
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 21/2022

TITLE:	Charter Amendment - Conflict of Interest
SUBJECT:	Introduce a definition and requirement for rules regarding conflict of interest and perceived conflict of interest by members of all AFN Principal Organs
MOVED BY:	Council Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Naa Sháade Eric Háni Morris, Teslin Tlingit, BC
DECISION	Carried; 1 objection; 1 abstention

WHEREAS:

- A. The Assembly of First Nations (AFN) employs many people, administers considerable resources, and is regularly called upon to advocate for and take positions with potentially broad impacts on First Nations and their members across Canada;
- B. In order to be effective in the fulfillment of its mandates, the AFN must operate with integrity and must have the confidence of First Nations, their leaders, other governments, and the public;
- C. The First Nations in Assembly have directed and expect that any business, governance, and advocacy undertaken by the AFN and its Secretariat should be undertaken with integrity and in the best interests of First Nations peoples in Canada;
- D. Actual and perceived conflicts of interest on the part of individual leaders, managers, and staff engaged in decision-making on behalf of the AFN can reasonably be expected to undermine the integrity of the AFN and First Nations and other governments, and the public's confidence in the AFN, and the AFN's ability to fulfill its mandates on behalf of First Nations.

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

1. Direct that a new section be inserted after Section 26 - Functions of the AFN Charter, which shall state:

Conflict of Interest

Article 27

1.1 All members of principal organs of the AFN with a direct conflict of interest or appearance of a conflict of interest must adhere to Section 27 of this Charter.

1.2 Conflict of interest are or may be:

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

1.3 Conflicts of interest should be declared as soon as is practicable to the respective body, and that person must recuse themselves from deliberation and decision on that topic.

1.4 Where a conflict of the issue is raised by any members of principal organs of the AFN, the AFN may choose to retain the advice of legal counsel for advice on the conflict-of-interest matter to uphold the integrity of the applicable process. Each principal organ of the AFN may choose to address and resolve the issue by means identified by that organ to maintain the integrity of the process.

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