



ASSEMBLY OF FIRST NATIONS
2018 ANNUAL GENERAL ASSEMBLY – VANCOUVER, BC
JULY 24, 25 & 26, 2018
FINAL RESOLUTIONS

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18	Support for further study on the targeted management of seal and sea lion populations and development of targeted management strategies
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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 15/2018

TITLE: Renewed Call for Vatican Apology

SUBJECT: Languages; Residential Schools

MOVED BY: Chief Michael Starr, Starblanket Cree Nation, SK

SECONDED BY: Chief Reginald Bellerose, Muskowekwan First Nation SK

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - i. (d) Any form of forced assimilation or integration.
- B. The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action (58): We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
- C. On May 8, 2006, Canada and the Assembly of First Nations (AFN) entered into the Indian Residential Schools Settlement Agreement (IRSSA).
- D. The Chiefs-in-Assembly passed Resolution 19/2008, *Emergency Resolution on Apology on behalf of the Catholic Church*, directing the National Chief and the Executive Committee to continue to engage in

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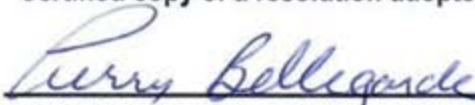
discussions with the Vatican to pursue a full apology on behalf of the Roman Catholic Church to all First Nations for their role in the Residential Schools System.

- E. The Chiefs-in-Assembly also passed Resolution 55/2010, *Actions Necessary to Save First Nations Languages from Extinction*, recognizing the dire state of First Nations languages is the direct consequence of deliberate state policies that were designed to eradicate First Nations languages, most notoriously through residential schooling.
- F. The Catholic Church reneged on its obligation to raise \$25 million to pay for healing programs for former students and instead raised \$3.7 million of which only \$2.2 million was donated to help former students.
- G. The legacy of assimilationist policies should be reflected in any relevant legislation in the spirit and intent of reconciliation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on the Government of Canada to ensure that there is a reference to the Indian Residential Schools system, and the parties involved, as the principle cause of the drastic decline of Indigenous languages in Canada in the future *Indigenous Languages Act*.
2. Direct the Assembly of First Nations (AFN) National Chief and the Executive Committee to renew discussions with the Vatican on behalf of the Roman Catholic Church, to pursue a full apology directed to all First Nations, for the Roman Catholic Church's role in the Indian Residential Schools System.
3. Direct the National Chief and the Executive Committee to call on the Roman Catholic Church to fulfill their commitment to raise the remainder of the \$25 million obligation for the healing of Residential School Survivors.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 16/2018

TITLE: Support for the Indigenous Heritage Circle

SUBJECT: Culture and Heritage

MOVED BY: Millie Olsen, Proxy, Na-cho Ny'a'k Dun First Nation, YK

SECONDED BY: Chief Terrence Lee Spahan, Coldwater Indian Band, BC

DECISION: Carried by Consensus

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 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. The Truth and Reconciliation Commission of Canada's Calls to Action states:
- i. Call to Action (79): We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration.

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- C. In response to this Call, Canada's 2018 Budget proposes \$23.9 million over five years to Parks Canada to integrate Indigenous views, history and heritage into the national parks, marine conservation areas and historic sites managed by Parks Canada.
- D. Canada is a signatory and active participant in international agreements, such as the World Heritage Convention and the Convention on Biological Diversity, that respect Indigenous perspectives on the relationships between Indigenous knowledge, land and culture.
- E. Indigenous heritage includes ideas, objects, artistic expressions, practices, languages, knowledge and places that are valued because they are culturally necessary and meaningful, connected to shared memory and/or linked to collective identity and life.
- F. The Assembly of First Nations (AFN) Resolution 106/2017, *Support for International Repatriation of Sacred Items*, directs the AFN to support First Nations across Canada in their efforts to repatriate items related to heritage and conservation and to call upon the federal, provincial and territorial governments to acknowledge their moral and fiduciary responsibilities to assist First Nations in their repatriation efforts.
- G. The Indigenous Heritage Circle (IHC) is an inclusive, non-profit, Indigenous-led organization dedicated to the advancement of cultural heritage matters of importance to Indigenous peoples and to working with Indigenous communities and organizations, such as the AFN, First Nations Confederacy of Cultural Education Centres, the Inuit Heritage Trust, the Indigenous Guardians Program, and the First Peoples' Cultural Council. The IHC shares information, ideas and issues related to Indigenous cultural places, landscapes, narratives, languages, practices, legal traditions, protocols and collections.
- H. Parks Canada, through its programs and legal responsibilities related to national parks, historic commemoration programs and federally owned national historic sites and buildings, has an important federal role in standard heritage matters and is becoming more active in matters related to Indigenous heritage that are specific to the Agency's mandate and powers.
- I. There is a need for Indigenous-led heritage organizations to provide input on heritage conservation activities in Canada by government agencies, museums, archives and government-administered protected areas, such as national and provincial parks.

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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to draft a letter to the Minister of Heritage in support of the Indigenous Heritage Circle as an independent, inclusive, national organization devoted to sharing information related to Indigenous cultural places, landscapes, narratives, languages, practices, legal traditions, protocols and collections and strengthening the capacity of First Nations, Inuit and Métis peoples to advocate on heritage issues of interest to them.
2. Direct the AFN to urge the Government of Canada, including Parks Canada, to fulfill Call to Action #79 in developing a reconciliation framework for Canadian heritage and commemoration.
3. Direct the Assembly of First Nations to ensure that any future national strategy on the repatriation of Indigenous cultural property is created with the full participation of First Nations and upholds the standards set out in the United Nations Declaration of the Rights of Indigenous Peoples.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 17/2018

TITLE: Implementation of the Federal Commitment to Forgiveness of Treaty Negotiation Loans

SUBJECT: Treaties

MOVED BY: Chief Ann Louie, Williams Lake Indian Band, BC

SECONDED BY: Chief Jacqueline Thomas, Saik'uz First Nation, BC

DECISION: Carried by Consensus

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 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. 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.
- iv. 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. Budget 2018 states:

"Supporting the Recognition and Implementation of Rights and Self-Determination: While Canada has advanced a number of modern treaties and agreements since the 1970s, the pace of progress in many cases has been slow and

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uneven. Negotiations can take a decade or more and Indigenous communities are forced to take on debt in order to participate. Budget 2018 outlines new steps the Government will take to increase the number of modern treaties and self-determination agreements in a manner that reflects a recognition of rights approach. These changes, along with the new approach brought forward through the Recognition of Indigenous Rights and Self-Determination negotiation process, will shorten the time it takes to reach new treaties and agreements, at a lower cost to all parties. As part of this new approach, the Government of Canada will be moving away from the use of loans to fund Indigenous participation in the negotiation of modern treaties. Starting in 2018–19, Indigenous participation in modern treaty negotiations will be funded through non-repayable contributions. The Government will engage with affected Indigenous groups on how best to address past and present negotiation loans, including forgiveness of loans."

- C. In 1993, First Nations in British Columbia (BC) began negotiating treaties with Canada and BC under the made-in-BC treaty negotiations framework and, as of March 31, 2017, First Nations in BC have accumulated approximately \$551 million in treaty negotiation loans. First Nations in other parts of Canada have engaged in similar negotiations and have accumulated considerable debt as well.
- D. First Nations across Canada fully welcome Canada's February 2018 commitment to the full forgiveness of First Nations' treaty negotiation loans. The First Nations Summit and numerous other First Nations organizations have consistently maintained that First Nations should never have had to borrow money to fund participation in treaty negotiations to seek redress for lands that were wrongfully taken from the inherent Aboriginal title and rights holders, without notice, consent or agreement.
- E. The approach to funding Crown-First Nations treaty negotiations is inconsistent with the UN Declaration and other foundational documents, such as the 1991 "BC Claims Task Force Report", which states:

"The importance of First Nations being able to prepare for and carry out negotiations on an equal footing with the federal and provincial governments has been emphasized throughout this report. This can only be achieved if First Nations have adequate resources available to them. Agreements which are negotiated without proper preparation will lead to further disputes, delays and wasting of resources. It is also important that First Nations are free to plan and manage their own negotiations. First Nations should not have their expenditures reviewed by another party to the negotiations, as is presently the case...

The task force reviewed various options, including grants and loans, to support First Nations involvement in the negotiations. A system of payments, to support this involvement which does not penalize First Nations or put them at a disadvantage, is important. The task force therefore supports the development and implementation through the commission of a new system of financial support. The parties may wish to review this matter in the negotiation of the financial component."

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- F. As was highlighted in the report, *Impact of Treaty Negotiation Loans on First Nations*, prepared by Temixw Planning for the First Nations Summit, the burden of treaty negotiation debt is having serious detrimental impacts on First Nations, including economic, political and social impacts and has placed First Nations at a significant disadvantage in treaty negotiations.
- G. In BC, Chiefs working with the First Nations Summit have confirmed their strong support for the expeditious forgiveness of treaty negotiation loans in accordance with the following principles:
- i. the full amount of each First Nation's treaty negotiation loan must be forgiven;
 - ii. Canada's commitment to forgive treaty negotiation loans must be set out in a legally binding agreement;
 - iii. the forgiveness of treaty negotiation loans should be implemented over the shortest possible time period; and,
 - iv. to address concerns of First Nations that are about to commence or are engaged in a ratification process, the loan forgiveness commitment must include a guarantee that any loans that are still outstanding will be forgiven in full on the Effective Date.
- H. The magnitude of First Nations debt is concerning, given that both the Minister of Justice and the Minister of Crown-Indigenous Relations and Northern Affairs have stated that one of the principal mechanisms for implementing the UN Declaration is modern-day treaty negotiations. The loan funding approach to treaty negotiations and the accumulation of negotiation debt has a damaging effect on reconciliation and the Nation-to-Nation relationship First Nations are trying to build through modern-day treaty negotiations in BC. The forgiveness of treaty negotiation loans, including reimbursement to First Nations that have already repaid or are currently repaying their loans, is fundamental to the advancement of reconciliation with First Nations. Unless these loans are forgiven, they will remain a tremendous burden on First Nations and a significant barrier to the conclusion and ratification of treaties.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to urge the federal government to implement its commitment to the full forgiveness of First Nations' treaty negotiation loans in accordance with the following principles:
 - a. the full amount of each First Nation's treaty negotiation loan must be forgiven or, in the case of loans that have been repaid, reimbursed;

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- b. Canada's commitment to forgive or, in the case of loans that have been repaid, reimburse treaty negotiation loans must be set out in a legally binding agreement that would provide certainty to First Nations;
 - c. the forgiveness and reimbursement of treaty negotiation loans must be implemented over the shortest possible time period; and,
 - d. to address concerns of First Nations that are about to commence or are engaged in a ratification process, the loan forgiveness commitment must include a guarantee that any loans that are still outstanding will be forgiven in full on the Effective Date.
2. Direct the AFN to work with the federal government to ensure that the federal commitment to negotiation loan forgiveness and reimbursement is fully implemented in the 2018/2019 fiscal year.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 18/2018

TITLE: Support for further study on the targeted management of seal and sea lion populations and the development of targeted management strategies

SUBJECT: Fisheries

MOVED BY: Chief Dalton Silver, Sumas First Nation, BC

SECONDED BY: Chief Greg Louie, Ahousaht First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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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- vi. 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. The Salish Sea, on the west coast, covering the Strait of Georgia to Puget Sound, is home to a concentrated population of seals and sea lions. As consumers of juvenile Chinook salmon and herring, their presence may have serious impacts on Chinook and herring stocks in the Salish Sea.
- C. The reduction in the availability of Chinook salmon and herring has negative impacts on local orca populations and their consumption purposes, as well as negative impacts on the availability for human consumption purposes.
- D. A 2017 study published in the Canadian Journal of Fisheries and Aquatic Sciences indicated that seals and sea lions in the Puget Sound area of the Salish Sea consume roughly nine times the amount of Chinook salmon that they consumed before 1970.
- E. Wildlife managers in Puget Sound are working to recover the diminished Chinook salmon populations which are impacted by the over 50,000 harbor seals occupying the Salish Sea.
- F. United States (U.S) tribal leaders, as well as the Puget Sound Leadership Council, the governing body of the Puget Sound Partnership, are calling for a study of "targeted management" of seals and sea lions. This is in response to recent scientific findings suggesting that harbor seals and sea lions may be impacting and reducing the population of Chinook in Puget Sound. The Encyclopedia of Puget Sound published an article; *Study would explore changes to protections for seals and sea lions*, to this effect.
- G. In the U.S, a proposed white paper is expected to review the interactions and impacts of the seal and sea lion populations on Chinook salmon.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to work with First Nations and the Department of Fisheries and Oceans Canada to formulate and implement an action plan for conducting necessary management studies regarding impacts upon fisheries, in particular, salmon and herring stocks, and the decline of the population numbers potentially associated with the growing population of seals and sea lions throughout the entire British Columbian (BC) coast.

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2. Direct the AFN to work with First Nations and the Department of Fisheries and Oceans Canada to implement targeted management strategies in regard to the growing population of seals and sea lions throughout the entire BC coast.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 19/2018

TITLE: Support for the establishment of an Indigenous Lacrosse Association (ILA)

SUBJECT: Sports and Recreation

MOVED BY: Chief Ron Sam, Songhees First Nation, BC

SECONDED BY: Chief Ava Hill, Six Nations of the Grand River, ON

DECISION: Carried by Consensus

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 #90, under Sports and Recreation, calls upon the federal government to ensure national sports policies, programs and initiatives are inclusive of

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Indigenous people including but not limited to establishing: in collaboration with provincial and territorial governments, stable funding for, and access to community sports programs that reflect diverse cultures and traditional sporting activities of Indigenous peoples.

- C. Indigenous peoples have the right to self-determination and by virtue of that right they freely determine their political status and their economic, social and cultural development.
- D. The game of lacrosse, commonly referred to as the Creator's Game, is not only a medicine and healing game, but is played for fun, joy and amusement and continues to inspire and motivate Indigenous children and youth to stay active.
- E. The game is seeing unprecedented growth across First Nations and Indigenous communities instilling pride, confidence, and self-esteem, as well as providing educational opportunities to Indigenous children and youth who have the opportunity to access scholarships to universities in both Canada and the United States.
- F. First Nations and Indigenous lacrosse teams continue to seek opportunities to build capacity, such as access to training, equipment, apparel, coaches, mentoring, officials, funding and education support at the local level.
- G. Establishing an Indigenous Lacrosse Association (ILA) will promote and advocate for building capacity at the community level, while continuing to support First Nations and Indigenous Nations-based teams to compete in national, provincial and international competitions. It will also support their teams when competing in Indigenous, provincial, national and international lacrosse events.
- H. The ILA will be responsible for the rules of play and governance for First Nations and Indigenous communities who participate in the association.
- I. The ILA will be accountable, transparent, listen and take direction from First Nations and Indigenous Nations who wish to play the game, regardless of their residency in Canada or the United States.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Support the establishment of an Indigenous Lacrosse Association (ILA), which will foster the growth of Indigenous lacrosse across all First Nations and other Indigenous groups.
- 2. Direct the Assembly of First Nations (AFN) to draft a letter of support to the Ministry of Sport and Persons with Disabilities, the Coaching Association of Canada, the Canadian Lacrosse Foundation, and any other

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appropriate organizations and individuals, for the establishment of an ILA, including financial resources to support its operations.

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Resolution no. 20/2018

TITLE: Support for the Development of the Indigenous Certificate in Geological Studies at Lakehead University

SUBJECT: Post-Secondary Education

MOVED BY: Chief Bruce Achneepineskum, Marten Falls First Nation, ON

SECONDED BY: Chief Cornelius Wabasse, Webequie First Nation, ON

DECISION: Carried by Consensus

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 8: Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 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.
 - iii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. The Government of Canada has accepted and agreed to implement the Truth and Reconciliation Commission of Canada's Calls to Action.

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Resolution no. 20/2018

- C. In keeping with the UN Declaration, Lakehead University is collaborating with First Nations, the Métis Nation of Ontario and representative Indigenous Education organizations, to seek funding for the establishment of science-based university programs that includes first year Geology, U12 equivalencies in Math, Chemistry, Physics and required English, to be delivered mostly in First Nations and where Métis citizens reside.
- D. The newly developed university programs will support Indigenous Peoples to engage in sustainable economic development, set development goals situated in science and co-regulate with provincial and territorial governments on lands and resources.
- E. Lakehead University has proposed the development of an Indigenous Certificate in Geological Studies which upon completion will provide students with university credits towards an Honours Degree. The overall goal is to initiate collaboration between faculty, First Nations subject material experts and cultural knowledge keepers, in order that the context of western science (Geology, Math, Chemistry, Physics and English) is re-contextualized within an Indigenous worldview. This will entail re-orientating the context of the courses; setting up an engagement process between Lakehead University and the regional First Nations to achieve student success through mentoring and tutoring.
- F. Lakehead University (through the Centre of Excellence for Sustainable Mining and Exploration in the Faculty of Science and Environmental Studies, the Department of Geology and with support from the Office of Aboriginal Initiatives) and its partner First Nations, Métis Nation of Ontario and Indigenous education institutions have set up a volunteer Working Group. The Working Group may seek funding in order that both faculty and community cultural knowledge keepers are able to re-contextualize the courses of Geology, Math, Chemistry, Physics and English.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Support Lakehead University, Matawa Management Group of First Nations, Shooniyaa Wa-Biitong, Anishinabek Employment and Training Services, Métis Nation of Ontario, Seven Generations Education Institute and Oshki Wenjack in the development of the Indigenous Certificate in Geological Studies at Lakehead University.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 21/2018

TITLE: Support for Shingwauk Kinooaage Gamig's Anishnabek Discovery Centre
(National Chiefs Library)

SUBJECT: Education, Culture

MOVED BY: Chief Dean Sayers, Ojibways of Batchewana First Nation, ON

SECONDED BY: Chief Elaine Johnston, Serpent River First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. 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.
 - iii. 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.
 - iv. 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. First Nations have an inherent and Treaty right to education, including post-secondary education.

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- C. The Chiefs of Ontario have been mandated to "uphold self-determination efforts of the Anishinaabek, Mushkegowuk, Onkwehonwe, and Lenape Peoples in protecting and exercising their inherent and Treaty rights. Keeping in mind the wisdom of our Elders and the future for our youth, we continue to create the path forward in building our Nations as strong, healthy peoples respectful of ourselves, each other, and all creation."
- D. The Board of Shingwauk Kinoomaage Gamig (an accredited, First Nations-governed, post-secondary institution delivering culture-based education, which operates an integrated academic building and state-of-the-art library, archives, and gallery — the Anishinabek Discovery Centre) has approved a resolution to establish a National Chiefs Library designed to provide a repository for First Nations-created information and First Nations-related research and scholarship information from across the country.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Support the work of Shingwauk Kinoomaage Gamig and the Anishinabek Discovery Centre to establish a National Chiefs Library as an official repository for First Nations-created and First Nations-related research and scholarship information across the country.
- 2. Support the Anishinabek Discovery Centre by providing materials and records (in all formats) of enduring value to be housed in the National Chiefs Library for use according to agreed-upon protocols.
- 3. Support First Nations in lobbying external agencies and organizations that may possess materials rightfully belonging to First Nations that can be housed in the National Chiefs Library.
- 4. Support Shingwauk Kinoomaage Gamig and the Anishinabek Discovery Centre in partnering with constituent organizations and member First Nations to preserve their records in the National Chiefs Library.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 22/2018

TITLE: Redress for the Forced Sterilization of Indigenous Women

SUBJECT: Indigenous Women

MOVED BY: Chief Derek Sunshine, Fishing Lake First Nation, SK

SECONDED BY: Chief Ronald Ignace, Skeetchestn Indian Band, BC

DECISION: Carried by Consensus

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 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.
- B. Indigenous peoples and individuals are free and equal to all other peoples and have the right to be free from any kind of discrimination in the exercise of their rights, in particular those based on their Indigenous origin or identity.
- C. The forced sterilization of Indigenous women by medical professionals breaches the free, prior and informed consent standards contained in the UN Declaration.
- D. The forced sterilization of Indigenous women falls under the internationally accepted definition of genocide.

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- E. In First Nations' worldviews, women are respected as the life-givers and caregivers within their Nations and based on these beliefs are viewed as sacred.
- F. In 2015, several Indigenous women in Saskatchewan publicly revealed they had been forced into having a tubal ligation immediately after childbirth and many have initiated class action litigation.
- G. In 2016, the Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 30/2016 adopting a *Declaration to Honour Indigenous Women and Girls* (the Declaration).
- H. Through the Declaration, the AFN made a commitment to take responsibility and action to address the disproportionate victimization of Indigenous women and girls.
- I. In May 2018, the Saskatchewan First Nations Women's Commission and the Federation of Sovereign Indigenous Nations Chiefs-in-Assembly passed Resolution 2070, supporting survivors of forced sterilization in seeking redress.
- J. The AFN Women's Council supports efforts to raise awareness to stop forced sterilization and supports the victims of forced sterilization.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to support efforts to raise awareness about forced sterilization and reproductive rights in First Nations.
2. Direct the AFN to support efforts to stop the forced sterilization of Indigenous women.
3. Direct the AFN to support survivors of forced sterilization in seeking redress.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 23/2018

TITLE: First Nations Participation in the Re-negotiation of the Columbia River Treaty

SUBJECT: Treaties

MOVED BY: Chief Michael Lebourdais, Whispering Pines/Clinton First Nation, BC

SECONDED BY: Bonnie Leonard, Proxy, High Bar First Nation, BC

DECISION: Carried by Consensus

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 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.
 - 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 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. On May 17, 2018, the Ktunaxa Nation, Secwepemc Nation and Syilx Okanagan Nation were unilaterally told by the Government of Canada that they would be excluded from direct participation in the re-negotiation of the Columbia River Treaty (CRT).

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- C. The CRT is the largest territorial infringement experienced by the three Nations including the desecration of village and burial sites and the destruction of fish stocks, a traditional food source with cultural and spiritual significance to the Nations. The CRT has turned a once vibrant river into industrial water storage reservoirs providing hydro generation and flood control for the benefit of the United States, Canada and British Columbia.
- D. Self-determination is a fundamental right of First Nations acknowledged in the UN Declaration and international human rights law.
- E. Pursuant to section 35 of the *Constitution Act, 1982*, the Crown in right of Canada has recognized and affirmed First Nations' inherent rights. Therefore, the Crown has a fiduciary duty to protect First Nations rights and title.
- F. The Prime Minister of Canada has made strong commitments to work with First Nations on a Nation-to-Nation basis. Each ministerial mandate letter reaffirms the Prime Minister's view that, "no relationship is more important to [him] and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition, rights, respect, co-operation, and partnership."
- G. The Government of Canada has committed to support Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, which is currently before the Senate.
- H. The UN Declaration recognizes that First Nations have the right to own, use, develop and control the lands, territories and resources that they possess on their traditional lands. Governments must obtain free, prior and informed consent of First Nations before approving 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.
- I. Canadian law recognizes that consent is also the standard on Aboriginal title lands; "Governments and individuals proposing to use or exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group." *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44, [2014] 2 SCR. 256 at para 97.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Affirm the right to direct participation in decision-making as a means to pursue self-determination.

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2. Affirm that all international treaties entered into by Canada must acknowledge and protect First Nations inherent and Treaty rights which are recognized and affirmed by section 35 of the *Constitution Act*, 1982 and acknowledge the United Nations Declaration on the Rights of Indigenous Peoples.
3. Direct the Assembly of First Nations (AFN) to advocate for the direct participation of the Ktunaxa Nation, Secwepemc Nation and Syilx Okanagan Nation in the renegotiated Columbia River Treaty.
4. Call upon Canada to work with the AFN to develop a strategy for the effective participation of First Nations in all negotiation and implementation of international agreements entered into by Canada, consistent with obtaining their free, prior, and informed consent.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 24/2018

TITLE: Increased Focus on Disabilities Centered on Human Rights

SUBJECT: Accessibility; Disabilities

MOVED BY: Chief Harvey McLeod, Upper Nicola Indian Band, BC

SECONDED BY: Chief Michael Lebourdais, Whispering Pines/ Clinton First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the area of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21 (2): States shall take the effective measure 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 person with disabilities.
- B. The Convention on the Rights of Persons with Disabilities asserts "States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:
- i. Article 21 (b): Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

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- ii. Article 21 (e): Recognizing and promoting the use of sign languages.
 - iii. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.
 - iv. Article 30 (4): Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
- C. Recent Assembly of First Nations (AFN) resolutions on disability advocacy have included: Resolution 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*, Resolution 98/2017, *Distinct First Nations Accessibility Legislation*; Resolution 105/2016, *Establish an Office of Disabilities Unit at the AFN*, Resolution 55/2016, *First Nations Federal Accessibility Legislation*; Resolution 75/2015, *Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*; and Resolution 48/2014, *Support for Persons with Disabilities*.
- D. Disability rights in Canada are protected by the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. Section 15 of the *Canadian Charter of Rights and Freedoms* clearly articulates that every individual in Canada – regardless of race, religion, national or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal. This means that governments must not discriminate on any of these grounds in its laws or programs; and it allows for certain laws or programs aimed at improving the situation of disadvantaged individuals or groups.
- E. International treaties and human rights standards serve to support the rights of First Nations persons with disabilities who stand at the intersection of two historically marginalized social groups.
- F. Historically, First Nations governing systems existed with culturally strong and inclusive views of persons with disabilities as the "gifted ones" within our nations. Colonial attitudes over time have distanced First Nations persons with disabilities to the margins of society where they face exclusion, and multiple layers of discrimination based on concepts of race, gender and class, *et cetera*.
- G. Today, disability rates among First Nations are 20-50% greater than the general population. Little attention is given to their situation; with limited to no access to services/ supports to participate meaningfully in society.

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- H. The Honorable Kirsty Duncan, Minister of Science and the Minister of Sport and Persons with Disabilities, tabled Canada's first national accessibility law, the *Accessible Canada Act* on June 20, 2018.
- I. Employment Social Development Canada has confirmed minimal funding for fiscal year 2018-2019 to support much needed activities to engage First Nations persons with disabilities and First Nations governments meaningfully to develop First Nations distinct accessibility legislation; and to establish a Regional Advisory Task Force on Disabilities (Task Force) to help build a national framework; regionalized funding for regional capacity building; and means to advocate for culturally safe programs and services; as well as to consider initiatives, such as a centre of excellence.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to advocate for disabilities as a central issue in all policy and program sectors, disaggregated indicators and statistics, United Nations human rights machinery, and work of the United Nations, as integral to restoring the human rights of First Nations persons with disabilities.
2. Direct the AFN to work with Employment Social Development Canada (ESDC) and other federal government departments to ensure an intersectional lens/ disability analysis is applied to program and policy areas and all new initiatives and budgets to ensure persons with disabilities are not an afterthought, and nobody is left behind.
3. Direct the AFN to work with ESDC and other federal government departments to ensure Federal Budget 2019 includes meaningful regionalized funding for regional capacity building, and the establishment of a national Task Force on Disabilities to build a national framework and a centre of excellence to better address the human rights of First Nations persons with disabilities who are the marginalized of the marginalized.
4. Call on ESDC to ensure voices of persons with disabilities are not further excluded and increased focus on disabilities in international processes of Indigenous and humanitarian value, including the climate change agenda, and implementation of the Sustainable Development Goals.
5. Direct the AFN to work with Indigenous Services Canada to ensure a disability analysis/ lens is applied to the Non-Insured Health Benefits Joint Review Process.
6. Direct the AFN Chiefs Committee on Human Resources Development to provide updates on activities and report back to Chiefs-in-Assembly.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 25/2018

TITLE: Next Steps on a Distinct First Nations Labour Market Strategy

SUBJECT: Employment and Training

MOVED BY: Chief Jacqueline Thomas, Saik'uz First Nation, ON

SECONDED BY: Chief Harvey Mcleod, Upper Nicola Indian Band, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the area of education, employment, vocational training and retraining, housing, sanitation, health and social security; and
 - ii. 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. First Nations in Canada require a future that fosters improvements to the socio-economic circumstances of First Nations by addressing personal and systemic barriers to labour market opportunities and thereby increases access to these opportunities.
- C. Assembly of First Nations (AFN) Resolution 95/2016, *First Nations Focused Labour Market Strategy*, and Resolution 32/2017, *Distinct First Nations Labour Market Strategy*, have recommended that a distinct First Nations Labour Market Strategy be developed.
- D. The Chiefs Committee on Human Resources Development (CCHRD) has made recommendations to Canada in that respect.

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- E. The recommended approach directed the CCHRD to outline and recommend the necessary structural change required to recognize First Nations jurisdiction and governance authority for a distinct First Nations approach and to recommend a level of resources needed that will address the distinct needs of First Nations.
- F. The CCHRD and its technical team developed and provided Government of Canada officials with the necessary research, policy documents and information that supported the First Nations view and vision for the establishment of a new long-term First Nations specific labour market strategy that will assist First Nations in addressing their unique needs.
- G. The Minister of Employment, Workforce Development and Labour has met with the CCHRD and has been apprised of the recommended new approach that will make fundamental changes to the current labour market program; one that is rooted in a government-to-government, Nation-to-Nation relationship with Canada and upholds proper recognition of rights, respect, co-operation and partnership.
- H. On April 30, 2018, the CCHRD met again with the Minister of Employment, Workforce Development and Labour following the Budget 2018 announcement to inform her that the Budget fell short in responding to the impacts of inflation and population growth amongst First Nations over a 20-year freeze on resourcing. The CCHRD also emphasized that the main feature of a First Nations distinct approach is centered on the creation and development of a First Nations Labour Market Council and Secretariat. This body would lead the evolution of our new relationship and begin to develop the institutional capacity that is a prerequisite to successful implementation. Without its development, the status quo remains and First Nations cannot begin to evolve the government to government approach that is envisioned by the Government of Canada and First Nations.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Direct the Chiefs Committee on Human Resources Development (CCHRD) and its Technical working group of experts to continue working with Employment and Social Development (ESDC) officials to:
 - a. Respond to the impacts of inflation and population growth amongst First Nations.
 - b. Communicate regularly on the co-development and implementation of the new distinct First Nations labour market strategy.
- 2. Direct the CCHRD to call on the Minister of Employment, Workforce Development and Labour to:
 - a. Address the shortfall of Budget 2018 due to inflation and population growth.

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- b. Provide the necessary financial supports for the development of capacity.
- c. Initiate a parallel process to for the full devolution of labour market authority and jurisdiction under the control of First Nations governments.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 26/2018

TITLE: Support for a First Nations Safe Drinking Water Legislation Preliminary Concepts

SUBJECT: Water

MOVED BY: Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, BC

SECONDED BY: Chief Jacqueline Thomas, Saik'uz First Nation, BC

DECISION: Carried; 1 abstention

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 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 or 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 generations in this regard.
- 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.

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- B. The *Safe Drinking Water for First Nations Act* (SDWFNA) came into force on November 1, 2013. The SDWFNA grants sweeping enforcement, legislative and judicial powers to the Crown as well as the ability to confer those powers to any person or body including private corporations. The SDWFNA and government policies and programs have failed to address the continuing financial resource gap for First Nations water infrastructure and the required operations and maintenance of that infrastructure.
- C. Assembly of First Nations (AFN) Resolution 76/2015, *Safe Drinking Water for First Nations*, called for the repeal of the SDWFNA. This call for repeal was repeated in AFN Resolution 26/2017, *Safe Drinking Water for First Nations Act*, which also called for the federal government to work directly with First Nations in developing next steps to deliver safe drinking water and proper sanitation for First Nations.
- D. AFN Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, called for First Nations to take the lead in determining and developing priorities and strategies for new safe drinking water and wastewater legislation, including the co-development of a draft framework for new legislation and a framework for a First Nations Water Commission.
- E. In accordance with AFN Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, the AFN has convened a First Nations led Joint Working Group on Safe Drinking Water for First Nations and developed a Terms of Reference for the Chiefs Committee on First Nations Drinking Water legislation.
- F. The AFN developed the first iteration of *First Nations Safe Drinking Water Legislation Preliminary Concepts* (Preliminary Concepts) that proposes the priorities, principles and interests that are foundational to new First Nations safe drinking water and wastewater legislation.
- G. The Draft Interest Framework includes: protection of First Nations' rights, laws and aspirations regarding water and wastewater; confirms adequate, predictable and sustainable funding for First Nations water and wastewater needs; and supports the consensual transition of care and control over First Nations water and wastewater infrastructure to First Nations. The Preliminary Concepts also include commitments to achieving the standards of the UN Declaration and enshrining a multi-barrier approach to drinking water safety and proper sanitation for First Nations.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

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Resolution no. 26/2018

1. Support the First Nations Safe Drinking Water Legislation Preliminary Concepts as a working document to support engagement with First Nations.
2. Direct the Assembly of First Nations (AFN) to proceed with national engagement with First Nations to develop the First Nations Safe Drinking Water Legislation Draft Framework.
3. Direct the AFN to advocate for co-development with First Nations and Canada, new First Nations safe drinking water and wastewater legislation in a manner that affirms and ensures First Nations rights, interests, aspirations, inherent rights and laws, standards, guidelines and processes are protected.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 27/2018

TITLE: Support for the long-term implementation of Jordan's Principle

SUBJECT: Social Development, Health

MOVED BY: Chief Valerie Richer, Atikameksheng Anishnawbek First Nation, ON

SECONDED BY: Richard Aisaican, Proxy, Cowessess First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

- A. 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 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 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. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued a landmark ruling that First Nations children living on-reserve and in the Yukon are treated in a discriminatory manner by the federal government in its provision of child and family services. The Tribunal ordered the federal government to completely overhaul its on-reserve child welfare program, cease applying a narrow definition of Jordan's Principle and adopt measures to immediately implement the full meaning and scope of Jordan's Principle.

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- C. On May 26, 2017, the Tribunal found that the Government of Canada has continued "its pattern of conduct and narrow focus with respect to Jordan's Principle," resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children." As such, the Tribunal issued a third set of non-compliance orders (2017 CHRT 14).
- D. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolutions 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders, 83/2016, National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy* and 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*, requiring Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.
- E. As per Resolution 83/2016, the National Advisory Committee on First Nations Child and Family Services Program (NAC) was re-established and provides key recommendations for medium- and long-term relief related to the Tribunal decisions and general advice on program reform, including the application of Jordan's Principle. In an effort to organize their work, the NAC has created Action Tables each with its own area of focus, including a Jordan's Principle Action Table.
- F. The Jordan's Principle Action Table is developing policy options for the long-term implementation of Jordan's Principle, which builds on the work started under the interim initiative. This work is being done with representatives of the Government of Canada and representatives of First Nations across Canada, including the AFN.
- G. The Jordan's Principle Action Table has proposed a phased approach to the implementation of the full definition of the Principle beyond April 1, 2019, when the authorities for the interim approach expire, recognizing that First Nations have not had sufficient time to determine how they want to implement the Principle. The Jordan's Principle Action Table has created the following proposed policy options for the long-term implementation of Jordan's Principle:
- i. Enhanced and ongoing funding for child-centered, needs-based and First Nations-based programs and services. The objective is to develop a funding allocation, in flexible agreements, tied to a set of eligible services that reflect a broad range of needs for children and families, from prevention to early intervention activities, as well as funding for services, products, or supports.

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- ii. Create a fund for First Nations that are ready to develop and test new ideas and innovations in service delivery. The objective of the innovation fund would be to normalize successful innovations with an ongoing stream of funding.
- iii. Seek a mandate to create an integrated holistic Jordan's Principle Children's policy authority. This single authority would ensure that First Nations are not limited by current program authorities and eligibility. It would be a means to facilitate a single transfer of funding to First Nations to plan for and realize their vision for children and families.
- iv. Funding to continue implementation of the current federal response to Jordan's Principle where exceptions or persistent gaps exist.
- v. Seek a mandate and funding to support First Nations-led dialogue. The results of these dialogues will inform a second return to Cabinet (targeting Budget 2021). This funding will support dialogue, visioning, needs assessment and planning for what is still unknown in terms of service needs, how First Nations want to organize to deliver services, or how they want to define Jordan's Principle for themselves.
- vi. Outline a strategy for provincial/territorial engagement, as well as the development of Regional Trilateral Tables.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on Canada to continue to invest in, and implement, Jordan's Principle beyond March 31, 2019.
2. Call on Canada to immediately invest in capital costs required for the local delivery of health, social, and education programs and services for First Nations children and families.
3. Support the work of the Jordan's Principle Action Table and the proposed policy options for supporting greater First Nations control over Jordan's Principle, as part of the long-term approach to implementing Jordan's Principle.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 28/2018

TITLE: Support for the establishment of a Technical Working Group on Social Development

SUBJECT: Social Development

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

SECONDED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. 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. Call to Action #55 of the Truth and Reconciliation Commission calls upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
- i. The number of Aboriginal children - including Métis and Inuit children - in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.

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- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
- C. In 2006, the Social Development Policy Framework (Framework) was co-developed with First Nations, the Assembly of First Nations (AFN), and Indian and Northern Affairs (as it was referred to then) and outlines a number of policy recommendations for social programming and services, including First Nations Child and Family Services, Family Violence Prevention, Income Assistance, Assisted Living programming, and Urban Programming for Indigenous Peoples.
- D. Most of these social programs and services were overseen by the former Chiefs Committee on Social Development (CCSD). Due to federal funding cuts to the AFN Social Development Sector in 2009-2010, the CCSD has not convened since 2008 and these services and programs have not been addressed by a national advisory body in ten years.
- E. In September 2017, the federal government provided funding to establish a Data Collection Instrument (DCI) Working Group to hold two national meetings and several teleconferences. The DCI Working Group met with Indigenous Services Canada (ISC) in 2017 to discuss ISC's regional engagement processes (held between October 2017-April 2018) regarding ISC's proposed changes to the Income Assistance Program DCI.
- F. The 2018 federal budget announced that the federal government would provide \$8.5 million over 2018-2020 to fund regional engagements regarding ISC's proposed changes to the Income Assistance Program in order to make it more responsive to the needs of First Nations clients and First Nations service providers. The 2018 federal budget also announced an additional \$78.4 million over 2018-2020 to fund pre-employment supports

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and case management services to help First Nations income assistance clients transition from income assistance to education and employment.

- G. ISC has proposed a number of other operational and policy changes to the programs and services outlined under the 2006 Framework beyond the Income Assistance Program, namely, new funding and reporting models for the Assisted Living Program.
- H. ISC's changes to the 2006 Framework must be directed and consented to by engagement with First Nations. Establishing a Technical Working Group on Social Development comprised of community and technical experts in the field of social development, including, but not limited to income assistance, assisted living services and family violence prevention is required in order to transform social programming for First Nations.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to provide funding for the establishment of a national Technical Working Group on Social Development (Technical Working Group) comprised of First Nations technical experts in social development from each region across Canada.
2. Direct the AFN Executive Committee to ensure their respective regions are represented on the Technical Working Group.
3. Direct the AFN to develop a Terms of Reference in coordination with the Technical Working Group with a mandate to oversee and advise on the numerous policy and operational changes Indigenous Services Canada has proposed to the Income Assistance and Assisted Living Programs, and any other policy and/or operational changes to the social programming outlined in the 2006 Framework (excluding First Nations Child and Family Services programming).

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 29/2018

TITLE: First Nations Post-Secondary Education Review Report and Recommendations

SUBJECT: Post-Secondary Education

MOVED BY: Tyrone McNeil, Proxy, Seabird Island Band, BC

SECONDED BY: Chief David McDougall, St. Theresa Point First Nation, MB

DECISION: Carried; 1 abstention

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.

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- vi. 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 through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
- C. The federal government is obliged to uphold and honour the authority of First Nations to exercise control over education. The Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolution 36/2016, *Inherent and Treaty Right to Post-Secondary Education* and Resolution 40/2016, *Call on Canada to address the backlog for eligible First Nation post-secondary students*, that both affirm and uphold this autonomy.
- D. In accordance with AFN Resolution 14/2017, *Post-Secondary Education Federal Review*, the Chiefs Committee on Education led the First Nation specific post-secondary review, with support from the National Indian Education Council, nationally-representative post-secondary education technicians and First Nations Institutes of Higher Learning and has prepared a First Nations post-secondary education report.
- E. The federal government is required to obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by Indigenous Services Canada (ISC) or other federal departments or agencies.
- F. The 2017 Federal Budget announced \$90 million over two years, beginning in 2017-2018, to the Post-Secondary Student Support Program (PSSSP), as well as a comprehensive and collaborative review with Indigenous partners of all current federal programs that support Indigenous students who wish to pursue post-secondary education. The purpose of the review will be to ensure that these programs meet the needs of individual students while supporting attendance at and completion of a post-secondary education degree or credential.
- G. The Minister of Indigenous Services Canada will return to Cabinet with a Memorandum to Cabinet (MC) in Fall 2018 related to Indigenous Post-Secondary Education.
- H. The AFN estimates there are nearly 9,000 First Nations students currently enrolled in post-secondary education who are not receiving funding through the Post-Secondary Student Support Program. There are approximately 78,000 First Nations graduates needed to close the gap in post-secondary education.

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- I. As First Nations high school completion rates are increasing, there is increased enrollment in and demand for post-secondary education by First Nations students. This increased demand has yet to be met by the federal government.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Accept the Assembly of First Nations (AFN) Post-Secondary Education Review 2018 Interim Report and work with respective regions to implement the recommendations as appropriate in fulfillment of AFN Resolution 14/2017, *Post-Secondary Education Federal Review*.
2. Call on the federal government to extend and expand funding commitments to fully support First Nations post-secondary education, including:
 - a) Providing immediate support to First Nations for students currently enrolled in post-secondary education who are not receiving funding through the Post-Secondary Student Support Program.
 - b) Providing immediate support to First Nations to address gaps in post-secondary education, including the increased enrollment demands in post-secondary education due to higher high school completion rates.
 - c) Funding for an honourable joint process that would seek a new policy authority for post-secondary education.
 - d) Ensuring additional annual funding continues through to 2020-2021 and/or until the joint process is complete and First Nations regions have defined the actual demand for post-secondary education.
3. Direct the AFN, Chiefs Committee on Education (CCOE) and National Indian Education Council to work in partnership with Indigenous Services Canada to develop an honourable, joint process that supports existing regional models and the development of regional processes and new models to seek a new policy authority for post-secondary education that includes:
 - a) First Nations-led, regional, and/or Treaty-based processes for engagement on post-secondary education beyond elementary-secondary, as part of life-long learning.
 - b) First Nations-led, regional development of funding models to support post-secondary education as part of First Nations lifelong learning.
 - c) Processes to work directly with First Nations and their mandated institutes of higher learning on a regional basis, in order to develop core institute funding models, address the historical lack of funding, move

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towards accreditation and ensure that First Nations without institutes have access to the resources required to bring post-secondary programming into their community.

- d) Funding to support the regional engagement processes, including support for research and costing for each region to undertake region specific work on, but not limited to: student funding, First Nations institute funding, funding allocation methodologies and community-based delivery funding.
- e) The establishment of new First Nations post-secondary education institutions.
- f) A budget submission to address the historical backlog of First Nations seeking post-secondary education.
- g) A distinct First Nations regional approach including, and where desired and applicable, Treaty-based funding to policy development in co-operation with Indigenous Services Canada to return to Cabinet with an open, transparent and accountable process that empowers a true partnership of post-secondary between First Nations and the Government of Canada.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 30/2018

TITLE: Realizing Benefits for First Nations in the Implementation of International Trade and Investment Agreements

SUBJECT: Economic Development

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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

DECISION: Carried; 1 Objection, 2 Abstentions

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 area of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - iv. Article 36 (2): States, in consultation and cooperation with Indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

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- B. The Government of Canada is renegotiating the North American Free Trade Agreement (NAFTA) with the United States and Mexico and has entered into, or is in the process of negotiating approximately 90 international trade and investment agreements.
- C. Canada began the implementation process for two significant international trade agreements; the Comprehensive Economic and Trade Agreement (CETA) with the European Union (EU) and the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP).
- D. On September 21, 2017, CETA was provisionally applied, immediately eliminating 98 percent of the EU's tariff lines on Canadian goods.
- E. Canada has committed to active engagement with Indigenous partners to ensure the ongoing implementation of CETA continues to reflect their interests.
- F. The Minister of International Trade introduced legislation to implement the CPTPP on June 14, 2018. Once it enters into force for Canada, the CPTPP is expected to boost Canada's Gross Domestic Product by \$4.2 billion.
- G. New international trade and investment agreements are an opportunity to further support First Nations' economy. First Nations' businesses are expanding and seeking new markets, trade and business opportunities with other Indigenous nations at the local, regional and international levels.
- H. Canada has negotiated exception clauses, carve outs and set asides in modernized trade agreements that have the potential to benefit First Nations and First Nations businesses. However, without new domestic legislation and policies for implementation, the economic potential for these preferences for First Nations will have limited positive impact.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to work with the Government of Canada to:
 - a. promote and lead trade missions for First Nation businesses in Europe and Asia to take advantage of the new markets for goods and services provided by the implementation of the Comprehensive Economic and Trade Agreement and the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership;

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- b. create legislation and policies that requires the federal government to procure a percentage of their goods and services from First Nation businesses;
 - c. develop an incentive program for the private sector to encourage the partnership with First Nations businesses for government procurement contracts;
 - d. fund a First Nation centre of excellence for international trade and investment to develop First Nations' expertise in the promotion of trade and investment for First Nation business, specifically in the area of traditional knowledge and collective and individual Indigenous intellectual property. A First Nation Centre of Excellence would establish links to academia, develop best practices, and create a directory of inventory services related to trade, economic development, and foreign investment specific to First Nations business with an aim to promote export readiness;
 - e. develop a certification program, led by First Nations, to certify First Nation businesses to ensure that the economic opportunities are flowing to First Nations; and,
 - f. establish a First Nations International Trade and Investment Implementation Committee. Consistent with AFN Resolution 104/2017, *Establishing a First Nations Advisory Committee under Section 6 of the Department of Foreign Affairs, Trade and Development Act*, this Committee would be established and funded under Section 6 of the Department of Foreign Affairs' *Trade and Development Act* to provide implementation advice to the Minister of Foreign Affairs and the Minister of International Trade on all matters of interest and importance to First Nations in the implementation of international trade and investment agreements and the relationship between traditional knowledge, Indigenous intellectual property and international trade.
2. Direct the AFN to work with provinces and territories to create procurement legislation and policies that will ensure that the set asides for Indigenous peoples in international trade agreements, and the Canadian Free Trade Agreement, are implemented in a manner that allows First Nations businesses to capitalize on these preferences and benefits.
 3. Direct the AFN to establish relationships globally with economic organizations mandated by Indigenous peoples in order to promote and support new connections for inter-nation Indigenous trade and investment.
 4. Direct the AFN to advocate and promote at international bodies the importance of increasing the participation of Indigenous peoples in international trade. Key international organizations include: the United Nations Permanent Forum on Indigenous Issues (UNPFII), the Expert Mechanism on the Rights of Indigenous Peoples

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(EMRIP), the Organization for Economic Co-operation and Development (OECD) and the Organization of American States (OAS).

5. Encourage the AFN to support academic research and writing on international Indigenous trade and investment as well as promote workshops and conferences on the theme of Indigenous peoples and International trade and investment.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 31/2018

TITLE: Building on our Success and Supporting our Future Through Economic Reconciliation

SUBJECT: Economic Development

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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

DECISION: Carried; 1 Objection; 2 Abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- 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.
 - 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.
- B. The Government of Canada has committed to closing the socio-economic gap that exists between Indigenous Peoples and Canadians through the co-development of a new fiscal relationship between Canada and First Nations.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 31/2018

- C. The Assembly of First Nations (AFN) supports the mandate of the National Aboriginal Capital Corporations Association (NACCA), comprising a network approaching 60 Aboriginal Financial Institutions (AFIs) across Canada. NACCA is dedicated to stimulating economic growth for First Nations businesses and communities, as recognized in Resolution 44/2014, *Support for a Dedicated Fund for First Nations Small and Medium-sized Enterprises*.
- D. Federal funding to support small and medium-sized Indigenous enterprises has been reduced by approximately 70% since 1995 while increasingly First Nations are pursuing economic opportunities that require access to financing as well as improved economic development programs.
- E. NACCA and the AFI network continue to be a significant developmental lending infrastructure having delivered \$2.4 billion dollars in lending, averaging over \$100M annually to Indigenous Peoples.
- F. First Nations require greater control and access to economic supports through the development of economic policies, created by First Nations, aimed to create and deliver enhanced access to capital.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) Chiefs Committee on Economic Development to work with the National Aboriginal Capital Corporations Association (NACCA) in the development of a national economic process, including the creation of the Indigenous Growth Strategy, to advance economic sustainability and perpetual access to capital for First Nations.
2. Direct the AFN to call on the federal government to increase federal investments for First Nations for developmental lending, economic development, and related programming.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 32/2018

TITLE: **Strengthening on-reserve connectivity**

SUBJECT: Communications, Infrastructure, Economic Development

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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

DECISION: Carried; 1 Objection; 2 Abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- 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.
 - ii. 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. Broadband connectivity provides First Nations with the economic, social and cultural capacity to support new opportunities and developments locally, regionally, nationally and internationally and is essential in the more efficient delivery of government programs and services.
- C. The Assembly of First Nations passed Resolution 16/2008, *e-Community for First Nations: A National Framework*, supporting new and existing initiatives for the continued development of integrated Information Communication Technology services at the First Nations and regional levels.

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- D. Many First Nations lack access to high speed internet, inhibiting their ability to participate in the digital economy, access distance learning, telehealth, and information related to resource development and governance, etc.
- E. First Nations across Canada need to be engaged in the development of high speed internet access opportunities and infrastructure.
- F. In the federal government's response to the eleventh report of the Standing Committee on Industry, Science and Technology, *Broadband Connectivity in Rural Canada: Overcoming the Digital Divide*, Canada recognized the critical role broadband connectivity plays in the digital economy and the importance of the Internet to economic growth, innovation and social inclusion for all Canadians in all regions of the country, including rural and remote areas.
- G. The development of a national strategy must be developed in consultation with First Nations to ensure it meets the needs and concerns of First Nations including equal access to jobs and opportunities associated with broadband deployment.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to work with First Nations in identifying current gaps and obstacles in information and communication technologies for First Nations.
2. Call on the federal government to work with First Nations to develop the necessary information and communication infrastructure to support First Nations access to the digital economy and digital information.
3. Call upon Innovation, Science, and Economic Development Canada to develop a comprehensive rural broadband strategy in collaboration with First Nations, with dedicated First Nations broadband width.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 33/2018

TITLE: Establishing National Economic Coordination, Policy and Redesign

SUBJECT: Economic Development

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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

DECISION: Carried; 1 Objection; 2 Abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- 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.
 - 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, 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.
- B. The Government of Canada has committed to closing the socio-economic gap that exists between Indigenous Peoples and Canadians through the co-development of a new fiscal relationship between Canada and First Nations.
- C. The Assembly of First Nations supports the establishment of strategic processes, programs, services and incentives to enable First Nations involvement in every economic sector from tourism, to energy, to

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construction, as well as First Nations-mandated organizations to ensure technical economic capacity development.

- D. Federal funding support has been inadequate and for more than two decades has been thwarted by inflation and reductions through federal program expenditure savings exercises, while there is an increase among First Nations interested in economic involvement through major projects and other development initiatives.
- E. Economic programs need to be administered by First Nations and our mandated structures without significant overlap in technical objectives.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) Chiefs Committee on Economic Development (CCED) to work toward a national, political and economic paper that will outline policy and program redesign in support of First Nations involvement in the economy, including significant new investments towards economic program support and capacity development.
2. Direct the AFN CCED to consider a national paper that will coordinate a process with and among key national technical organizations to avoid overlap and be aligned to First Nations leadership priorities.
3. Call upon the federal government to provide resources for this work to take place.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 34/2018

TITLE: Support for Intervention in *Ahousaht Nation v. Canada*

SUBJECT: Rights, Fisheries

MOVED BY: Andrew Callicum, Proxy, Hesquiaht First Nation, BC

SECONDED BY: Chief Darcy Gray, Listuguj Migmaq First Nation Government, QC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- 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.
 - ii. Article 20 (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - iii. 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.
 - iv. 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.
 - v. 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.

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- B. In 2009, five First Nations (Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, Mowachaht/Muchalaht) won a major court victory when the British Columbia Supreme Court recognized and formally declared that the First Nations have the right to fish for any species of fisheries resources in their territories and sell those fish into the commercial marketplace.
- C. In 2016, Canada used the most recent trial, concerning justifications for infringements on the right to fish, to persuade the Court that it should narrow the proven right, contradicting Canada's statements about reconciliation and section 35 (1) of the *Constitution Act, 1982*
- D. In 2018, three commercial and recreational fishing industry groups successfully applied to intervene in the justification trial and supported Canada's efforts to narrow the proven right and to remove certain species from it. They also argued that Canada could not accommodate the proven right without involving industry groups in the negotiations.
- E. The five First Nations are seeking support from First Nations leadership, including the Union of British Columbia Indian Chiefs, First Nations Summit and British Columbia Assembly of First Nations and other First Nations' organizations across Canada, to develop First Nations coalitions to intervene in support of the five First Nations who are appealing the justification decision.
- F. The justification decision has significant implications for all First Nations. It is the first time that a court has expansively considered the application of the justification test to a broad-based proven right and, if left in place after appeals, would affect all future justification cases.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Fully supports the five First Nations (Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, Mowachaht/Muchalaht) in their appeal of the justification decision in Ahousaht v. Canada.
- 2. Direct the Assembly of First Nations (AFN) Executive Committee to seek resources in order to apply for intervenor status in the appeal by the five First Nations.
- 3. Direct the AFN Executive Committee to coordinate support for any First Nations wishing to collectively join the appeal as intervenors in support of the five First Nations, subject to resources.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 35/2018

TITLE: Aamjiwnaang First Nation's Request for a Pronouncement to Assert their Inherent Right of Self-Determination and Enforce their own Taxing Authority over their own Territory

SUBJECT: Taxation

MOVED BY: Shawn Plain, Proxy, Aamjiwnaang First Nation, ON

SECONDED BY: Chief A. Myeengun Henry, Chippewas of the Thames First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. Aamjiwnaang First Nation has an inherent right to self-govern. This jurisdiction of self-determination arises from the existence and practices of our nation over its Territory prior to the arrival of the Europeans. This jurisdiction is recognized and affirmed by the Canadian Constitution. The protections, as set out in section 35(1) of the Constitution Act, 1982, include the paramountcy of the jurisdiction of Indigenous governments.
- B. The Supreme Court of Canada has affirmed that Indigenous Peoples' inherent rights, including the inherent right of self-government, is based on the fact that Indigenous nations occupied lands and were living in organized societies as people with their own distinctive cultures prior to European intrusion. In Canadian law, the pre-existing sovereignty of Indigenous nations is therefore the source of our inherent right of self-government and thus of the jurisdiction of our own government. Governance includes the ability to control and regulate taxation within our own territory.
- C. As a factually independent nation, Aamjiwnaang First Nation possesses complete authority within its own territory and over its own citizens. Aamjiwnaang First Nation asserts a full box of jurisdictional powers. The exercise of jurisdiction in relation to Aamjiwnaang First Nation by the Parliament of Canada in relation to taxation does not extinguish the jurisdiction of our government in relation to that matter. Our treaties with the

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Crown do not extinguish the jurisdiction of our governments, nor has the intention of Parliament demonstratively shown extinguishment of our self-determination and the accompanying jurisdiction over taxation.

- D. The Final Report of the Royal Commission on Aboriginal Peoples (RCAP) firmly asserted that the inherent right to self-government was guaranteed in Canadian law based on both section 35 of the *Constitution Act*, 1982 and international customary law recognizing a people's right to self-determination.
- E. RCAP identified the inherent jurisdiction over Aboriginal self-government comprises "all matters relating to the good government and welfare of Aboriginal peoples and their territories" and delineated the concrete scope of the entire sphere of Aboriginal jurisdiction as including (but not necessarily limited to) subject matters that included "taxation".
- F. The 2015 Final Report of the Truth and Reconciliation Commission of Canada (TRC) highlighted that policies and laws aimed at denying Indigenous groups effective control over essential areas of their daily lives – pursued by Canada since Confederation – are acts of assimilation and colonialism that can no longer continue.
- G. The TRC placed significant emphasis on the role of self-government in reconciliation. This can be seen in the TRC's cornerstone recommendation that the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) be the framework for reconciliation. This is because the right of self-determination is one of the central principles informing the UN Declaration and the right to self-government is a key expression of the right to self-determination. Notably, articles 3 and 4 of UN Declaration provide:
- 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 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.
- H. On July 17, 2017, Canada released a policy setting out ten principles it intends to honour in respect of its relationship with Indigenous peoples. The very first principle recognizes that relations with Indigenous peoples must be based on their right to self-determination, including the inherent right to self-government. The fourth principle recognizes that Indigenous self-government is a part of Canada's evolving system of cooperative federalism and distinct orders of government. Other principles emphasize the importance of reconciliation, maintaining the Honour of the Crown and recognizing treaties as acts of reconciliation based on mutual

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recognition and respect. All of these principles compel Canada to end its current piecemeal approach to self-government and move towards transformative change.

- I. Indigenous Peoples possess and exercise inherent rights of sovereignty, with our own laws and legal systems, and have been doing so since well before contact with Europeans.
- J. This jurisdiction allows Indigenous Peoples to build self-government capacity and to extend the exercise of our jurisdiction into new areas, such as taxation, at our own pace and in accordance with own needs and priorities.
- K. The Assembly of First Nations support for Aamjiwnaang First Nation is necessary in order to ensure that Aamjiwnaang First Nation, as well as all other First Nations across Canada, are able to advance and uphold their inherent jurisdiction and right to self-government including the authority to regulate taxation within their own territory.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Express support for the Assembly of First Nations (AFN) to Aamjiwnaang First Nation in its request to regulate taxation within their own territory respecting their own laws and practices.
- 2. Acknowledge that passing this resolution is in the interest of advancing the policies and priorities of the AFN, which include facilitating the discussion, planning, implementation and evaluation of all local, regional and national matters affecting the First Nations people living in Canada, including but not limited to: upholding our inherent right to self-determination, protecting our collective knowledge systems, and protecting and maintaining our treaty and Aboriginal rights to health.
- 3. Provide an opportunity to Aamjiwnaang First Nation to report back to the Chiefs-in-Assembly on the negotiations with the Crown with respect to jurisdiction over taxation.
- 4. Acknowledge that there will be no cost consequences or other financial considerations for the AFN in passing this resolution.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 36/2018

TITLE: Support to Pursue Treaty Based Funding

SUBJECT: Treaties, Fiscal

MOVED BY: Chief Lee Crowchild, Tsuut'ina Nation, AB

SECONDED BY: Chief Craig Makinaw, Ermineskin First Nation, AB

DECISION: Carried; 4 Abstentions

WHEREAS:

- A. The Royal Proclamation of 1763 set out that the Crown needs a Treaty with the Indian Nations or Tribes before entering our territories.
- B. The Crown wanted to access our territories for her subjects and in return for the use of our territory, the Crown undertook certain obligations and responsibilities.
- C. The Crown promised it would honour its obligations for as long as the sun shines, the grass grows and the waters flow.
- D. The British Parliament created the state of Canada through the *British North America Act*, 1867. Section 91(24) of that Act identifies "Indians and Lands Reserved for Indians" as a subject matter of the federal government of Canada.
- E. On October 1, 1947, the Letters Patent Constituting the Office of Governor General and Commander-in-Chief of Canada were proclaimed, setting out the powers of the Governor General of Canada.
- F. The *Constitution Act*, 1982, states in section 25: "The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:
 - i. Any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763.

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- ii. Any rights or freedoms that now exist by way of land claims agreements or may be so acquired.
- G. In addition, section 35 of the *Constitution Act*, 1982 stated: "The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed."
- H. Each year, the Treasury Board makes allocations from Canada's budget. These allocations should fulfill the legal obligations of the Treaties but do not.
- I. Treaty Nations should be working directly with the Governor-General who would then report to the Crown on a yearly basis on the state of the Treaty relationship, including the funds allocated by the Treasury Board.
- J. The Department of Indian Affairs and Northern Development (DIAND) is using the monies voted by Treasury Board as a weapon against Indians and violating the treaties.
- K. DIAND has refused to facilitate access by the Treaty partner to the Governor-General to make our reports on the state of our relationship.
- L. Prime Minister Trudeau said in December 2015 at the Assembly of First Nations' (AFN) Special Chiefs Assembly – that "It is time for a new fiscal relationship with First Nations that gives your communities sufficient, predictable and sustained funding" – while these words sounded great, their promise has not been fulfilled.
- M. In the three years since the Prime Minister spoke these words, the bureaucrats have not wanted to let go of the funds and continue to unilaterally control the process contrary to the Prime Minister's words and mandate letters.
- N. The Treaty relationship cannot continue through the present federal bureaucracy which acts in a manner to bring disrespect to the honour of the Crown.
- O. Indigenous Services Canada has introduced a new 10-year grant that does not fulfill treaty obligations or respect the Treaty relationship.
- P. The Treaty Nations already have an arrangement with the Crown – the subjects of the Crown can live in our territories – in exchange, we were supposed to received benefits.
- Q. The Treaty Nations need to implement a fiscal relationship directly with Treasury Board and the Department of Finance as representatives of the Government of Canada.

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Resolution no. 36/2018

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Support the initiative to pursue Treaty based arrangements, including yearly reporting to the Governor-General on the state of the Treaty relationship, as a mechanism to implement the relationship in the spirit and intent of the Treaties.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 37/2018

TITLE: Supporting Manitoba Region Indian Residential School Health Support Program

SUBJECT: Indian Residential Schools

MOVED BY: Chief Walter J. Spence, Fox Lake First Nation, MB

SECONDED BY: Chief Derrick Henderson, Sagkeeng First Nations (Fort Alexander), MB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 40: Indigenous peoples have the rights to access to and prompt decision through just and fair procedures for the resolutions of conflicts and disputes with the 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. In 2007, the Indian Residential Schools Settlement Agreement (IRSSA) came into effect. The agreement is between Canada and the Indigenous people of Canada who were removed from their families as children and placed in Indian Residential Schools (IRS).
- C. Under the IRSSA, the Government of Canada has a court ordered obligation to provide mental health, emotional and cultural support services for former IRS students. The IRS Resolution Health Support Program (IRS RHSP) has played a vital role in supporting survivors of residential school and their families across Canada. This includes eleven IRS Support Programs in Manitoba for the purpose of providing emotional support services before, during and after the Independent Assessment Process (IAP) proceedings to former IRS Survivors and their families.

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- D. The Truth and Reconciliation Commission's Call to Action #21 calls upon the federal government to provide sustainable funding for existing and new Indigenous healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools.
- E. Despite government efforts to provide redress for harms caused by the IRS system, healing for survivors and their families and communities is far from over. It is expected that the Missing and Murdered Indigenous Women and Girls (MMIWG) National Inquiry and the ongoing Sixties Scoop court processes will most certainly open up new wounds and serious trauma. These will be akin to the severity that occurred during the IAP and TRC hearings, as most of the MMIWG, Sixties Scoop and Day School Scholar Survivors and their families are themselves survivors, including survivors of the intergenerational effects of residential schools.
- F. Manitoba First Nations' service providers and federal government representatives have noted that demand for services through the IRS RHSP has not declined. This is despite the fact that the normal IRSSA process is coming to a close.
- G. AFN Resolution 29/2013, *Continuation of the Indian Residential School Resolution Health Support Program Beyond 2016*, sought to:
- i. advocate for the reinvestment and continuation of funds to support IRS RHSP beyond 2016; and
 - ii. document the role that cultural support has played in the healing outcomes of IRS survivors and their families.
- H. Recently, the Manitoba regional office of the Indigenous Services Canada (ISC), First Nations and Inuit Health Branch, announced by letter the shutdown of the IRS RHSP in Northern Manitoba by the end of 2020, and September 2018 in Southern Manitoba. The southern urban contribution agreement holders were advised that they will receive funding until September 30, 2018, to provide "appropriate closure of the program" and they were required to submit a proposal if interested in participating in the "wind-down stage and services transition."
- I. Subsequently, ISC regional representatives made public statements, and confirmed in writing, that the letter announcing the shutdown of the IRS RHSP in Manitoba should; not have been distributed; is not in line with what the Manitoba Region wants to do; that funding for the program is still available for the Manitoba Region; and that there will be no break in access to funding.
- J. Despite the letter, Manitoba IRS RHSP contribution agreement holders remain concerned that the recent actions of the ISC-Manitoba Region continue to reflect previous funding management processes that are not the same in other regions and have resulted in different federal employees working on the file. This has

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resulted in funding delays that forces the agreement holders to cash manage. These processes and practices continue to work against them and the delivery of support and programming to Survivors. It is another example of institutional systemic abuse by the Government of Canada that is contrary to the meaning and intent of reconciliation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on the Government of Canada to honour the Truth and Reconciliation Commission's (TRC) Call to Action #21, so that healing supports for Indian Residential School (IRS) survivors continue across Canada, regardless of IRS survivor's residency, that address the loss of language and identity.
2. Direct the Assembly of First Nations (AFN) National Chief to write a letter to the Prime Minister of Canada to ensure Indigenous Services Canada (ISC), Manitoba regional office, changes its approach, processes and practices to the IRS programs, including how the ISC regional office works with agreement holders to change and improve the process, and that support services continue to be funded and delivered indefinitely in Manitoba.
3. Direct the AFN National Chief to meet with Prime Minister of Canada and with First Nations leadership, to discuss how Canada can meaningfully give effect to reconciliation and TRC Call to Action #21.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 38/2018

TITLE: Ensuring Accessibility at the Assembly of First Nations

SUBJECT: Accessibility, Disabilities

MOVED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

SECONDED BY: Chief Jessica Hill, Oneida Nation of the Thames, ON

DECISION: Carried by Consensus

WHEREAS:

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

- i. 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.
- ii. 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 Convention on the Rights of Persons with Disabilities states:

- i. Article 21 (b): Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.
- ii. Article 21 (e): Recognizing and promoting the use of sign languages.
- iii. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who

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acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.

- iv. Article 30 (4): Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
- C. Recent Assembly of First Nations (AFN) resolutions on disabilities and accessibility include: Resolution 10/2018, *Resources for Engagements on Distinct First Nations Accessibility Legislation*, Resolution 98/2017, *Distinct First Nations Accessibility Legislation*, Resolution 105/2016, *Establish an Office of Disabilities Unit at the AFN and develop a Regional Advisory Disability Task Force*, Resolution 55/2016, *First Nations Federal Accessibility Legislation*; Resolution 75/2015, *Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*; and Resolution 48/2014, *Support for Persons with Disabilities*.
- D. First Nation with disabilities are experiencing a lack of accessibility to meetings, events, and opportunities, which is compounded by historical impacts of colonization, assimilation, residential schools, and intergenerational trauma.
- E. The AFN has conducted engagement pertaining to the new Federal Accessibility legislation, finding significant accessibility barriers for First Nations peoples at the community level and beyond.
- F. Resolving accessibility barriers for First Nations requires a culturally-relevant and holistic approach as well as efforts to ensure all First Nations' accessibility needs are accommodated so they may be engaged in meetings and events.
- G. Therefore, there is a need to promote, educate and provide accessibility options in First Nations and at all AFN meetings and other relevant meetings so they may participate and not be excluded from events pertaining to their lives or their communities.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to take immediate and serious measures to ensure that all of their meetings and events include accessibility accommodations that meet the unique needs of all First Nations' participants.
2. Direct the AFN to develop an accessibility strategy that helps ensure accessibility accommodations are implemented, including a monitoring and an annual progress report;

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3. Direct the AFN to lobby the Federal Government to provide resources to carry out the objectives outlined within this resolution, and report back to the Chiefs in Assembly at the December 2018 Special Chiefs Assembly.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 39/2018

TITLE: First Nations Determination of the Path to Decolonization

SUBJECT: Federal Legislation

MOVED BY: Chief R. Don Maracle, Mohawks of the Bay of Quinte First Nation, ON

SECONDED BY: Chief Jessica Hill, Oneida Nation of the Thames, ON

DECISION: Carried; 21 Objection; 4 Abstentions

WHEREAS:

- A. The First Nations' inherent right to self-determination pre-exists contact with external governments and cannot be surrendered, extinguished, or modified. It is affirmed in the preamble and articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the UN Charter which clearly supports the right to self-determination of peoples. This right to self-determination, along with the preemptory norms of non-discrimination and equality for all peoples, must be considered when interpreting international law related to maintaining the territorial integrity of states (e.g. article 46 of the UN Declaration).
- B. The relationship between First Nations and Canada has been and must continue to be governed by international law.
- i. Treaties concluded with European powers or their successors are international Treaties of peace and friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments.
 - ii. The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples.
 - iii. The cornerstone of the *Vienna Convention on the Law of Treaties* is the principle of *pacta sunt servanda* (agreements must be kept), meaning that Canada cannot unilaterally nullify Treaty arrangements.

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- iv. Non-Treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
 - v. Terra nullius, conquest, and armed force have been determined to be illegitimate methods of depriving a Peoples or Nation of their nationhood or international status.
- C. The Recognition and Implementation of Rights Framework (the Framework) and associated processes undermine the true Nation-to-Nation relationship between First Nations and Canada as they:
- i. Openly reject free, prior, and informed consent (FPIC) as a guiding principle of the relationship between Canada and First Nations. This is made evident by the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (Ten Principles) document which states that Canada will only *attempt* to honour FPIC. This amounts to little more than consultation.
 - ii. Call for the infringement of inherent and unextinguished rights and jurisdictions of First Nations. The *Ten Principles* clearly states that infringement of Aboriginal rights will continue unabated in situations where Canadian courts find it "justified" or where it is found to be in the best interest of the Nation.
 - iii. Assert that the Canadian constitutional framework is the only vehicle for the exercise of inherent rights by First Nations.
- D. The Truth and Reconciliation Commission's (TRC) 94 Calls to Action, among other things, speak to the need for:
- i. a new Nation-to-Nation relationship;
 - ii. a new Royal Proclamation that resets the relationship;
 - iii. recognition of Aboriginal title and tenure that includes the clear fact that First Nations did not consent to surrenders in Treaties with Queen Victoria or King George.
- E. Further, the Supreme Court of Canada in *Tsilhqot'in Nation v British Columbia* stated, "Aboriginal title confers ownership rights, including: the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to proactively use and manage the land."
- F. The Federal Government has not responded to our call in Assembly of First Nations (AFN) Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and Clarifying the Role of the AFN*, to change the Framework to the "Protection and Affirmation of Rights and Title Framework".

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- G. The Framework sidelines important questions of Aboriginal title, Treaty obligations, land rights, and access to natural resources to avoid recognizing substantive forms of First Nations jurisdiction. Regions like Ontario have rejected the current process.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Confirm that only First Nations can determine the path to decolonization and reconciliation.
2. Establish a First Nations' led process to draft a new Royal Proclamation binding on the Crown in right of Canada and all of the provinces and territories.
3. Call on Canada to set-aside its *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (Ten Principles) as the basis of the relationship going forward. Regions such as Ontario and British Columbia have their own principles that must be respected in their relationships going forward.
4. Halt the "Recognition and Implementation of Rights" process going forward and insist that Canada participates in a First Nation-led negotiation with Canada to mutually establish principles to observe and implement the United Nations Declaration on the Rights of Indigenous Peoples, including a joint action plan for such implementation.
5. Call on Canada to confirm it is committed to an independent international arbitrator to resolve disputes between Treaty partners and within the Nation-to-Nation relationship.
6. Call on Canada to immediately convene a meeting with First Nations to discuss this issue.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 40/2018

TITLE: Qalipu First Nation Newfoundland and Labrador Membership in AFN

SUBJECT: Membership

MOVED BY: Chief Mi'sel Joe, Miawpukek First Nation, NL

SECONDED BY: Corey John, Proxy, Glenwood Indian Band Council, NL

DECISION: Carried; 3 Abstentions

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.
- B. The Assembly of First Nations (AFN) is a political organization representing approximately 900,000 First Nation citizens in Canada and advocates on behalf of First Nations on issues such as treaties, Indigenous rights, and land and resources.
- C. In 1949, Canada and the Province of Newfoundland and Labrador did not recognize the First Nations located in said province and did not bring its First Nations under the *Indian Act* as was done in other Canadian provinces.
- D. The exclusion of Newfoundland and Labrador's First Nations from the *Indian Act* in 1949 has represented a longstanding grievance and reconciliation issue of the Mi'kmaq First Nations located on the island portion of Newfoundland and Labrador.
- E. The Miawpukek First Nation, located at Conne River, Newfoundland and Labrador, was the first Mi'kmaq First Nation in Newfoundland and Labrador to be recognized as a band for the purposes of the *Indian Act* in 1984.
- F. The Miawpukek First Nation, Glenwood First Nation and Flat Bay First Nation are Mi'kmaq Bands located on the island portion of Newfoundland and Labrador and all are members of the Assembly of First Nations.

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- G. The Qalipu First Nation was recognized by an Order-in-Council as a Band for the purposes of the *Indian Act* (i.e. First Nation) in 2011.
- H. The Charter of the Assembly of First Nations states:
 - i. Article 4: All First Nations in Canada have the right to be Members of the Assembly of First Nations.
- I. The Qalipu First Nation Chief and Council are desirous of becoming a member of the Assembly of First Nations.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Accept the Qalipu First Nation of Newfoundland and Labrador as a First Nation member of the Assembly of First Nations.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 41/2018

TITLE: Tribal Council Funding Program

SUBJECT: Fiscal Relations

MOVED BY: Gary Lameman, Proxy, Beaver Lake Cree Nation, AB

SECONDED BY: Chief Rupert Meneen, Tallcree First Nation, AB

DECISION: Carried by Consensus;

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 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; and
 - 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.
- B. Tribal Chiefs Ventures Inc. (TCVI) is a Tribal Council comprised of six (6) Treaty No. 6 First Nations located in Northeastern Alberta, namely: Beaver Lake Cree Nation, Cold Lake First Nations, Frog Lake First Nations, Heart Lake First Nation, Kehewin Cree Nation, and Whitefish Lake First Nation No. 128.
- C. The member First Nations of TCVI established the TCVI Tribal Council in 1979, complying with the Tribal Council eligibility criteria established for funding by the Department of Indian Affairs and Northern Development, and mandated as a Tribal Council to provide advisory services and deliver programs and services to the

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member First Nations. In doing so, the Tribal Council has maintained an unblemished record of financial management and service delivery.

- D. The population of the member First Nations has more than doubled over the past two decades requiring both increases in the nature and levels of services to member Nations.
- E. Member First Nations of tribal councils are located at great distances from each other and major service centers, necessitating increased costs of operation and maintenance without commensurate funding.
- F. Indigenous Services Canada (formerly Indian Affairs and Northern Development Canada) has increasingly relied upon tribal councils by devolving functions to tribal councils without added funding and, as a cost saving measure, transitioning itself to a funding department rather than a service delivery department. This places increased service expectations on tribal councils without commensurate funding for tribal councils to carry out their devolved functions.
- G. Indigenous Services Canada (formerly Indian Affairs and Northern Development Canada) committed numerous times to undertake a policy review with tribal councils in response to increased roles, expectations and service delivery requirements of tribal councils, and to put in place adequate funding for tribal councils.
- H. The previous federal government chose in 2014 to terminate its joint policy review and implemented reduced funding for tribal councils through its administrative formula, disregarding the federal government's lack of any increase in funding since inception of the federal tribal council policy.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Direct the Assembly of First Nations (AFN) and tribal councils to urge the federal government, as represented by the Minister of Indigenous Services Canada, to recognize the circumstances and workload of tribal councils and immediately increase annual core funding and provide new funding to tribal councils to double the current core allocation and clarify jointly with tribal councils the Indian Government Support Program policy.
- 2. Direct the AFN to ensure First Nations not part of a tribal council would get their proportionate share of funding also increased.
- 3. Implore the federal government to move away from devolution funding and towards new First Nations funding mechanisms.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 42/2018

TITLE: Data Sovereignty

SUBJECT: Fiscal Relations

MOVED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

SECONDED BY: Chief Harvey McLeod, Upper Nicola Indian Band, BC

DECISION: Carried by Consensus

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 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. As First Nations in Canada, we have asserted self-determination through various forms since time immemorial and we continue today to assert our authority to govern as distinct Nations of Peoples with unique languages and cultures and sacred connections to our traditional homelands.
- C. First Nations are at various stages of re-constituting their Nations and developing modern governance structures to achieve their collective vision of healthy, self-determining, and vibrant citizens, families, and communities.
- D. The *Royal Commission on Aboriginal Peoples* recognized the need for information: "For Aboriginal People, knowing how political, demographic, social and economic changes will affect their nations and having in place

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data collection vehicles that provide a community and Nation level aggregate picture will be essential to Aboriginal government implementation and planning processes" (Vol, 2, p 349).

- E. First Nations are redesigning their institutions and building capacity to carry out the functions of governance, including: leadership, law and policy making, citizenship, community involvement, planning and risk management, human resource management, financial management, basic administration, external relations, and information management and technology.
- F. First Nations recognize that timely access to high quality statistical information and data are essential to making informed decisions that affect the social and economic well-being of their citizens and have, through the national Assembly of First Nations process, passed numerous resolutions related to assertion of data governance interests including a request for federal investments.
- G. Funding has been allocated in the most recent federal budget to have the national First Nations Information Governance Centre (FNIGC) work with First Nations leadership through their regional organizations to undertake the development of a National Data Governance Strategy, which includes the development of Regional Data Centres to be governed by the Nations.
- H. First Nations have been actively engaged in informing the Treasury Board of Canada's Secretariat on Indigenous Open Data.
- I. The FNIGC vision is "that every First Nation will achieve data sovereignty in alignment with its distinct worldview."
- J. Funding has also been allocated to Statistics Canada to improve the quality of statistical information related to Indigenous Peoples.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Reassert that First Nations living in Canada maintain ownership and control over data that relates to their identity, their people, language, history, culture, communities and Nations, both historic and contemporary, and that each Nation will establish regulations to govern their data, determining how it will be managed, accessed and shared with other governments, organizations and/or individuals.
2. Call on the First Nations Information Governance Centre (FNIGC) to coordinate (with support from the federal government, Statistics Canada, and the Assembly of First Nations) regional processes to engage First Nation

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Chiefs and leaders in each province and territory to discuss improving the quality of or access to data or statistical information related to their people and Nation.

3. Call on the Government of Canada to allocate funding to the FNIGC to align engagement processes related to First Nations data, statistics, and information management, and to expedite the development of First Nations' controlled Regional Information Governance Centres as part of the National First Nations Data Governance Strategy.
4. Assert that in the future all federal, provincial, and territorial government investments in First Nations data governance and analysis, information management, statistics, and reporting must align with the objective of each First Nation achieving full data governance, building and maintaining across their government, the capacity to collect, store, protect, analyze, and utilize data in their decision-making and reporting, measuring their own progress towards the outcomes defined in their community development and nation rebuilding plans.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 43/2018

TITLE: Reparations from the North West Company

SUBJECT: Economic Development

MOVED BY: Chief Donald Morris, Kitchenuhmaykoosib Inninuwug, ON

SECONDED BY: Anna Betty Achneepineskum, Proxy, Kashechewan First Nation, ON

DECISION: Carried by Consensus

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 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 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.
 - iv. Article 20 (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - 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.

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- vi. 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.
 - vii. 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.
 - viii. 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 North West Company has exploited First Nations people across Canada since it began operations in Canada.
- C.** Such exploitation has included, but has not been restricted to, the artificial limitation in supply of goods, exploitive pricing, the dumping of waste and the neglect of buildings.
- D.** The damages to First Nations can be assessed by studying the mass fur trade (1600's and onwards) that made Euro-Canadians and their companies wealthy and researching the records of money transactions, exchanges of fur and other trade indicators. It should be possible to determine the total value (in pounds, dollars or other form of measure) that the North West Company and others gained (or stole) of our rightful resources. With that information, a sum of principal and interest could be calculated and sought in compensation.
- E.** The North West Company, operating under the banners of Northern, NorthMart, Giant Tiger, AC Value Center and Cost-U-Less, conducts business on First Nations' territories in a discriminatory fashion, disrespecting individuals and band organizations, leaving permanent scars comparable to those suffered as a consequence of the residential school system, and sexual abuse by religious leaders.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to encourage First Nations across Canada to join together to seek redress from the North West Company for its historical economic exploitation and abuse of First Nations peoples.
2. Direct the AFN to request an apology from the North West Company and encourage the North West Company to pay reparations for the economic suffering they have inflicted on Indigenous peoples in Canada.

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3. Call upon the federal government to address the imbalance in access to goods and services that First Nations continue to suffer, such efforts include, but not be limited to:
- a. Studying and reporting on the process by which the North West Company was able to occupy and obtain title to lands within First Nations territory and to thereby establish an economic monopoly over the provision of goods and services to First Nations, with particular attention to the failures to consult and obtain the free, prior and informed consent from First Nations.
 - b. Studying and reporting on the current ways and means that goods and services are supplied to First Nations, with particular attention to the communities that are most remote.
 - c. Proposing solutions and taking appropriate measures to improve supply and bring prices down to levels comparable to those enjoyed by all Canadians, wherever they are located.
 - d. Establishing an on-going system for monitoring the economic performance of third parties doing business on and with First Nations, including reporting requirements, audits and other regulations designed to ensure fair and balanced business practices, pricing and non-discriminatory service.

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ANNUAL GENERAL ASSEMBLY
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Resolution no. 44/2018

TITLE: Enhancing and Supporting Tribal Police Services in First Nations in Canada

SUBJECT: Community Policing and Safety

MOVED BY: Chief Joseph Weasel Child, Siksika First Nation, AB

SECONDED BY: Chief Craig Makinaw, Ermineskin First Nation, AB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 37: 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.
 - ii. 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 Northwest Mounted Police (NWMP) was sent west to help protect the natives and smooth relations between the native people and the government agents sent to sign Treaties during the 1870's and 1880's. Colonel James Macleod, Commissioner of the force from 1876 to 1880, was known to be a good friend of Chief Crowfoot of the Blackfoot Tribe.
- C. In 1904, "Royal" was added to the name of the North-West Mounted Police and in 1920, the force merged with the Dominion Police to form the Royal Canadian Mounted Police.

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- D. As documented in the numbered Treaties, the Treaty Nations were to have a role in aiding and assisting the officers of Her Majesty the Queen in bringing to justice and punishment anyone infringing the laws of the Treaty and of the land.
- E. In Treaty 7, the Crown confirmed that the Chiefs and Headmen (Council) were empowered to keep peace and goodwill not only amongst our own people, but with the Queen's other subjects as well. Treaty 7 Chiefs and Headmen have always maintained this jurisdiction as evidenced by exercising traditional governance as well as enacting and enforcing bylaws.
- F. The Auditor General of Canada's Report of 2014 underscored the continued and urgent need for greater access, transparency, safe facilities and comparable level of services in the First Nations Policing Program.
- G. Community safety and policing is a major concern in First Nations throughout Canada and has been a concern for some time.
- H. First Nations policing in Canada is not viewed as an essential service but rather a program, and like other programs, the federal government has the power to cut or renew whenever the current agreement expires.
- I. First Nations policing has been chronically underfunded, which has caused Tribal Police services in Alberta to cease operations in the last number of years, putting current Tribal Police services in Alberta in jeopardy.
- J. There are currently three Tribal Policing Services in Alberta; however, other First Nations in Alberta have expressed an interest in developing self-administered police forces.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to advocate to the federal government to deem First Nations policing as an essential service and to provide adequate funding and support similar to other police forces in the country.
2. Call upon the AFN to advocate to the federal government to support the establishment of additional Tribal Police Services on First Nations in Canada, with commensurate funding.
3. Call upon the AFN to advocate to the provincial governments to lift the moratorium on new self-administered police services in Canada.

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 45/2018

TITLE: 2Spirits In Motion Foundation

SUBJECT: Gender, Health, Community Safety

MOVED BY: Chief Allan Polchies Jr, St. Mary's First Nation, NB

SECONDED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. 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 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.
 - iii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. Two-Spirit people is a term used to describe Indigenous people who assume cross or multiple gender roles, attributes, dress and attitudes for personal, spiritual, cultural and ceremonial reasons. These roles are defined by each cultural group and can be fluid over a person's lifetime. Modern terms like gay, lesbian, bisexual, transgender, transsexual and intersexed (in combination with, or exclusive to, Two-Spirit) may be adopted by some Indigenous people to define who they are.
- C. Two-Spirit people experience prejudice, discrimination and violence as a direct result of colonialism. This results in higher incidence and prevalence of poorer health than other populations.

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ANNUAL GENERAL ASSEMBLY
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- D. There exists little research to document the lived health experiences of Two-Spirit populations and little national, regional or local supports specific to Two-Spirit peoples.
- E. The 2Spirits In Motion Foundation is a Canada-wide initiative with the mandate of ensuring Two-Spirit peoples are accepted, valued, and honoured in Indigenous Nations. Recently incorporated under Industry Canada, the 2Spirits In Motion Foundation will create, maintain and strengthen a safe and supportive social environment for Two Spirit peoples to feel and be loved, to succeed, to become empowered to make their own decisions and to find and express their purpose in life.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Support the development and subsequent funding of the 2Spirits In Motion Foundation to:
 - a. Help establish a national voice and presence for Two-Spirit peoples throughout Canada.
 - b. Plan for and host annual national policy and program Forums and bi-annual training programs.
 - c. Work collaboratively with universities and colleges to undertake relevant Two-Spirit research.

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