
Assembly of First Nations

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**ANNUAL GENERAL ASSEMBLY
JULY 11, 12, & 13, 2023; HALIFAX, NS**

Resolution no. 72/2023

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

DECISION Approved by the AFN Executive Committee by consensus

WHEREAS:

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- ii. Article 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.

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- 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.
- 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.

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- 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.
 - 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.

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- 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.

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.

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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.

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