnership is between the Saskatchewan First Nations Veterans Association, the Royal Canadian Legion, and TryCycle Data Systems, which is committed to providing accessible, culturally safe, and reliable mental health support for all veterans.
- I. The Burns Way is named in remembrance and in honour of Earl Burns, a proud Veteran (Princess Patricia's Canadian Light Infantry), a Residential School Survivor, and a member of the James Smith Cree Nation who died protecting his family and his community on September 4, 2022. Earl ultimately gave his life to save others. He was honoured posthumously with the Silver Cross, in recognition of his sacrifice and bravery.

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

1. Recognize the benefits and strengths of the Burns Way partnership in providing support to First Nations veterans.
2. Direct the Assembly of First Nations to advocate to government and non -governmental organizations to ensure necessary resources to support First Nation Veterans across Canada.

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TITLE:	Proposed Federal First Nations Drinking Water and Wastewater Legislation
SUBJECT:	Infrastructure and Water
MOVED BY:	Chief Zachary Whitecap, Red Earth First Nation, SK
SECONDED BY:	Chief Jamie Wolfe, Muskowekwan First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. First Nations-in-Assembly provided extensive direction to the Assembly of First Nations (AFN) through resolutions addressing drinking water and wastewater issues faced by First Nations, including Resolution 26/2018, *Support for a First Nations Safe Drinking Water Legislation – Preliminary Concepts*, Resolution 01/2018, *First Nations led Process to Develop New Federal Safe Drinking Water Legislation*, and Resolution 77/2018, *First Nations led Engagement Process for Safe Drinking Water Legislation*,
- C. AFN Resolution 23/2022, *Re-Commitment to Co-Development of Replacement Legislation for Safe Drinking Water for First Nations*, directs the AFN to call on Canada to recommit to meaningful co-development of legislation. that at a minimum:
- Recognizes First Nations rights and jurisdiction over lands and waters;
 - Includes mandatory requirements for Canada to provide water and wastewater treatment that meets minimum national standards (or where requested, the more stringent of the federal requirements or provincial standards governing residential water quality);
 - Commits Canada to provide adequate and sustained funding (including at a minimum capital, operations and maintenance, and inspections) to address water and wastewater;
 - Includes mechanisms to address transboundary waters;
 - Liability protection for owners and operators; and

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- vi. Governance structures that ensure First Nations are decision-makers in the provision of water and wastewater services.
- D. The Government of Canada has committed to introducing new legislation following the repeal of the 2013 *Safe Drinking Water for First Nations Act* and the legal obligations required by the 2021 Safe Drinking Water for First Nations Class Action Settlement.
- E. Canada's consultative draft legislation, *An Act respecting drinking water, wastewater and related infrastructure on First Nation lands*, which was shared with the AFN and First Nations, does not meet First Nations requirements that were identified through AFN Resolution 23/2022, mandates provided by First Nations over the last ten years, and responses from engagements held in March and April 2023.
- F. Based on these concerns, the Minister of Indigenous Services Canada delayed the introduction of the proposed legislation to the House of Commons to Fall 2023 to secure the proper mandate to address the critical requirements identified to the AFN by First Nations.
- G. Should First Nations requirements not be meaningfully incorporated into the proposed legislation, First Nations may file a statement of claim.

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

1. Reject the consultative draft legislation titled, *An Act respecting drinking water, wastewater and related infrastructure*, on First Nation lands in its current form and support the Minister in delaying the introduction of the legislation to address the critical requirements identified by First Nations including:
 - a. Recognition of First Nations rights and jurisdiction over lands and waters;
 - b. Mandatory requirements for Canada to provide water and wastewater treatment that meets minimum national standards (or where requested, the more stringent of the federal requirements or provincial standards governing residential water quality);
 - c. Adequate and sustained funding (including at a minimum capital, operations and maintenance, and inspections) to address water and wastewater;
 - d. Mechanisms to address transboundary waters;
 - e. Liability protection for owners and operators, and
 - f. Recognition of rights over source water, minimum binding national standards, commitment to funding, liability protection for First Nations governments, water governance structures. led by First Nations, and mechanisms to address management of transboundary source water.
2. Direct the AFN and Canada co-develop laws, other regulatory instruments, and policies that support or are made under the replacement legislation *An Act respecting drinking water, wastewater and related infrastructure on First Nation lands*.
3. Call on the AFN and Canada to co-develop a funding formula for adequate and sustained funding, including but not limited to capital, operations and maintenance, inspections, liability protection for First Nations governments, management mechanisms of transboundary source water and the establishment of First Nations-led water governance structures.

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4. Call on Canada to fund and support First Nations-led engagement on the critical requirements identified for the proposed drinking and wastewater legislation in each region through the summer and fall of 2023.
5. Call on the Minister of Indigenous Service Canada to work with the AFN, with the guidance of the AFN Chiefs' Committee on Housing and Infrastructure and the Advisory Committee on Climate Action and the Environment, to co-develop laws, other regulatory instruments, and policies that support or are made under the replacement legislation *An Act respecting drinking water, wastewater and related infrastructure on First Nation lands*, and to bring back the draft legislation for approval at a future Assembly.

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TITLE:	Revitalization of Indigenous Laws and Legal Orders
SUBJECT:	Justice
MOVED BY:	Chief Jeremy Fourhorns, Carry the Kettle Nakota Nations, SK
SECONDED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK

WHEREAS:

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

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, and social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economics, social and cultural life of the State.
- ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- iii. Article 17: Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
- iv. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- v. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- vi. Article 40: Indigenous peoples have the right to access and to prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration the customs, traditions, rules and legal system of the indigenous peoples concerned and international human rights.

B. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* (Act) received Royal Assent. The Act commits Canada to immediately to undertake three key actions to proceed with implementing the UN Declaration, in consultation and cooperation with Indigenous Peoples, to:

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- i. Take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration, per Section 5.
 - ii. Prepare a National Action Plan to achieve the UN Declaration's objectives within two years of receiving Royal Assent that includes: measures for monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration per Section 6.
 - iii. Prepare within 90 days of the end of each fiscal year table an Annual Report on the measures Canada has taken under the Act, and to table that Annual Report in Parliament as soon as practicable thereafter and make that plan public per Section 7.
- C. The Summary of the final Truth and Reconciliation Commission (TRC) Report stated:
 - i. Aboriginal peoples must be recognized as possessing the responsibility, authority, and capability to address their disagreements by making laws within their communities. This is necessary to facilitating truth and reconciliation within Aboriginal societies.
- D. The TRC defines reconciliation as follows:
 - i. An ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respect relations also requires the revitalization of Indigenous law and legal traditions.
- E. The TRC's Calls to Action 50 states:
 - i. In keeping with the United Nations Declaration on the Rights of Indigenous Peoples, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use and understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.
- F. The National Inquiry into Missing and Murdered Indigenous Women and Girls Final Report and 231 Calls to Action states:
 - i. 5.11 We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples' courts.
- G. In March 2023, the Department of Justice released its Draft Declaration Act Action Plan Measures (Draft APM), which stated the following proposed Action Plan Measures:
 - i. Draft APM 11: Increase access to justice for Indigenous peoples, strengthen communities and advance self-determination by:

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- a. Finalizing an Indigenous Justice Strategy, in consultation and cooperation with Indigenous partners, provinces and territories, that will provide the framework for concrete actions to address systemic discrimination and the overrepresentation of Indigenous people in the Canadian justice system. (Justice Canada and various departments).
 - b. Providing on-going support of Indigenous law initiatives across Canada. (Justice Canada).
 - c. Strengthening community-based justice systems. (Justice Canada, Public Safety Canada, various departments).
- H. Canada's justice system and legal institutions are rooted within colonial systems that result in various forms of systemic injustice, such as the overincarceration of Indigenous Peoples and disproportionate rates of apprehension among Indigenous children. Canada's failure to recognize and accommodate Indigenous laws, traditional justice systems, Indigenous methods of justice, and Indigenous institutions, along with imbedded systemic racism are key contributors to harm and prevent the healing of First Nations.
- I. Indigenous legal systems and methods of justice are diverse and resilient. The scope of Indigenous laws, legal orders, and legal traditions are derived from sources such as sacred law, natural law, deliberative law, positivistic law, and customary law.
- J. Indigenous laws and legal orders also exist apart from Canada's Aboriginal law, though these sources of law are interconnected. Aboriginal law is a body of law, made by the courts and legislatures, that largely deals with the unique constitutional rights of Aboriginal Peoples, and the relationship between First Nations and the Crown. Aboriginal law is found in colonial instruments, and decisions from the judiciary, but it also includes sources of Indigenous laws and legal orders.
- K. Traditional justice systems are being used internationally as a mechanism to implement transitional justice and culturally appropriate judicial forums. Traditional systems are often referred to by other terms, such as "customary", "informal", "community-based", "grassroots", "Indigenous" and "local".
- L. The knowledge of a First Nations traditional justice and healing process often comes from First Nations Knowledge Keepers who obtained this knowledge through oral traditions and transmit it to future generations. True healing for First Nations vulnerable communities must come from our grassroots and must revitalize and integrate traditional and historic First Nations justice practices, cultures, and traditions.
- M. The Decolonization and indigenization of justice is a legal evolution required to make space for Indigenous laws and jurisdictions to operate alongside common law and civil law. For Indigenous peoples, this requires building capacity for this transformation out of oppressive regimes. Traditional justice and healing practices that intertwine with modern justice practices could provide that space.

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

1. Call upon the Government of Canada to adequately fund an innovative approach to justice and healing that is garnered from our sacred Knowledge Keepers through oral traditions and will Revitalize Historic Justice Practices.
2. Direct the Assembly of First Nations to support First Nations and to work with all required internal and external partners where mandated to do so, in developing processes that will revitalize Indigenous laws and traditional justice systems, as First Nations revitalize their legal cultures and traditions.

DRAFT RESOLUTION # 19 / 2023

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TITLE:	Support for First Nations Wildland Firefighters and Impacted Communities
SUBJECT:	Emergency Management
MOVED BY:	Chief Jeremy Fourhorns, Carry the Kettle Nakoda Nation, SK
SECONDED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 1, Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - Article 23, Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - Article 29 (1). Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - Article 32 (3). States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** First Nations are facing increasingly severe emergency events such as floods, wildfires, and critical infrastructure damage, as well as security threats, social and mental health crises, power outages, medical emergencies, communicable disease issues and food, water, and safety of supply line concerns.
- C.** The effects of climate change are rapidly altering the landscape of First Nations traditional territories, and First Nations are disproportionately vulnerable to loss from wildland fires due to a high percentage of First Nations living in the Wildland Urban Interface (WUI).
- D.** First Nations must be involved in processes to develop agreements that will better serve their citizens and communities, to develop their own capacity, and exercise their authority in the areas of climate change leadership and emergency preparedness and response including wildland firefighting.
- E.** Wildland firefighting requires distinct training separate from urban structural firefighters, as there are different competencies and training regimes required to successfully engage in each firefighting discipline.

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- F. In Section 8.62 of Report 8, *Emergency Management in First Nations Communities*, the Auditor General of Canada recommended:
- i. Indigenous Services Canada should, in collaboration with First Nations, provincial governments, and other service providers, ensure that First Nations communities receive the emergency management services they need by establishing emergency management service agreements and wildfire agreements in all jurisdictions that include all First Nations.
 - ii. Establish mutually agreed-upon evacuation service standards in the jurisdictions that lack such standards.
 - iii. Increase support for First Nations-led approaches to emergency management.
- G. The exclusion of First Nations from decision-making has resulted in emergency response planning that is not culturally relevant, does not incorporate First Nations knowledge and expertise, and resulted in a loss of economic opportunities before, during, and after wildland firefighting events.

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

1. Direct the Assembly of First Nations (AFN) to recognize the requisite knowledge, skills, and abilities of First Nations Wildland Firefighters as more than adequate and on par with non-First Nations Wildland Firefighters.
2. Call upon Indigenous Services Canada (ISC) and its regional partners, to work with the AFN and First Nations Wildland Firefighters on formal recognition of the requisite knowledge, skills, and abilities of First Nations Wildland Firefighters.
3. Call upon ISC to engage with other federal departments and work with First Nations impacted by wildland fires to support and adequately fund initiatives that incorporate the expertise and knowledge of those communities, given First Nations mastery over their unique hazardscapes.
4. Call upon ISC and its regional partners, to include First Nations Wildland Firefighters and First Nations in any economic opportunities arising out of wildland firefighting or suppression activities on par with the inclusion of Mexico, New Zealand, Australia, South Africa, and Costa Rica and/or any other wildland firefighting organization called to assist Canada.
5. Direct the AFN, contingent on funding resources, to work with First Nations Wildland Firefighters in developing a policy proposal within two years for presentation to the First Nations-in-Assembly, which would provide clear recommendations to government for support adequate and stable funding for culturally relevant training and recognized certification for First Nations Wildland Firefighters.

DRAFT RESOLUTION # 20 / 2023

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TITLE:	To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle
SUBJECT:	Child and Family Services
MOVED BY:	Chief Norma Catarat, Buffalo River Dene Nation, SK
SECONDED BY:	Chief Tanya Aguilar-Antiman, Mosquito Grizzly Bear's Head First Nation, SK

WHEREAS:

- A. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable funding of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory which resulted in harms including the removal of children from their families and communities and those delayed and denied in receiving services.
- B. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families.
- C. The CHRT ruling established that First Nations children and families are legally entitled to receive prevention services and the least disruptive measures.
- D. Between 2016 and 2021, the First Nations parties were required to hold Canada accountable and return to the Tribunal on multiple occasions, resulting in 21 non-compliance orders.
- E. In wake of First Nations and public pressure regarding the children in unmarked graves near Residential Schools and the Federal Court's dismissal of two of Canada's appeals, the federal government finally admitted that the discrimination was ongoing and asked the parties to negotiate a resolution.
- F. In fall 2021, the complainants (the Caring Society and AFN), the interested parties (Chiefs of Ontario and Nishnawbe Aski Nation) and Canada entered into negotiations to resolve outstanding discrimination pursuant to the CHRT orders.
- G. The CHRT issued an order (2022 CHRT 8) by consent of the parties providing full funding for prevention, post-majority services, and other measures. This funding, combined with an order on capital (2021 CHRT 41) and other previous CHRT orders, amounts to over 75% of the \$19.807 billion/5 years announced as part of the Agreement-in-Principle (AIP).
- H. Community-driven research to inform long-term funding solutions for FNCFS for First Nations with and without agencies is not due to be completed until the fall of 2023 and Jordan's Principle in the spring of 2024.
- I. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities.

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

1. Oppose the formation of a National Secretariat and recommend that all funds be distributed to a national non-profit like the First Nations Caring Society, established regional secretariats and First Nation institutes recognized for their research on First Nation Child and Family Services (FNCFS).
2. Support the National Advisory Committee Caucus Terms of Reference to be updated to ensure FNCFS experts are leading the Long-Term Reform and that the Assembly of First Nations (AFN) Executive stop the delay by immediately accepting and passing the updated Terms of Reference.
3. Support that AFN Long-Term Reform Resolution #40-2022 passed in December 2022 be brought forward at the July 2023 AFN Assembly to be reaffirmed and acted upon by all parties.
4. Support an Alternative Dispute Resolution or Ombudsperson for Child Welfare Conflict that is apolitical and utilized by complainants and First Nations.
5. Support that every Nation/Agency has the ability to continue negotiating with their own current long-term reform process independent from the First Nations Caring Society, AFN, the Federation of Sovereign Indigenous Nations (FSIN) and other organizations.
6. Ensure that the AFN works with FSIN leadership and FNCFS experts to strengthen the role of regional experts within the FNCFS negotiations.

DRAFT RESOLUTION # 21 / 2023

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TITLE:	Support for Treaty and Inherent Rights to Tax and Tariff Exemption
SUBJECT:	Treaties
MOVED BY:	Chief Lorie Whitecalf, Sweetgrass First Nation, SK
SECONDED BY:	Chief Kenny Moccasin, Saulteaux First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
 - i. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- B. Canada's statement regarding International Trade Agreements and Indigenous Peoples: The Canadian Approach affirms:
 - i. Reservations and Exceptions: Canada's obligations to Indigenous peoples under the Canadian Constitution cannot be superseded or undermined by commitments under a free trade agreement (FTA). These legal obligations include those recognized and affirmed by Section 35 of the Constitution Act, 1982, and those set out in self-government agreements. Further, Canada retains policy flexibility to create or maintain programs or set-asides that seek to advance the interests of Indigenous peoples and Indigenous-owned businesses, including in the areas of services, investment, environment, government procurement and state-owned enterprises.
- C. First Nations have Treaty and inherent rights to exemption from all government-imposed taxes and tariffs.
- D. Despite the United States and Canada's recognition of the special relationship with and between Indigenous Peoples on both sides of the border, the softwood lumber trade dispute between the two countries has imposed significant hardship on First Nations, including the Meadow Lake Tribal Council's Cree and Dene bands, resulting in as much as \$26 million (USD) of the NorSask revenue being withheld by the United States government.

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

1. Direct the Assembly of First Nations to work with Canada to expedite provisions within its free trade agreements (FTAs), facilitate an ongoing dialogue between First Nations and enact an Indigenous Peoples Rights General Exception with the United States.

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2. Call on the United States to allow for an immediate amendment to any FTAs to enact a dedicated Indigenous general exception affirming First Nations rights to exemptions from current trade tariffs for 100% First Nations-owned softwood lumber manufacturers that export softwood lumber into the United States.
3. Call on the United States to allow for an immediate return of 100% of all softwood lumber tariffs imposed by the U.S. Department of Commerce and held on deposit with U.S. Customs and Border Protection for Canadian 100% First Nations-owned softwood lumber exporters/importers of record.

DRAFT RESOLUTION # 22 / 2023

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TITLE:	Treaty Rights to Lands, Water, Hunting, Fishing, Trapping, and Gathering
SUBJECT:	Economic Development, Rights, Treaties, Lands, Climate
MOVED BY:	Chief Frank Dieter, Peepeekisis First Nation, SK
SECONDED BY:	Chief Larry Ahenakew, Ahtahkakoop Cree Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. First Nations have inherent and Treaty rights that flow from the original occupation of the land in what is now known as Canada and beyond the borders of the United States.
- C. Climate change disproportionately impacts First Nations, including economic impacts and First Nations' abilities to exercise inherent and Treaty rights, particularly hunting, fishing, trapping, gathering and rights to water.
- D. Extreme weather events are now becoming increasingly common, which includes extreme cold, shorter times for seasonal roads, droughts, extreme heat, fires, flooding, and summer and winter storms, among many other impacts.
- E. First Nations have expressed serious concerns about the future of water security, particularly given climate change scenarios of drought in certain regions.
- F. Climate change also impacts water quantity and quality, thereby affecting fish and fish habitat, as well as culturally significant plant and animal species.
- G. To address this global crisis, it is crucial that First Nations are supported to have discussions at the local, regional, and national level. This includes gatherings where First Nations are positioned to strategize on potential impacts and propose solutions for future generations.

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

1. Direct the Assembly of First Nations to call on the federal government to establish a fund to support First Nations in hosting gatherings at the local, regional, and national level, to discuss First Nations solutions to address climate change and its impacts on First Nations' ability to exercise their inherent and Treaty rights to lands and waters, as well as harvesting rights, which includes hunting, fishing, trapping and gathering.

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TITLE:	Support for the Development of Hockey Indigenous
SUBJECT:	Health, Sports and Recreation
MOVED BY:	Chief Andy Rickard, Garden River First Nation, ON
SECONDED BY:	Chief Scott McLeod, Nipissing First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
 - ii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional expressions, as well as the manifestations of their science, technologies, and cultures, including human and genetic resources, seeds, medicine, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual performing arts. They also have the right to maintain, control and protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional culture expressions.
 - iii. Article 31 (2): In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B. The Truth and Reconciliation Commission of Canada's Calls to Action states:
- i. Call to Action #66, Youth Programs: We call upon the federal government to establish multiyear funding for community-based youth organizations to deliver programs on reconciliation and establish a national network to share information and best practices.
 - ii. Call to Action #90: Sports and Reconciliation: We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - a. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.
 - b. An elite athlete development program for Aboriginal athletes.
 - c. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - d. Anti-racism awareness and training programs.

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- C.** Hockey Indigenous is an incorporated non-profit entity and is 100% First Nations owned.
- D.** The goal of Hockey Indigenous is to promote Hockey Indigenous in North America and provide a whole new generational direction toward youth empowerment. Hockey Indigenous wants to use its platform to bring inclusion, motivation, and confidence, boost self-esteem, and support healthy and versatile athletes. Additionally, Hockey Indigenous will provide information news related to Indigenous Hockey and our mission to stop the stigma of Discrimination and Racism.
- E.** First Nations hockey teams and players continue to seek opportunities to build capacities, such as access to training, equipment, apparel, coaches, travel, mentoring, officials, sponsorship, funding, and education support at the local community and individual levels.
- F.** The game commonly known as ice hockey is recognized and declared to be the national winter sport of Canada by the federal government's National Sports of Canada Act. Hockey is a favourite sport in Canada with its origins tracing back to Indigenous roots, specifically the Mi'kmaq people. Largely credited as the inventors of the hockey sticks, the evolution of the game has been tracked back consistently to the Mi'kmaq people.

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

- 1.** Direct the Assembly of First Nations (AFN) to draft a letter of support to the federal government, Hockey Canada, and other appropriate government ministries, organizations, and individuals in support of Hockey Indigenous to access financial resources from those parties to support its operations and development.
- 2.** Call on the Government of Canada, Hockey Canada, and the provinces and territories to provide the necessary funding to Hockey Indigenous for the development of regional and national strategies, including but not limited to an awareness campaign, capacity building, youth hockey skills clinic, and sensitivity cultural training in hockey to educate appropriate hockey bodies across Canada.

DRAFT RESOLUTION # 24 / 2023

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TITLE:	Urban, Rural and Northern Indigenous Housing Funds Management in Breach of the UN Declaration
SUBJECT:	Housing
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Daniel Manuel, Upper Nicola Indian Band, B.C.

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iv.** Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - v.** Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- B.** Indigenous Services Canada (ISC) has failed to respect the principle of co-development since 2018, following First Nations-in-Assembly adopting the jointly developed National First Nations Housing and Related Infrastructure Strategy (Housing Strategy) that established expectations for joint implementation.
- C.** The Housing Strategy is based on the right and jurisdiction of First Nations to provide housing and other services to their members no matter where they live. 58% of urban Indigenous Peoples are First Nations citizens.
- D.** Assembly of First Nations (AFN) Resolution 60/2022, *First Nations Involvement in the Urban, Rural and Northern Indigenous Housing Strategy*, calls on Canada to ensure First Nations co-develop the Urban, Rural and Northern Indigenous Housing (URN) Strategy with Canada in a distinctions-based process.

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- E. ISC ignored this call and neglected to respect First Nations jurisdiction in an April 2023 letter that authorizes the National Indigenous Collaborative Housing Incorporated to administer the URN funds committed in 2022 for urgent needs.
- F. Federal Budget 2022 committed \$300 million over five years to fund urgent URN housing needs. The term was later shortened to two years.
- G. The federal government's 2023 budget committed \$4 billion over seven years starting in 2024-25 for the implementation of the URN Strategy, with details of how this funding will be administered yet to be discussed with the AFN and First Nations despite the AFN's invitation to ISC to do so.
- H. ISC has violated at least two clauses of the UN Declaration, including:
 - i. Article 23, by failing to establish a distinctions-based process in which First Nations and their representative organizations co-develop how housing funds for First Nations citizens living away from their communities are administered and allocated, and
 - ii. Article 26, by failing to respect First Nations' rights to their traditional and unceded lands that include exclusive jurisdiction and control over all federal funding directed to the benefit of First Nations citizens and Indigenous Peoples not affiliated with the Metis or the Inuit on those First Nations territories.
- I. The housing crisis in First Nations is the most significant factor driving URN housing needs.
- J. Through 10-year agreements under the National Housing Strategy and Federal/Provincial/Territorial Housing Partnership Framework, provinces and territories receive millions of dollars in federal funding for social housing intended to benefit First Nations citizens living away from their communities.

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

- 1. Call upon the Government of Canada to respect the United Nations Declaration on the Rights of Indigenous Peoples by affirming First Nations jurisdiction over housing in their traditional and unceded territories, including:
 - a. First Nations' control of allocation of federal Urban, Rural and Northern Indigenous Housing (URN) funds to organizations that provide off-community housing services to First Nations citizens and Indigenous Peoples not affiliated with recognized Metis or Inuit organizations and communities;
 - b. Co-developing, through a distinctions-based process with the Assembly of First Nations (AFN) and First Nations, any programs, initiatives or policies that will direct both urgent, short-term and long-term Urban, Rural and Northern Indigenous Housing Strategy implementation funds directed to benefit both First Nations citizens; and
 - c. Allocating sufficient funding for First Nations urban, rural, and northern housing management, administration, and program delivery.

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2. Call upon the Government of Canada and all provincial and territorial governments to acknowledge that resolving the First Nation on-community housing crisis will also address a large part of the urban Indigenous housing crisis.

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TITLE:	Support for First Nations in the Energy Industry: Small Modular Reactors
SUBJECT:	Economic Development, Environment, Nuclear, Energy
MOVED BY:	Chief Gabriel Atwin, Kingsclear First Nation, NB
SECONDED BY:	Chief Alvery Paul, Esgeenoôpetitj First Nation, NB

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- B. The Assembly of First Nations (AFN) Resolution 62/2018, *Small Modular Nuclear Reactors (SMRs)* asserted that First Nations-in-Assembly demand the free, prior, and informed consent required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories and demand the abandonment of the SMR program.
- C. Economic development is a priority for all First Nations.
- D. Small Modular Reactors (SMRs) have the potential to improve access to renewable energy, imperative to reducing reliance on fossil fuels, and may promote the generation of First Nations' own-source revenue, equity ownership, procurement opportunities, employment, and skills training, in addition to providing power and heat for First Nations, especially for remote First Nations.
- E. SMRs may provide a competitive alternative to carbon-emitting power generation, such as coal-fired and diesel-fuel generation and can also reduce mine energy costs by 20-60% while providing possible long-term benefits for First Nations.
- F. Potential environmental risks must be addressed including transportation and storing of nuclear waste.
- G. Canada's agenda to "green" the economy offers unique economic opportunities for First Nations and First Nations businesses as part of SMR initiatives.

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- H. NB Power and the New Brunswick government are leading an advanced SMR program in the next generation of small modular reactor technology to improve SMRs safety, reliability, flexibility, cost-effectiveness, and achieving zero-emission.
- I. Natural Resources Canada is advancing several high-level activities to engage with First Nations on Canada's initiatives, including Canada's Critical Minerals Strategy, Clean Energy, the National Benefits Sharing Framework, the Regional Energy and Resource Tables, and SMRs.
- J. In 2021, Pabineau First Nation signed a Memorandum of Understanding (MOU) with private industry partners to further the deployment of SMRs in their territory.

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

- 1. Reaffirm that First Nations' free, prior, and informed consent is required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories as per Assembly of First Nations (AFN) Resolution 62/2018, *Small Modular Nuclear Reactors (SMRs)*.
- 2. Support the right of individual First Nations to participate in the energy industry, including the deployment of SMRs.
- 3. Call on Natural Resources Canada to adequately support funding and capacity for First Nations, including engagement, to inform and shape policy and processes related to SMR development in New Brunswick and other regions, in particular where First Nations expressed interest in SMR deployment.
- 4. Demand that free, prior, and informed consent be required for the deployment of any nuclear projects and for the transport, storage, and disposal of any hazardous materials in First Nations lands and territories.

DRAFT RESOLUTION # 26 / 2023

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TITLE:	Equitable Funding for Language Revitalization
SUBJECT:	Languages
MOVED BY:	Chief Leroy Denny, Eskasoni First Nation, NS
SECONDED BY:	Chief Ira McArthur, Pheasant Rump First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. The Indigenous Languages Act establishes measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.
- C. The Assembly of First Nations (AFN) Revitalizing First Nations Languages: A Costing Analysis estimates the annual cost of First Nations languages revitalization to be \$2.003 billion, which includes costs incurred by First Nations to deliver local language services, costs incurred at regional language organizations to leverage resources, share costs, develop capacities, provide regional leadership, and ultimately support the delivery of local language services.
- D. Historically, \$5 million was provided to support Indigenous Languages through the Aboriginal Languages Initiative. With Budgets 2019 and 2021, First Nations have received temporary increases in languages funding, which is sunsetting through the First Nations Languages Funding Model. \$52 million ongoing been secured for First Nations annually starting in 2024-25.
- E. In 2023-2024, an unprecedented \$118 million was allocated to support First Nations-led initiatives under the Department of Canadian Heritage's (DCH) Indigenous Languages Component. Despite this increase in funding, First Nations require additional funding to meet the existing demand. Based on existing demand approximately double this allocation will be required nationally in 2024-25.
- F. DCH's current regional allocation formula was developed without input from First Nations and only considers a base amount and the number of languages spoken in each region.

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- G. AFN Resolutions 10/2021, *Support for the Co-Development of a Distinctions-Based Indigenous Languages Funding Model*, and 17/2022, *Support for the First Nations Languages Funding Model* provide the AFN, the Chiefs' Committee on Languages (CCOL) and Technical Committee on Languages (TCOL) the mandate to work on a revised regional allocation formula that is based on equitability.
- H. Throughout the development of the interim funding model, concerns with DCH's regional allocation formula were shared by Committee Members. Eight factors were identified for consideration to revise the regional allocation formula. These factors were discussed with First Nations during five regional engagement sessions on the funding model in January-February 2022.
- I. The CCOL met on March 29, 2023, and recommended a revised regional allocation formula based on number of factors including languages, population, language vitality, number of First Nations and census metropolitan areas, and remoteness.
- J. The regional allocation formula should be reviewed periodically to ensure its continued equitability and effectiveness.

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

- 1. Support the interim First Nations Languages Funding Model and an equitable Regional Allocation Formula that includes number of languages, population, language vitality, number of First Nations, and remoteness.
- 2. Direct the Assembly of First Nations (AFN) Chiefs' Committee on Languages, the Technical Committee on Languages and the AFN to continuously monitor the equitability of the Regional Allocation Formula, and further refine and improve the formula based on improved data.
- 3. Call on the Government of Canada to fulfill their legislative requirements through the Indigenous Languages Act to fund First Nations languages based on the real costs to reclaim, revitalize, maintain, and strengthen First Nations languages.
- 4. Call on the Government of Canada to immediately address funding shortfalls for all First Nations regions where funding needs are not fully addressed for language revitalization initiatives.
- 5. Direct the AFN to undertake First Nations language research that informs the future use of additional allocation formula factors such as, but not limited to, language dialects, learner dispersion, capacity/readiness and disability/special instruction needs.
- 6. Affirm that the interim First Nations Languages Funding Model and Regional Allocation Formula are not intended to detract or hinder existing First Nations agreements which contain language components from advancing their current language processes.

DRAFT RESOLUTION # 27 / 2023

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TITLE:	First Nations-Led Procurement Organization and the National Benefits-Sharing Framework
SUBJECT:	Economic Development
MOVED BY:	Chief Scott McLeod, Nipissing First Nation, ON
SECONDED BY:	Chief Elizabeth Kataquapit, Fort Albany First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iii. Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iv. Article 32: (1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. First Nations-in-Assembly have directed the Assembly of First Nations (AFN) to advocate for First Nations economic growth and the development of options to secure greater economic independence including but not limited to work to acknowledge the importance of stronger and targeted procurement strategies that result in contracts to First Nations businesses across Canada.
- C. First Nations-in-Assembly have passed the following resolutions: Resolution 49/2021, *Next Steps on First Nations and Procurement*, Resolution 62/2019, *Enhanced funding for First Nation Socioeconomic Development through the National Aboriginal Capital Corporation Association and Aboriginal Financial Institutions*, Resolution 38/2019, *Increasing First Nations Procurement Opportunities and Benefits* and Resolution 93/2018, *Federal Government Procurement Programs for First Nations*, supporting recommendations to inform policy approaches on First Nations procurement opportunities and benefits and directing the AFN to work with the Government of Canada to prioritize First Nations involvement and access to government procurement programs and projects.

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- D. First Nations-in-Assembly have also passed the following resolutions on benefits sharing: Resolution 9/2007, *Resource Revenue Sharing*, Resolution 80/2011, *Resource Revenue/Benefit Sharing with First Nations*, and Resolution 38/2014, *Support for the Development of a Report on Natural Resources*.
- E. Following the AFN advocacy on increasing procurement opportunities and benefits for First Nations, in April 2022, Canada implemented a mandatory Indigenous procurement target of 5%, that will be phased in over three years.
- F. The AFN Chiefs' Committee on Economic Development (CCED) identified key areas of focus for the Procurement strategy; defining Indigenous business and the establishment of a national Indigenous-led procurement organization.
- G. The AFN participates on an Indigenous Procurement Working Group, coordinated by the National Aboriginal Capital Corporations Association (NACCA) with other National Indigenous Economic Organizations: Canadian Council for Aboriginal Business (CCAB), Council for the Advancement of Native Development Officers (CANDO), National Indigenous Economic Development Board (NIEDB), Metis Capital Corporations, Inuit Tapiriit Kanatami (ITK), and Métis National Council.
- H. In January 2023, the Working Group completed a draft business plan for First Nations-Led Procurement Organization (FNPO) to support First Nations and Indigenous businesses greater access to procurement opportunities:
- I. The purpose of the FNPO is to serve First Nations businesses, both on and off reserve and in rural, remote, and urban settings by complementing other initiatives currently underway and ensuring the achievement of the government's 5% Indigenous procurement target.
- J. The FNPO would support the creation of a national directory of certified Indigenous businesses, capacity building and education for Indigenous businesses and procurement buyers, advocacy efforts, research, and reporting to build greater understanding of key issues surrounding procurement.
- K. In part, the Business Plan recommends that the First Nations-Led Procurement Organization:
 - i. Be managed to inception by a Steering Committee of National Indigenous Organizations and National Indigenous Economic Organizations.
 - ii. Be incorporated as a not-for-profit corporation governed by a board that includes representation from First Nations organizations and an advisory group that includes members from other distinction-based groups.
 - iii. Provide programs and services in four key areas:
 - a. Indigenous Business Certification and Directory;
 - b. Engagement, Collaboration and Partnerships;
 - c. Educational Offerings and Templates; and
 - d. Promotion of Indigenous Procurement.
 - iv. Focus on collaborating with existing Indigenous organizations wherever possible to deliver the specified programs and services without duplication.

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- v. Be continually engaged with First Nations businesses to be able to respond to their changing needs.
 - vi. Secure federal government funding to support the financial needs of the organization during its inception and its ongoing operations.
 - vii. Constantly strive for equitable access and transparency in its operations through initiatives such as leveraging independent third parties, clear reporting, and detailed governance by-laws.
- L. In procurement, the AFN advocates that:
 - i. Defining First Nations businesses must be First Nations-led and based on the right to self-determination.
 - ii. Indigenous organizations collaborate to establish a national Indigenous-led procurement organization as procurement structural capacity and support is an important consideration for First Nations increased involvement in procurement opportunities and benefits.
- M. Budget 2022 committed \$103.4 million over five years, for the development of a National Benefits-Sharing Framework (NBSF) and for the expansion of the Indigenous Partnership Office and the Indigenous Natural Resource Partnerships Program.
- N. Natural Resources Canada is working to develop a NBSF to advancing economic reconciliation, supporting the implementation of UNDRIP, and ensuring that Indigenous Peoples benefit from Canada's transition to net zero.
- O. Canada is engaging provinces, territories, First Nations and other Indigenous Peoples, industry, and others through the Regional Energy and Resources Tables to create an action plan related to regional growth opportunities, energy, achieving net zero economy, and equipping the workforce for transition.
- P. Developing a robust NBSF to ensure Indigenous communities directly benefit from major resource projects can only be done through meaningful engagement that creates a common understanding of how governments, industry, and Indigenous Peoples can work together to deliver on this shared objective.
- Q. In natural resource development, the AFN advocates that:
 - i. First Nations be full partners with federal, provincial, and territorial governments (FPT).
 - ii. First Nations must benefit.
 - iii. First Nations set the terms for whether and how natural resources are developed within their territories.

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

1. Call upon the National Aboriginal Capital Corporations Association to immediately initiate the development of a new First Nations-Led Procurement Organization (FNPO) to provide wrap-around procurement services, such as necessary procurement certification, networking, education, and promotion, that will increase First Nations and First Nations businesses' success in securing procurement opportunities no matter where they reside.
2. Encourage National Indigenous Economic Organizations to collaborate with the National Aboriginal Capital Corporations Association on the establishment and operation of an FNPO.
3. Direct the Assembly of First Nations (AFN) to sit on the Steering Committee of the future FNPO.
4. Direct the AFN to call on the Government of Canada to provide the necessary start-up capital and on-going financial support to establish and operate a First Nations-Led Procurement Organization for the benefit of First Nations and First Nations businesses.
5. Direct the AFN to call on Natural Resources Canada (NRCan) to engage with the First Nations and their representative institutions directly to advance the development of a National Benefits-Sharing Framework to advance the meaningful participation of First Nations Peoples in the development of natural resources on their territories.
6. Direct the AFN and the Chiefs Committee on Economic Development to work with NRCan on the co-development of a First Nations-specific chapter of the National Benefits-Sharing Framework so First Nations' unique perspectives are reflected in the final framework document, for discussion and validation at a future AFN Assembly.

DRAFT RESOLUTION # 28 / 2023

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TITLE:	Returning First Nations Lands through Additions to Reserve Reform
SUBJECT:	Lands
MOVED BY:	Chief Patricia Bernard, Madawaska Maliseet First Nation, NB
SECONDED BY:	Chief Calvin Sanderson, Chakastaypasin Band, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. The Government of Canada's Additions to Reserve (ATR) policy and process has been largely ineffective in adding lands to First Nations' reserves in a timely or efficient manner.
- C. In 2012, First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 26/2012, *Additions to Reserve Policy and Process Reform*, mandating the AFN and the Government of Canada to jointly renovate the existing ATR policy to create a more efficient, effective and transparent process.
- D. In 2016, following four years of extensive co-development, the Government of Canada released an updated ATR policy, but excluded the AFN from its subsequent implementation or oversight as a critical facet of effective policy reform.
- E. In 2018, the Government of Canada unilaterally introduced the *Addition of Land and Reserves and Reserve Creation Act* (the Act) within omnibus *Budget Implementation Act, 2018, No. 2 (C-86)*, which expanded elements of the Treaty Land Entitlement Act(s), including the ability to pre-designate lands.
- F. Federal Budget 2021 included \$43 million over three years to support ATR policy reform, while also addressing a massive backlog of over 1300 ATR submissions stuck within the federal ATR system.
- G. In addition, Minister Miller's 2021 ministerial mandate letter commits Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) to "accelerate ongoing work with First Nations to redesign federal policies on additions-to-reserves...to provide just and timely resolution, conscious of the need for a fairer and more equitable process."
- H. In 2022, CIRNAC outlined a staged approach to ATR reform, beginning with a pre-engagement process with select First Nations and regional representative organizations, alongside preliminary discussions with the AFN.

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- I. The persistent longstanding reality many First Nations face when navigating the ATR process relates to three primary impediments that consistently undermine a First Nation's ability to add land to its reserve:
 - i. A longstanding hesitancy on the part of Canada to create new section 91(24) reserve lands, even when required by its own legal obligations or agreements.
 - ii. The non-availability of suitable lands and the absence of a mechanism to make lands available for purchase, even when Treaty or settlement agreements provide cash for the purchase of lands.
 - iii. The federal requirement for First Nations to resolve all third-party interests prior to the acquisition of new lands, which continues to be a significant barrier to completing ATR applications.
- J. In December 2022, the Minister of CIRNAC, Marc Miller, told First Nations-in-Assembly that "the (ATR) process is largely broken, glacial in its pace, and a terrible way to get land back."

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

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to co-develop with First Nations a clear, effective, and transparent process to restore, reacquire, and/or remedy the historic dispossession of reserve lands, including fully implementing outstanding legal obligations to create or add to existing reserves or other land tenure systems.
2. Direct the AFN to engage with First Nations on the restitution of lands to First Nations, including through the review and re-design of the Additions to Reserve (ATR) policy and process, and to develop a comprehensive report that:
 - a. Identifies the many priorities First Nations have respecting ATR.
 - b. Provides an analysis of the existing policy framework for ATR.
 - c. Proposes potential policy and legislative solutions for consideration by the First Nations-in-Assembly at an upcoming Assembly.

DRAFT RESOLUTION # 29 / 2023

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TITLE:	Recognize First Nations Laws and Legal Orders in the Specific Claims Process
SUBJECT:	Specific Claims, Indigenous Laws and Legal Traditions
MOVED BY:	Chief Wilfred King, Gull Bay First Nation, ON
SECONDED BY:	Chief Calvin Sanderson, Chakastaypasin First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that they freely determine their political status and freely pursue their economic, social, and cultural development.
 - ii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions.
 - iii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Specific claims deal with the Government of Canada's outstanding legal obligations to First Nations. The resolution of specific claims is integral to reconciliation between the Government of Canada and First Nations.
- C. First Nations have their own distinct laws, legal orders, and dispute resolution mechanisms that must be recognized and applied in a manner equal with Canadian law.
- D. First Nations-in-Assembly passed Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process* which "supports the recognition of laws, legal orders, and dispute resolution mechanisms as articulated by participating First Nations."

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- E. The Government of Canada is legally required to take effective measures to fully implement the UN Declaration, which includes ensuring First Nations laws, legal orders and dispute resolution mechanisms are fully recognized and included in processes that affect First Nations rights.
- F. The Assembly of First Nations (AFN) has developed a Council of Experts in Indigenous Laws (CEIL) to provide guidance on the inclusion of First Nations laws, legal orders, and dispute resolution mechanisms in the specific claims resolution process.

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

- 1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to work with First Nations to research, plan, and develop frameworks for the recognition of Indigenous laws, legal orders, and systems of land tenure in the specific claims process.
- 2. Direct the AFN to call on the Government of Canada to support the recognition of the laws, legal orders, and dispute resolution mechanisms as articulated by participating First Nations in all aspects of resolving specific claims, including in the conduct of adjudication, dispute resolution and negotiations.
- 3. Direct the AFN to call on the Government of Canada to provide adequate resources and funding to First Nations to ensure that Indigenous laws, legal orders, and systems of land tenure are recognized at all stages of the specific claims process.

DRAFT RESOLUTION # 30 / 2023

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TITLE: Addressing Impacts from Mine Tailings Spills

SUBJECT: Water & Environment

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

SECONDED BY: Chief Matthew Peigan, Pasqua First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Assembly of First Nations (AFN) First Nations-in-Assembly passed Resolution 43/2021, *Support for First Nations Inherent Rights, Title and Jurisdiction related to Water Stewardship, including the Traditional Roles of First Nations Women*, directing the AFN to support First Nations in water stewardship.
- C. The impacts of mining activities that occur on First Nations lands extend beyond water stewardship considerations, including adverse effects to land, air, human health, and protection from gender-based violence.

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- D. Currently, mining and mineral claim staking and prospecting permits are being accepted and processed by provincial and territorial governments without the free, prior, and informed consent of First Nations.
- E. In a bid to transition to a net-zero economy, the Government of Canada recently launched the Critical Minerals Infrastructure Fund that allocated \$1.5 billion towards energy and transportation to support “unlocking” priority minerals and includes exploration, extraction and processing, all of which could result in an increase in mining activities and pose additional threats to First Nations’ lands, waters, and communities.
- F. Toxic spillage that occurs from mine tailings spills, such as at Imperial Oil’s Kearl mine in Northern Alberta, often go unreported and result in long-term adverse environmental impacts to critical source surface and ground water, biodiversity, ecosystems, and human health.
- G. Scientific research has shown that mining smelter stacks discharge toxic chemicals that affect water, sediment, and air, and have been known to become legacy environmental issues, such as at the Giant and Con mines in Yellowknife.
- H. The 2019 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls reveals that resource development projects and the remote worker camps that make them possible, are linked to high rates of violence towards First Nations women, girls and 2SLGBTQQIA+ peoples in Canada.
- I. According to a 2017 report from the United Nations Environment Programme (UNEP), Canada had more mine tailings spills than most other countries in the world. The UNEP reported the need to improve safety, accountability, and oversight.
- J. Additionally, UNEP recommended establishing a database of mine sites, identifying best practices, and developing technical solutions since there exists a lack of crucial data required to correct problems related to mining, as well as to develop prevention and mitigation strategies for emergency events.

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

- 1. Call on federal, provincial, and territorial governments to ensure that all mining and mineral extraction projects taking place on First Nations lands and waters—including but not limited to, mining and minerals permitting processes, regulatory process development, mitigation and remediation reporting mechanisms, and emergency response processes to water, land, and environmental contamination—adhere to the minimum standards of the United Nations Declaration on the Rights of Indigenous Peoples, including the principles of free, prior, and informed consent, and protections under the *Constitution Act*, 1982.
- 2. Direct the Assembly of First Nations (AFN) to call upon the Ministers of Environment and Climate Change Canada (ECCC), Indigenous Services Canada (ISC) and Natural Resources Canada (NRCan) to dedicate funding and resources to work with First Nations to review existing policies, legislation, and regulations to:
 - a. develop protocols that improve monitoring, safety, accountability, and oversight of mine tailings spills, and

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- b. prevent or mitigate any deleterious or negative effects on First Nations due to emergency events and industrial activities.
- 3. Direct the AFN to work with relevant Chiefs' Committees and technical bodies, to holistically identify First Nations priorities related to mine tailings spills, including the impacts on terrestrial, freshwater, marine ecosystems, human health and safety due to emergency events and industrial activities.
- 4. Direct the AFN to call on the Government of Canada, provincial and territorial governments, to work with First Nations to create and co-develop a database of mine tailings spills and failures in monitoring and reporting mechanisms, and to establish appropriate responses to these events.

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TITLE:	Urgent and Transformative Climate Action through the AFN National Climate Strategy
SUBJECT:	Environment, Lands and Waters
MOVED BY:	Judy Wilson, Proxy, Osoyoos Indian Band, B.C
SECONDED BY:	Chief Terry Richardson, Papineau First Nation, N.B.

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii.** Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - iii.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - iv.** Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - v.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** The climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in Section 35 of the Constitution Act (1982), affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown.
- C.** In 2016, the Assembly of First Nations (AFN) Elders' Council released an Elders' Statement on Environment and Climate Change articulating that: *Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations.*

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- D. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and ways-of-life shared by Elders, Knowledge Keepers, men, women, youth, and leadership to advance First Nations-led solutions that restore balance with the natural world, including through numerous resolutions from the First Nations-in-Assembly.
- E. Reports, such as those by the Intergovernmental Panel on Climate Change (2023), the *United Nations Environment Program's Emission Gap Report* (2022), and the *Nationally Determined Contributions (NDC) Synthesis Report*, prepared by the UN Framework Convention on Climate Change (UNFCCC), have articulated the current state of crisis facing the world.
- F. Canada's *Changing Climate Report* (2019) has confirmed that Canada has already warmed by 2.3°C and is projected to warm, on average, at double the magnitude of the rest of the world.
- G. In 2019, the First Nations-in-Assembly passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*, to cement the leadership of First Nations and provide concrete direction to the AFN to develop a First Nations-led climate strategy, and host national gatherings to advance local, domestic and international climate advocacy.
- H. Central to this work has been the advancement of a First Nations Climate Lens (Climate Lens); a concept used to describe the unique climate risks facing First Nations, as well as the leadership that First Nations bring to the climate conversation because of their reciprocal relationship with the land, water, and air.
- I. The Climate Lens includes four components – natural law, context, impacts, and action—that, when combined, bring into focus how First Nation solutions can re-frame the climate conversation towards transformative and systemic change.
- J. The Climate Lens has been central to the organization of two AFN National Climate Gatherings, in March 2020 and in September 2022, in addition to fifteen webinars and two national surveys, leading to the development of the AFN National Climate Strategy.
- K. The AFN National Climate Strategy is an enabling document that discusses the application of the First Nations Climate Lens to federal climate policy, and then introduces seven priority areas of action focused on uplifting the self-determination and leadership of First Nations in developing climate solutions.
- L. Similar processes have been led by First Nations at the regional level, including British Columbia and Yukon, producing region-specific First Nation climate strategies.
- M. First Nations-led climate solutions stand in profound contrast to the ways in which Canada, the provinces and territories, and many businesses aspire to address the climate crisis. Instead of an overreliance on technology and markets, First Nations emphasize how climate solutions must be rooted in an understanding of natural law and a recognition that we must restore balance to our relationships with the land, water, and all life on the planet. This understanding is key to the AFN National Climate Strategy.
- N. Green-washed solutions advanced by opportunistic governments and industry must not further compound the climate crisis, nor displace or detrimentally affect First Nations or other Indigenous Peoples globally.

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

1. Reaffirm the declaration of a First Nations Climate Emergency, calling for:
 - a. A recognition that the climate crisis constitutes a state of emergency for our lands, waters, animals, and peoples;
 - b. Local, national, and international communities, governments, organizations, and movements to safeguard the inherent, Treaty and constitutionally protected rights of First Nations, respect First Nations knowledge systems, and uphold Treaties and other constructive arrangements between First Nations and the Crown; and
 - c. Federal, provincial, and territorial governments to take urgent and transformative climate action that meets the requirements outlined in the reports by the Intergovernmental Panel on Climate Change and Canada's *Changing Climate Report* (2019) to reduce emissions in Canada by 60% below 2010 levels by 2030 and reach net-zero emissions by 2050.
2. Fully endorse the Assembly of First Nations (AFN) National Climate Strategy and its seven key priority areas of action:
 - a. Recognize, respect, and position First Nations jurisdiction and inherent right to self-determination as central to national climate governance.
 - b. Address capacity needs to support First Nations as climate leaders.
 - c. Ensure First Nations self-sufficiency in food, water, and energy.
 - d. Prioritize First Nation Knowledge Systems, health, language, culture, and spirituality.
 - e. Close the natural and built infrastructure gap.
 - f. Ensure First Nations are equipped to respond to all emergencies.
 - g. Leverage the First Nations Climate Lens to reform legislation, policy, and programs.
3. Call on the federal, provincial, and territorial governments to work directly, and in full partnership with, First Nations rights and title holders to implement self-determined First Nations climate priorities, including, but not limited to, those outlined in the AFN National Climate Strategy.
4. Direct the AFN to work with First Nations rights and title holders to advocate to the federal, provincial, and territorial governments for sufficient and sustainable funding to First Nations to implement their own strategies in a manner consistent with Article 39 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
5. Direct the AFN to use the AFN National Climate Strategy in national and international contexts as an advocacy tool, including with the United Nations Framework Convention on Climate Change (UNFCCC) and the Intergovernmental Panel on Climate Change.

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TITLE:	Conduct a Longitudinal Study on Strengths-Based Indicators of Mental Wellness
SUBJECT:	Health
MOVED BY:	Chief James Hobart, Spuzzum First Nation, BC
SECONDED BY:	Chief Allan Polchies Jr., St. Mary's Wolastoqiyik First Nation, NB

WHEREAS:

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

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they choose, in the political, economic, social and cultural life of the state.
- ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty, and security of person.
- iii. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic law.
- iv. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
- v. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
- vi. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- vii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view of achieving progressively the full realization of this right.

B. The Truth and Reconciliation Commission of Canada, Calls to Action states that,

- i. #18: We call upon the federal, provincial, territorial and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

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- ii. #21: We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
- iii. #23: We call upon all levels of government to:
 - a. Increase the number of Aboriginal professionals working in the health-care field.
 - b. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - c. Provide cultural competency training for all healthcare professionals.
- C. The Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls also speak to healing from trauma including:
 - i. 7.2 We call upon governments and health service providers to ensure that health and wellness services for Indigenous Peoples include supports for healing from all forms of unresolved trauma, including intergenerational, multi-generational and complex trauma. Health and wellness programs addressing trauma should be Indigenous-led or in partnership with Indigenous communities and should not be limited in time of approaches.
- D. In the Prime Minister's 2021 Speech from the Throne, *Building a Resilient Economy: A Cleaner and Healthier Future for Our Kids*, it states that:
 - i. To support communities, the Government will also invest significantly in a distinctions-based mental health and wellness strategy, guided by Indigenous Peoples, survivors, and their families.
- E. The 2021 Mandate Letter from the Minister of Indigenous Services states:
 - i. Co-develop and invest in a distinctions-based Mental Health and Wellness Strategy to meet the needs of First Nations, Inuit and the Métis Nation, including culturally appropriate wraparound services for addictions and trauma, suicide and life promotion and the building of treatment centres.
- F. Research is typically founded on a western deficits-based perspectives and approaches; However, First Nations' worldviews and approaches rely on our traditional teachings, language, and culture, which is inherently strengths-based. Having a parallel approach to research that is wholistic and incorporates both approaches and worldviews would benefit not only Canada, but ultimately First Nations.
- G. In 2015, regional engagements were held with First Nations on the First Nations Mental Wellness Continuum Framework. Priorities that emerged from this discussion include culture as foundation, community development, ownership and capacity development, enhanced flexible funding, and partnerships. These priorities support health systems focused on governance, research, workforce development, change and risk management, self-determination, and performance measurement.

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

1. Direct the Assembly of First Nations (AFN) to work with First Nations Mental Wellness Partners, including Thunderbird Partnership Foundation, First Peoples Wellness Circle, and other First Nations researchers to identify pathways of research that are strengths-based, wholistic, and in alignment with First Nations worldviews and that any and all data collection activities abides by the Ownership, Control, Access, and Possession (OCAP®) Principles so that the research findings directly benefit First Nations.
2. Direct the AFN to provide technical support to ensure the research process supports, empowers, and involves, Knowledge Keepers, women and girls, 2SLGBTQIA+ peoples, men and boys, people with lived/living experience, persons with disability/accessibility needs and that processes, protocols, and methodologies are reflective of First Nations inherent and Treaty rights, values, languages, and cultures.
3. Direct the AFN to call on Indigenous Services Canada, Health Canada, and the office of the Minister of Mental Health and Addictions to fully support First Nations-led research initiatives by providing adequate funding, capacity development, access to resources, and networks and mechanisms that support the development of strengths-based approaches to the mental wellness of First Nations led by First Nations and that a sustainable and cooperative research process is in place that imbues the First Nations Mental Wellness Continuum Framework.

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TITLE:	Protect First Nations Rights and Interests from Unfounded Métis Rights Assertions
SUBJECT:	Treaties, Lands, Justice
MOVED BY:	Chief Scott McLeod, Nipissing First Nation, ON
SECONDED BY:	Deputy Chief Harlan Schilling, Daylu Dena Council, BC

WHEREAS:

- A. First Nations across Turtle Island have inherent, constitutional, and human rights, including inherent rights that are protected by Treaty, and inherent laws, legal systems, systems of governance, and jurisdictions which First Nations have applied and exercised throughout the entirety of their territories prior to contact, and which continue to exist and be applied and exercised throughout the entirety of their territories today, as affirmed by section 35 of the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
- B. Across Canada, Métis organizations and individuals are asserting broad s. 35 rights claims, including self-government, resource revenue sharing, and traditional harvesting rights, and related jurisdiction, on the traditional and Treaty territories of First Nations.
- C. In Ontario and British Columbia (BC), for example, Métis organizations and individuals have advanced unfounded claims that wholly ignore the inherent, constitutional, and human rights and title of First Nations, and undermine the laws, legal systems, systems of governance, and jurisdictions of First Nations.
- D. In Ontario, the governments of Canada and Ontario have facilitated the assertion of Métis rights by, among other things, requiring project proponents to consult with the Métis Nation of Ontario and other Métis organizations about resource development on Treaty lands and during Treaty Land Entitlement (TLE) processes, and taking steps toward recognition of the Métis Nation of Ontario's identification of six historic Métis communities in Ontario by negotiating and signing a self-government agreement (2019), and a Métis Government Recognition and Self Government Implementation Agreement in 2023. It is anticipated that the Government of Canada will seek to introduce implementation legislation as soon as possible and negotiate a full self-government treaty within two years.
- E. There may be significant evidence that the "new" historic Métis communities do not meet the criteria in *R. v. Powley* and are based on assertions that individuals in Ontario have historic ancestors with mixed First Nations heritage.
- F. In British Columbia, the governments of Canada and BC have facilitated Métis rights assertions by, among other things, funding research by the BC Métis Federation into the supposed existence of Métis communities in BC and involving the Métis Nation British Columbia and the BC Métis Federation in rights-based consultative processes, matters, and initiatives relating to, among other things, major resource projects and coastal protection.

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- G. The foregoing actions of the governments of Canada, Ontario, and BC interfere with First Nations' Treaty and inherent rights during the TLE process, diminish Treaty harvesting rights, diminish the benefits First Nations are entitled to in Impact Benefit Agreements, appropriate First Nations culture and traditional practices, and have caused undue financial and other benefits to improperly accrue to the Métis, all at the expense of First Nations and in violation of the inherent, constitutional, and human rights and title of First Nations, and contrary to the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations.
- H. It is unacceptable and antithetical to reconciliation with the pre-existing sovereign First Nations—for the Governments of Canada, Ontario, and British Columbia to stay silent on the issue of unfounded Métis rights assertions, and it is an infringement of the inherent, Treaty, title, constitutional, and human rights of First Nations, and wholly inconsistent with the UN Declaration and the *United Nations Declaration on the Rights of Indigenous Peoples Act*, for the Government of Canada and provincial governments to facilitate unfounded Métis rights assertions.
- I. In Chiefs' of Ontario Resolutions 21/44, passed at the November 2021 Chiefs of Ontario Fall Chiefs Assembly; Resolution 22/25A and Resolution 22/26A, passed at the June 2022 Annual Chiefs Assembly; and Resolution 21/36S, passed at the September 2022 Special Chiefs Assembly, the Ontario Chiefs-in-Assembly recommitted to challenging the Governments of Ontario and Canada and to support efforts to commence legal challenges to the Métis Nation of Ontario's asserted rights.
- J. Prior political efforts to prevent the Métis from interfering with First Nation territories and rights in Ontario, and British Columbia have not been sufficient.
- K. First Nations strongly support the recognition of Indigenous rights but reject the creation of rights by the Governments of Canada, Ontario, and British Columbia for groups that may never have existed historically as culturally distinct, stable, political Indigenous entities. First Nations support the efforts by legitimate Métis rights-holders to oppose unfounded Métis rights assertions throughout the country.

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

- 1. Affirm that the recognition and interpretation of Métis rights under s.35 of the Canadian Constitution are subordinate to the inherent, constitutional, and human rights of First Nations, including jurisdiction over their territories and inherent rights that are protected by Treaty, and are subject to and necessarily limited by the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations.
- 2. Direct the Assembly of First Nations (AFN) to seek resources to establish a national committee that will examine the issue of unfounded Métis rights assertions and the role of the Government of Canada and provincial governments in facilitating these assertions with the aim of developing recommendations and/or an advocacy strategy to address this growing issue.
- 3. Direct the AFN National Chief to advocate for the implementation of the recommendations and/or advocacy strategy developed by the national committee.

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4. Direct the AFN National Chief to demand that the Government of Canada pause all negotiations with the Métis Nation of Ontario, including the introduction of implementation legislation for the MNO-Canada Métis Government Recognition and Self-Government Agreement, until such time as First Nations in Ontario are meaningfully consulted and give their free, prior, and informed consent to proceed.

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TITLE:	Support for Equitable Funding for First Nations Policing
SUBJECT:	Policing, Public Safety
MOVED BY:	Chief Linda Debassige, M'Chigeeng First Nation, ON
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.
- B.** The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes First Nations who wish to exercise their right to self-determination by providing police services for their Nations.
- C.** First Nations and First Nations Chiefs of Police have for decades, raised concerns about unfair negotiation tactics that Public Safety Canada employs with respect to funding agreements. First Nations leadership have stated that these so called “negotiations” with Public Safety Canada are tantamount to “take it or leave it” deals and perpetuates the underfunding and underresourcing of First Nations policing, endangering the communities they serve.
- D.** In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation must recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.

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- E. The AFN is mandated by Resolution 07/2021, *Creation and Implementation of Legislation for First Nations Policing as an Essential Service*, to advocate for the equitable treatment of First Nations police services through the development of a First Nations policing legislative framework.
- F. The AFN is also mandated by Resolution 51/2022, *First Nations Sovereignty over Policing*, to advocate and recommend that the future FNIPP legislation be modelled after Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, in that federal policing legislation must allow First Nations to enact their own community policing legislation, ensuring true First Nation jurisdiction over justice and policing systems that will serve First Nations in a culturally appropriate and respectful manner free from systemic racism and discrimination.
- G. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential.
- H. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.
- I. In 2022, in the Dominique decision, the Canadian Human Rights Tribunal (CHRT) found that Canada discriminates against First Nations by underfunding First Nations policing. This decision is now being appealed by Canada to the Federal Court of Canada.
- J. In March 2023, Indigenous Chiefs of Police of Ontario (IPCO) filed a complaint with the Canadian Human Rights Commission (CHRC) alleging discrimination in the funding of First Nations police services under the FNPP.
- K. Public Safety Canada officials continue to engage in disrespectful, colonial tactics to undermine the rights, jurisdiction, and sovereignty of First Nations. These actions have resulted in an unprecedented crisis in First Nations policing to the extent that several First Nations are in danger of having to cease operations due to lack of funding.
- L. Public Safety Canada officials refuse to acknowledge First Nations inherent, Treaty and constitutional rights in accordance with the UN Declaration, within the context of co-developing a legislative framework recognizing First Nations policing as an essential service.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada and Public Safety Canada (PSC) to cease its disrespectful, colonial tactics to undermine the rights, jurisdiction and sovereignty of First Nations and immediately fund First Nations police services in an equitable manner.
2. Direct the AFN to call upon the Government of Canada to recognize and uphold First Nations inherent, Treaty and constitutional rights in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and to respect the findings of the Canadian Human Rights Tribunal (CHRT) in the Dominique decision and withdraw its appeal.
3. Direct the AFN to legally support the complaints and legal actions brought forward by First Nations and First Nations Chiefs of Police Associations with respect to PSC's discriminatory conduct. Specifically,

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with respect to the appeal of the CHRT Dominique decision and the Canadian Human Rights Commission (CHRC) complaint filed by Indigenous Police Chiefs of Ontario (IPCO).

4. Direct the AFN to call upon PSC, with the support of Indigenous Services Canada (ISC), to appoint a new negotiation team who are experienced in engaging with First Nations and who will participate in true negotiation processes that are equitable and respectful to the First Nations leadership and First Nations police services.
5. Direct the AFN to call upon PSC, with the support of ISC, to appoint a new negotiation team who are knowledgeable, respectful and who will recognize and uphold First Nations inherent, Treaty and Constitutional rights in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

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TITLE:	Recognition of Canada's Indian Residential School Genocide and Reparations for Survivors and Descendants
SUBJECT:	Residential Schools
MOVED BY:	Chief Jason Daniels, Swan Lake First Nation, MB
SECONDED BY:	Chief Kyra Wilson, Long Plain First Nation, MB

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other violence, including forcibly removing children of the group to another group.
 - ii.** Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a.** Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - b.** (d) Any form of forced assimilation or integration.
- B.** The United Nations Convention on the Prevention and Punishment of the Crime of Genocide states:
- i.** Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
 - a.** Forcibly transferring children of the group to another group.
- C.** From 1870 to 1996, approximately 150,000 First Nations, Métis, and Inuit children in Canada were removed from their families and communities and forced to attend Residential Schools.
- D.** Through Canada's Residential School System, many children experienced neglect, suffered emotional, physical and sexual abuse, or died while being forced to attend Residential Schools.
- E.** On June 1, 2021, the House of Commons debated the "discovery of the remains of 215 children at a former Residential School in British Columbia." Prime Minister Justin Trudeau acknowledged that the country failed in its duty to the children, their families, and their communities.
- F.** On the return flight from the Papal visit to Canada in July 2022, Pope Francis acknowledged that the Indian Residential School system was genocide.
- G.** On October 27, 2022, through unanimous consent, the House of Commons of Canada, adopted the following motion:

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- i. That, in the opinion of the House, that the government must recognize what happened in Canada's Indian Residential Schools as genocide, as acknowledged by Pope Francis and in accordance with article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

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

1. Call on the Government of Canada to recognize that the establishment and operation of Indian Residential Schools was genocide as acknowledged by Pope Francis and in accordance with Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.
2. Call on the Government of Canada to commit to the following actions in the spirit of reconciliation and to begin healing after the recognition of genocide:
 - a. The continued healing of and support for the Survivors of Indian Residential Schools, their families, and communities through the recommendations of the Truth and Reconciliation Commission of Canada;
 - b. Providing a guaranteed annual income for Survivors of the Indian Residential School system, their descendants, and descendants thereafter in perpetuity to support the revitalization of First Nations; and
 - c. Educating all Canadians about the lessons from the Indian Residential Schools System genocide, its continuing impacts on society, and to bridge efforts of reconciliation between Indigenous Peoples and all Canadians.

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TITLE:	Support for FSIN's Health Equity Test Case to Address Healthcare Inequities for First Nations
SUBJECT:	Health
MOVED BY:	Chief Jamie Wolfe, Muskowekwan First Nation, SK
SECONDED BY:	Chief Derek Nepinak, Minegoziibii (Pine Creek First Nation), MB

WHEREAS:

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

- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- ii. Article 21 (1) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- iv. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- v. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- vi. Article 37 (1) Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- vii. Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

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- viii. Article 39: 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.
- B. The Assembly of First Nations (AFN) Resolution 16/2023, *Distinctions-Based Indigenous Health Legislation*, calls on Canada to:
 - i. Ensure First Nations have reasonable time and opportunity for adequate and meaningful dialogue to consider the following guiding principles in the development of distinctions-based Indigenous health legislation and sustainable healthcare models, including:
 - a. Recognition, respect and inclusion of Inherent rights to traditional healthcare systems, including traditional medicines, knowledge and healing practices;
 - b. Recognition, respect and inclusion of the Treaty right and human right to health;
 - c. Recognition, respect and inclusion of the particular visions of self-determination and self-government of every First Nation; and,
 - d. Recognition, respect and inclusion of the standards in the United Nations Declaration on the Rights of Indigenous Peoples;
 - ii. Engage the active and meaningful participation of representatives of Crown-Indigenous Relations and Northern Affairs Canada, in the engagement and discussions towards distinctions-based Indigenous health legislation with proper title holders in accordance with Inherent title and rights and Treaty rights, and the United Nations Declaration on the Rights of Indigenous Peoples;
 - iii. Consider in the process of co-drafting the legislation the analysis and recommendations of Canada's Royal Commission on Aboriginal Peoples (1996) in its final report;
 - iv. Strictly adhere to its legal obligations under international customary law as adopted in the common law of Canada and as set out in the 2000 General Comment on Article 12 of the International Covenant on Economic, Social and Cultural Rights as set out in the preamble of this resolution; and
 - v. Delegate the Chiefs' Committee on Health (CCoH) to coordinate, inform, and make recommendations on all aspects of distinctions-based Indigenous health legislation and report back to the AFN Executive Committee periodically and the First Nations-in-Assembly for final vetting before going through the parliamentary process; and
 - vi. Put conditions into place on transfer payments to provinces, on condition that provinces must pass laws so that there is no discrimination in the operation of hospitals or health systems licensed by the province.
- C. Aligned with the ongoing work on Indigenous health legislation and health transformation processes, the AFN is mandated to support First Nations across Canada in the work to protect and promote the Inherent and Treaty Rights to health and wellness.

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- D. While First Nations have taken proactive steps to transform their systems of health and wellness, gaps and inequities persist in the provision of services for First Nations, including under Canada's Non-Insured Health Benefits (NIHB) Program.
- E. The chronic underfunding has contributed to the critical gaps and inequities in health services and the urgent health crisis for First Nations.
- F. Aligned with the protection and promotion of First Nations inherent, Treaty and Charter Rights, the Representative Plaintiffs, Chief Jamie Wolfe, Muskowekwan First Nation and Chief Norma Catarat, Buffalo River Dene Nation, and the Federation of Sovereign Indigenous Nations (FSIN), have prepared a Health Equity Test Case (the Test Case).
- G. A test case (just as *Taku* and *Haida* were national test cases for the duty to consult) can be important to establish the key elements of First Nations inherent, and Treaty rights, Charter and equitable rights to First Nations health and wellness.
- H. The test case is to be filed before the Saskatchewan Court of King's Bench as a court with concurrent jurisdiction with the Federal Court. The test case will claim that Canada and the province of Saskatchewan have breached Sections 7 and 15 of the Charter of Rights and Freedoms, Treaty promises, and Crown fiduciary duties upheld by s.35 of the Canadian Constitution.
- I. A precedential test case in favour of the First Nations will be a key part of addressing the health crisis nation-wide.
- J. The test case will provide First Nations added protection to demand that the federal government address the health crisis through law and policy that better aligns with *The United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C., 2021, c. 14.
- K. The Representative Plaintiff First Nations and the FSIN are supported by First Nations across Saskatchewan and now seek the broader advocacy and support from the First Nations-in-Assembly. FSIN will be securing its own financial resources to undertake this work.

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

- 1. Support the need to address:
 - a) the health crisis and to ensure protection and promotion of the Inherent and Treaty Rights to health and wellness;
 - b) the gaps in the provision of health services and discriminatory practices and impacts; and
 - c) the chronic underfunding of First Nation health services.
- 2. Provide advocacy and political support for the filing of the health equity test case by the representative plaintiffs and the Federation of Sovereign Indigenous Nations (FSIN) in the effort to call on Canada to improve the health care crisis and to assist First Nations across Canada with a meaningful precedent.

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TITLE:	Opposition of Nuclear Technology, Waste, Transport and Storage
SUBJECT:	Water, Environment, Emergency Management
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Jeffery Copenace, Ojibways of Onigaming First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. First Nations have been stewards of the land, waters, and their environment since time immemorial, have an unbreakable and sacred connection to Mother Earth that considers the health, wellbeing, and sustainability of all living things for seven generations into the future.
- C. First Nations disproportionately endure environmental inequality despite that, under the Canadian Charter of Rights and Freedoms, every individual is equal before and under the law, and has the right to the equal protection and equal benefit of the law without discrimination, in particular, without discrimination based on race, national, or ethnic origin, colour, religion, sex, age or mental or physical disability.
- D. Studies have shown that the SMR nuclear fuel cycle may produce more chemically/physically reactive waste which could impact options for management and disposal of waste and could remain radioactive for up to hundreds of thousands of years.
- E. The technical and social challenges associated with the operation of nuclear technology, managing the radioactive waste generated, and the inherent proliferation and environmental safety risks could impact First Nations rights and interests in perpetuity.

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- F.** The Canadian Nuclear Safety Commission (CNSC) is the administrative body responsible for regulating nuclear energy in Canada. While CNSC policy reflects a number of established principles in Canadian law regarding the duty to consult and accommodate Indigenous Peoples, it does not fully account for recent developments in the law.
- G.** Nuclear technology, including SMRs that operate in one province could have impacts on out-of-province First Nations as:
 - i.** There are current proposals in place to research, develop and manufacture fuels at the Canadian Nuclear Laboratories' site in Chalk River for a proposed SMR that will be located in New Brunswick.
 - ii.** This will lead to radioactive material being transported throughout regions to support these activities.
 - iii.** Spent nuclear fuel will need to be transported and eventually stored of, as all nuclear material eventually degrades into radioactive waste. According to data from Transport Canada, this could potentially impact 435 First Nations with grade level crossings and multiple provincial highways that go through First Nations territories.
 - iv.** Spent nuclear fuel may be stored at a proposed deep geological repository (DGR) in Ontario, whereas, other radioactive waste, including research and decommissioned material, could be destined for the proposed Near Surface Disposal Facility at Chalk River (NSDF).
 - v.** All of these proposed modes of transport for the movement or disposal of nuclear material presents a disproportionate increased risk of loss from accidents that may have generational negative impacts for First Nations.
- H.** In order to accommodate one million cubic metres of legacy and imported spent nuclear fuel from Canadian Nuclear Laboratories, the CNSC is considering licensing a surface storage mound at Chalk River, Ontario. Algonquin Anishinaabeg Nation communities were not consulted on the site selection.
- I.** The proposed NSDF poses serious and irreversible impacts to Indigenous rights and the environment. The site is within 1 kilometer of the Kichi Zibi, on unceded and unsurrendered Algonquin Anishinaabeg Nation lands. The site is home to 37 hectares of old growth forest and abundant wildlife resources including Federal Species at Risk. Also within 2 kilometres are two sacred Indigenous sites, Pointe au Baptheme and Oiseau Rock, which have been associated with naming ceremonies, rock pictographs, and tobacco offerings for centuries.
- J.** In light of the proximity of the proposed spent nuclear fuel landfill site to the watershed, Algonquin peoples and Canadian municipalities downstream have strongly objected to the development. If successful, the project may create disproportionate additional environmental impacts from existing and future nuclear waste operations at the site.
- K.** The Kichi Zibi and surrounding lands and waterways have experienced cumulative toxic harm from nuclear accidents at the Chalk River site since 1952.

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- L.** In March 2023, Natural Resources Canada released its final radioactive waste and decommissioning policy. The document ignores input provided from Indigenous nations and civil society over the course of the previous two years.
- M.** Current federal laws remove many SMRs, their eventual decommissioning and waste products from mandatory federal impact assessment legislation, a process which serves to test a proponent's claims regarding safety, level of harm or impacts to the environment.
- N.** The only institutional check for SMRs in Canada is the Canadian Nuclear Safety Commission. The Commission, whose oversight is provided by Natural Resources Canada, has lobbied for the removal of SMRs from impact assessment.

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

- 1.** Call on the Government of Canada to fully adhere to the standards of the United Nations Declaration on the Rights of Indigenous Peoples, and the protections under the *Constitution Act*, 1982, where information on the nature, size, pace, reversibility and scope of any proposed nuclear project or expansion are transparently disclosed and where an assessment of likely economic, social, cultural and environmental impacts is provided to First Nations, sufficiently in advance of any commencement or authorization of a nuclear project or an expansion.
- 2.** Call on federal, provincial, and territorial governments to ensure that no testing, development, expansion or deployment of nuclear activities, including SMRs, occur on or near First Nations communities without the free, prior, and informed consent of all First Nations whose lands, territories, and/or other resources may be affected, including via transportation of any spent nuclear fuel.
- 3.** Call for an urgent meeting between the Assembly of First Nations (AFN) and the Government of Canada regarding the consultation policy of the Canadian Nuclear Safety Commission as it relates to nuclear waste transport and disposal decision making for the Near Surface Disposal Facility at Chalk River (NSDF).
- 4.** Direct the AFN to continue working with the Regions and Natural Resources Canada to develop a coordinated response to the new radioactive waste and decommissioning policy to include First Nations strategies and mitigation measures to fully conform with and promote the implementation of international human rights laws and standards.
- 5.** Direct the AFN to explore avenues for "Eliminating Environmental Inequality" under Section 15 of the Canadian Charter of Rights and Freedoms with respect to consultation and policies related to the nuclear industry.

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TITLE:	National Unity on Education
SUBJECT:	Education
MOVED BY:	Chief Linda Debassige, M'Chigeeng First Nation, ON
SECONDED BY:	Nelson Toulouse, Proxy, Sagamok Anishnawbek First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - iii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. On November 25, 2020, Ontario Region notified the Assembly of First Nations (AFN) of the decision to withdraw from the AFN education process because the decisions made at the National Indian Education Council (NIEC) and the Chiefs' Committee on Education (CCoE) resulted in severe budget cuts for Ontario First Nations education programs that have negatively affected program delivery to support First Nations learners.
- C. A letter was sent from the Ontario Regional Chief to the National Chief on April 7, 2022, requesting the Chiefs of Ontario (COO) Leadership Council to meet with the AFN Executive Committee to discuss recommendations to repair the damaged relationship between the COO and the AFN as it relates to First Nations education.
- D. In November 2022, COO Chiefs in Assembly passed Resolution 22/39S at the COO Fall Chiefs Assembly, calling for the AFN National Chief and the AFN Executive Committee to meet with representatives from the COO Leadership Council to review and discuss the recommended revisions to the Terms of Reference for the AFN NIEC and CCOE. This was a result of receiving no response to the April 2022 letter to the National Chief.

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- E. At the AFN Special Chiefs' Assembly in April 2023, a discussion ensued regarding opposition of First Nations leadership in Ontario to a resolution that inferred that the AFN CCOE was the voice of First Nations across Canada on education related matters. Despite hours of discussion, the matter was not resolved, the resolution was deferred until the July AFN Annual General Assembly and was to be worked on jointly by the movers and First Nations Leadership in Ontario. No activity or action has taken place to resolve the differences.
- F. First Nations leadership in Ontario have repeatedly attempted at various levels to resolve differences to enable unity to be re-established at the NIEC and the CCOE. As a final effort First Nations Leadership in Ontario bring our recommendations for revisions to the Terms of Reference for the national committees on education to the First Nations-in-Assembly for consideration.

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

- 1. Agree that it is paramount that unity be re-established at the National Indian Education Council (NIEC) and the Chiefs Committee on Education (CCoE).
- 2. Agree that at a minimum and in the short term, the Terms of Reference for the (NIEC) and the (CCoE) be amended to include:
 - a. Under Roles and Responsibilities:
 - i. Ensure that any decisions and recommendations do not result in reduced financial resources for any of the 10 AFN regions, unless there is agreement in the region to accept the reduction.
 - b. Under Composition:
 - i. The list of NIEC and CCOE representation should be updated regularly and be publicly accessible.
 - ii. Composition must be updated to reflect accountability structure and how this process is followed.
- 3. Agree that over the next year the Terms of Reference for the NIEC and CCOE be revised to ensure:
 - a. That meetings are conducted in a manner that identifies and addresses conflict of interest issues;
 - b. Representation is consistent between the NIEC and the CCOE;
 - c. A formal process is articulated for decision-making;
 - d. Recommendations and decisions reflect consensus or non-consensus of the committee, and that building consensus is paramount even for non-attendees at the meeting;
 - e. Size and unique elements are considered in determining regional representation at committees;
 - f. Communications are a key function of the committee; and
 - g. The role of the Chair and/or Co-Chairs is clearly articulated.

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TITLE:	First Nations-led Process for National Water Stewardship and the Canada Water Agency
SUBJECT:	Water
MOVED BY:	Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to obtain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generation in this regard.
 - iv. Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.
- B. In December 2019, the federal government committed to creating a Canada Water Agency (CWA) in the Minister of Environment and Climate Change's mandate letter, which directed the Minister to work with the Minister of Agriculture and Agri-Food to "create a new Canada Water Agency to work together with the provinces, territories, Indigenous communities, local authorities, scientists and others to find the best ways to keep our water safe, clean and well-managed."
- C. In March 2023, Budget 2023 committed funding towards the creation of the CWA, as well as significant funding to support monitoring, assessment and restoration of freshwater lakes and rivers, which serve as important sources of drinking water for many First Nations, and are essential for economic, cultural, spiritual, domestic, industrial and commercial practices for First Nations.
- D. In May 2023, the federal government announced that the new Canada Water Agency would be headquartered in Winnipeg, MB.

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- E. The Assembly of First Nations (AFN) continues to advocate for First Nations inclusion in any discussions regarding the development of the CWA, through letters and ongoing engagements.
- F. The federal government's engagement process has not adequately engaged with all First Nations, due in large part to rushed timelines, and inadequate inclusion of First Nations voices in the decision-making process.
- G. The federal government must obtain the free, prior and informed consent of First Nations, including on matters related to water management, and any water-related agencies, policies or legislation that could have implications on Treaty rights and the rights affirmed in the UN Declaration.
- H. The creation of a CWA has far-reaching implications on First Nations water rights and governance and First Nations need to be included in any discussions regarding the management of water.
- I. The AFN is guided by AFN Resolution 27/2021, *Meaningful Engagement and Involvement in the Co-development of a Canada Water Agency*, which explicitly called on Canada to ensure co-development of the Canada Water Agency.
- J. The implications of existing legislation, including the Canada Water Act, and proposed legislation for drinking water and wastewater could be significantly impacted by the proposed CWA.
- K. Canada has failed to adequately co-develop national, regional and local water stewardship initiatives with First Nations across Canada.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to address First Nations concerns and to ensure that the creation of the Canada Water Agency adheres to standards of the UN Declaration, including the principles of free, prior and informed consent (FPIC), and protections under the *Constitution Act*, 1982.
2. Direct the AFN to call on Canada to fund the creation of a national First Nations-led water stewardship committee, under the guidance of relevant Chiefs' Committees, such as the Advisory Committee on Climate Action and the Environment (ACE) and the Chiefs Committee on Housing and Infrastructure (CCoHI), to inform the implementation and co-development of any such agency, including related legislation, policies, and initiatives.
3. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) to dedicate funding and resources for the meaningful and sustained engagement and participation of First Nations across Canada, and adequate funding for the creation of First Nations-led institutions that can support a whole-of-Canada approach to water stewardship and source water protection.

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TITLE:	Affirmation of First Nation Education Sovereignty
SUBJECT:	Education
MOVED BY:	Chief Linda Debassige, M'Chigeeng First Nation, ON
SECONDED BY:	Chief Jacqueline French, Chippewas of the Thames First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- B. The United Nations Declaration on the Rights of Indigenous Peoples Act was given royal assent on June 21, 2021, and states:
 - i. Preamble: Whereas the Government of Canada rejects all forms of colonialism and is committed to advancing relations with Indigenous peoples that are based on good faith and on the principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights.
 - ii. Section 5: The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.
- C. In a letter to the President of the National Indian Brotherhood, dated February 2, 1973, the Minister gave official recognition to 'Indian Control Of Indian Education,' approving its proposals and committing the Department of Indian Affairs and Northern Development to implementing them. 2023 marks the 50th anniversary of the *Indian Control of Indian Education Policy Paper, 1972* and its adoption by Canada.
- D. First Nations education systems across the country remain scarcely resourced to meaningfully implement the existing right to self-determination in education.
- E. Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, established a new phased funding approach to First Nations education and includes:
 - i. An interim funding approach that uses a provincial education funding model as a base to determine allocations with adaptations to address the specific needs of First Nations schools and students;
 - ii. Supports for First Nations to negotiate and conclude Regional Education Agreements that provide funding for the unique needs of First Nation students and schools; and
 - iii. The opportunity for First Nations to opt-out of any new education policy or program.

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- F.** The interim funding approach contains significant funding limitations as First Nations do not receive several components or services including, major capital funding, third-level governance, curriculum development, program research supports, and equivalent funding to the widespread French immersion funding needed for First Nations language immersion.
- G.** The First Nations with Schools Collective (FNWSC) is an intergovernmental table consisting of eight First Nations in Ontario and is proposing a pilot be undertaken with Canada called the First Nation Education Self-Determination Framework Initiative on behalf of those eight communities.
- H.** The initiative would build on the work to date between the FNSWC, Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada at the Joint Education Technical Table (JETT), which has included sharing mandates and goals concerning control over education and equity of outcomes funding.
- I.** The JETT reaffirms nation-to-nation relations and First Nations' sovereignty over education.
- J.** The FNSWC invites participation of other First Nations who are exploring opting out of any new education policies and who are in pursuit of addressing outstanding gaps of the interim funding approach process.

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

- 1.** Support the First Nations with Schools Collective (FNWSC) in their engagement in a separate process, outside of a Regional Education Agreement (REA), for transformative education agreements, including any pilot projects or other tables that seek to address outstanding education gaps.
- 2.** Support the right of the eight communities in the establishment of the FNSWC Joint Education Technical Table (JETT) and the First Nation Education Self-Determination Framework Initiative which seeks to:
 - a.** Support development of First Nation and Crown leadership on the connection between Indigenous rights and title, Crown-Indigenous relations, community development and learner outcomes as a result of work undertaken at JETT.
 - b.** Increase awareness of education self-determination on-reserve as a legislator issue, not a student capacity issue, and mobilize delegates of the JETT to create problem-solving mechanisms for the full control of education by First Nations within the framing of the United Nations Declaration on the Rights of Indigenous Peoples Act.
 - c.** Conclude education jurisdiction agreements with comprehensive funding formulas at duly convened JETT sessions by negotiating teams within pre-determined negotiating terms on behalf of participating First Nations of the Collective and Canada for acceptance and ratification by each of their respective authorities.
- 3.** Direct the Assembly of First Nations (AFN) to write to the Minister of Indigenous Services Canada and Minister of Crown-Indigenous Relations and Northern Affairs Canada confirming the support of the First Nation Education Self-Determination Framework Initiative of the FNSWC.

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TITLE:	First Nation Rights-Based Inland Fisheries Framework
SUBJECT:	Fisheries
MOVED BY:	Chief Rod Travers, Kinonjeoshtegon First Nation, MB
SECONDED BY:	Chief Sheldon Kent, Little Black River First Nation, MB

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 20 (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - iv. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - v. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - vi. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. Between 1871 and 1921, 11 numbered Treaties were negotiated over the geographical areas of what are now the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, and Ontario. These Treaties promised reserve lands, annuities, and the continued right of Indigenous Peoples to hunt and fish on unoccupied Crown lands.
- C. In the 1930s, the Government of Canada entered into Natural Resources Transfer Agreements which transferred the administration and control of Crown lands and resources from the federal government to the provincial governments of Alberta, Saskatchewan, and Manitoba. These transfers included the administration of control of fish and wildlife.

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- D. Many of the lands used by Indigenous Peoples to hunt, trap, and fish are now under provincial jurisdiction and were subjected to conservation regulations. At present, the Natural Resources Transfer Agreements cannot be changed because they were later sealed into the 1982 Constitution Act.
- E. The Natural Resources Acts represents a significant breach of the Numbered Treaties signed between First Nations and the Crown through Canada's failure to abide by the Treaties.
- F. Since the Provinces assumed administration over fish and fish harvesting, affected First Nations are not afforded regular and consistent opportunity to co-develop policy and regulation, and changes have been enacted without First Nations free, prior, and informed consent. Other provincial practices include harassment of fish harvesters by enforcement officers, the removal of fish quotas from First Nations communities and a reluctance to support or acknowledge First Nations fisheries.
- G. First Nations are calling for the development of a Rights-Based Inland Fisheries Framework to support First Nations in exercising their rights to inland fisheries. The scope of the Framework would include all non-anadromous fish (fish who do not migrate up rivers from seas to spawn) occurring in all bodies of water affected by the Natural Resources Transfer Agreements.
- H. The Marshall Decision was a landmark decision in Canada that affirmed First Nations' Treaty rights to fish, hunt, and gather.
- I. Assembly of First Nations (AFN) resolutions calls for full implementation for all First Nations fisheries nationally through Resolution 115/ 2019, *Full Implementation of the Supreme Court of Canada Marshall Decision*, Resolution 65/2019, and *Recognition of the Marshall Decision*, Resolution 107/ 2017, *Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions Regarding Fisheries*.

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

- 1. Direct the Assembly of First Nations (AFN) Secretariat to host a meeting in 2023 whose focal point of discussion would be the development of a Rights-Based Inland Fisheries Framework; and
- 2. Direct the AFN Secretariat to research, present and discuss at the 2023 Inland Fisheries meeting potential elements of a Rights-Based Inland Fisheries Framework, which could include the following:
 - a. Stock assessment, restoration and enhancement;
 - b. Community-based fishery improvement plans;
 - c. Quota and allocation guidance;
 - d. Emergency management processes;

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- e. Regulation and enforcement;
- f. Funding streams; and
- g. Revenue sharing agreements.

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TITLE:	Demand Consultation on Section 50 Policy Amendments under the Indian Act
SUBJECT:	Rights and Lands
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief Greg Gabriel, Penticton Indian Band, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; and
 - Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.
- B. The *Indian Act* is an assimilationist and colonial piece of legislation intended to “rid Canada of the Indian Problem,” is itself a perpetuation of colonial policies and ideals and is in direct conflict with First Nations’ inherent rights to manage their own lands, membership, citizenship, and identities.
- C. Section 50 of the *Indian Act* requires Indigenous Services Canada (ISC) to ensure lands bequeathed to non-members are not transferred to non-members but auctioned among members.
- D. ISC is proposing policy changes in its Section 50 Land Sale Policy (“Section 50 Policy”) that would allow non-member heirs to seek to prove entitlement to membership before a sale of land under section 50 sale occurs. This would allow a non-member heir to receive the lands instead of the proceeds of the sale. This would guide the application of Section 50 of the *Indian Act* in a manner which puts non-member rights before the rights of First Nations peoples to collectively use and control their lands and is contrary to the intention of the Act to preserve reserve lands for the use of the band.
- E. The Government of Canada passed Bill C-15, *An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples* on June 21, 2021, requiring all federal legislation, policies, and regulations to be amended to align with the UN Declaration.
- F. The Government of Canada has a duty to consult Indigenous groups when it considers conduct that may adversely impact potential or established Aboriginal or Treaty rights.

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- G.** ISC has failed to obtain First Nations' free, prior, and informed consent to the proposed changes to the Section 50 Policy, which constitutes a failure by the Government of Canada to uphold its fiduciary obligations to First Nations,
- H.** ISC has not engaged in formal consultation with First Nations and has therefore failed to uphold the duty to consult or the Honour of the Crown throughout the amendment process.
- I.** ISC's proposed Section 50 Policy could be detrimental to the interests of First Nations' collective rights to their reserve lands.

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

- 1.** Direct the Assembly of First Nations (AFN) to call on the Government of Canada to consult directly with First Nations before any and all proposed policy changes to the *Indian Act* and specifically on the Section 50 Policy.
- 2.** Direct the AFN to support First Nations in their consultation processes with the Government of Canada regarding proposed policy changes on the interpretation and application of Section 50 of the *Indian Act*.
- 3.** Call on Canada to adhere to the principle of free, prior, and informed consent in accordance with the United Nations Declaration on the Rights of Indigenous Peoples when developing any proposed Section 50 Policy.
- 4.** Direct the AFN to call on Canada to adequately and appropriately fund First Nations to participate in formal consultation and to undertake extensive community engagement on any proposed policy changes on the interpretation and application of Section 50 of the *Indian Act* and any other proposed changes to the *Indian Act*.
- 5.** Direct the AFN to call on ISC to refrain from establishing any new policies relating to the interpretation of the *Indian Act* until such time that all First Nations have been adequately consulted.

DRAFT RESOLUTION # 44 / 2023

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TITLE: Support for the Reform and Enforcement of First Nations Laws

SUBJECT: Policing, Rights

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

SECONDED BY: Chief Greg Gabriel, Penticton Indian Band, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - i. Article 20: (1) Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - i. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs, and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- B. First Nations have a right to self-government recognized and affirmed under Section 35 (1) of the *Constitution Act, 1982*, which includes, at minimum, the same rights to create, draft, enact and enforce laws as other governments in Canada.
- C. The *Indian Act* is an assimilationist and colonial legislation intended to "rid Canada of the Indian Problem," a perpetuation of colonial policies and ideals and is in direct conflict with First Nations' inherent right to manage their own land, membership, citizenship and identities.
- D. Section 81 of the *Indian Act* states:
- (1) The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely (c) the observance of law and order;

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- E. The *Indian Act* paternalistically recognizes and limits First Nations inherent right to govern themselves and places the enforcement of First Nations laws in the hands of the colonial state without specifying which state actor is responsible or recognizing any reasonable means of enforcement.
- F. Federal, provincial, and territorial governments and their policing agencies have refused to enforce First Nations laws, leading to a crisis of governance in First Nations where First Nations laws are not treated as equal to those passed by settler communities.
- G. First Nations should not be required to rely on neighbouring municipal police forces to enforce First Nation laws, especially where those police forces are frequently plagued by systemic racism and discrimination against First Nations Peoples.
- H. Federal, provincial and territorial refusal to respect and enforce First Nations laws has been further exacerbated by the COVID-19 crisis, when the safety and health of Indigenous citizens was at risk due to inability to enforce First Nation laws.
- I. The expense of enforcing First Nations laws in the colonial court system is prohibitively expensive. Many First Nations cannot afford to go to court regarding the ongoing legal issue of the federal government's failure to recognize First Nations jurisdiction.
- J. First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 13/2023, *Enforcement of Band Council Resolutions and Bylaws On-Reserve*, directing the AFN to advocate to the federal government that it give firm and clear direction to Royal Canadian Mounted Police, provincial, territorial and municipal services across Canada, and federal crown prosecutors, that First Nations by-laws enacted through the Indian Act are valid First Nations and federal laws, and must be recognized and enforced by local policing authorities and, where charges are laid and where appropriate, prosecuted by provincial or federal Crown prosecutors.

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

- 1. Direct the Assembly of First Nations (AFN) to call on Canada to work directly with First Nations to support First Nations enforcement of their laws.
- 2. Direct the AFN to call on Canada to ensure that it treats First Nations laws and self-governance in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples, as specifically required in Section 5 of the Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
- 3. Call upon the federal government to support First Nations in exercising jurisdiction over the assertion, practice and enforcement of First Nations laws and legal orders by resourcing extensive First Nations-led engagement on the enforcement of Indigenous laws.
- 4. Call on the federal government to ensure that any changes to laws and policies, including the Indian Act, be undertaken with the free, prior and informed consent of each Nation.

REVISED DRAFT RESOLUTION
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TITLE:	Pay Equity for First Nations
SUBJECT:	Intergovernmental Relations
MOVED BY:	Chief Dean Sayers, Batchewana First Nation, ON
SECONDED BY:	Chief Jeremy Fourhorns, Carry the Kettle Nakota Nation, SK

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
 - ii. Article 17 (2): States shall in consultation and cooperation with Indigenous Peoples take specific measures to protect Indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
 - iii. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
 - iv. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B.** Canada has a fiduciary duty to support an equitable standard of living for Indigenous Peoples to enjoy the same standard of living as non-Indigenous Canadians.
- C.** Canada has stated that advancing First Nations' interests and reconciliation are a priority. However, longstanding systemic barriers continue to perpetuate an inequitable standard of living for Indigenous Peoples that is substantively below that of non-Indigenous Canadians.
- D.** The failure to close socio-economic gaps is evidenced in many ways but is being felt acutely in the immense wage disparity that exists for First Nations workplaces compared to those of mainstream governments and private employers. First Nations are currently facing an estimated 20-40% (or higher) difference in labour market wage rates, and the impact of that difference is magnified by higher costs-of-living on reserve.

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- E.** First Nations are unable to offer wages and salaries that compete with external market rates in a competitive labour market in order to deliver quality programs and continuity of services to their communities. Programs and services suffer when First Nations are unable to hire an adequate number of personnel, determine their own personnel requirements, or hire staff dedicated to specific roles, instead requiring personnel to take on multiple roles.
- F.** Incentives and funding offered by private sector employers for hiring First Nations staff reduce First Nations' access to an already limited First Nations workforce and make it more difficult for First Nations governments and organizations to retain their existing First Nations staff members.
- G.** First Nations across Canada are losing trained staff, unable to recruit key skill sets, under-hiring, or enduring ongoing vacancies and turnover due to being unable to meet standard market rates for salaries and wages and other aspects of equitable compensation (e.g., pensions and benefits, job progression, ongoing professional development, staff supports, etc.).
- H.** Disparities in funding to provide compensation for personnel hired by First Nations is a human rights issue. Inequitable staffing and compensation are a longstanding barrier to achieving social and economic equity for First Nations more broadly. It is a priority that spans multiple sectors and redress therefore requires a broadened approach, as proposed herein.

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

- 1.** Direct the Assembly of First Nations (AFN) to develop a Pay Equity Task Force, with all interested First Nations that will work with Canada to identify and implement means for increasing First Nations access to funding and supports for human resource recruiting, training, equitable compensation, and retention. The Pay Equity Task Force must be based on the needs and requirements of First Nations, as determined and defined by First Nations, rather than on competition for the limited program funding that is currently available on terms that are not our own.
- 2.** Call on Canada and the AFN to expressly reject all formula-based funding approaches for First Nations governments that do not reflect the true costs of supporting the unique needs of First Nations communities and are not determined by First Nations, and to support the development and/or application of formula-based funding approaches that do reflect true costs as determined by First Nations.
- 3.** Call on Canada to honour its fiduciary duty in support of an equitable standard of living for our people, and to that end, commit its support toward the development of a Pay Equity Task Force, and commit thereafter to work in good faith with that Task Force.