
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 01/2023

TITLE: Support for the Orange Standard: An Initiative for Child and Family Wellbeing Redesign and Service Delivery Excellence

SUBJECT: Children and Families

MOVED BY: Chief Gerry Duquette Jr, Dokis First Nation, ON

SECONDED BY: Chief Adam Pawis, Shawanaga First Nation, ON

DECISION Carried; 1 abstention

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 6: Every indigenous individual has the right to a nationality.
 - ii.** Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - iii.** 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.
- B.** The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae represent Anishinaabe collectives and individuals that have for thousands of years, lived and thrived in their territories in accordance with Anishinaabe laws, customs, traditions, practices and ceremonies.

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- C. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae have Treaty and inherent rights, which include jurisdiction and legislative authority with respect to children and families. These rights are recognized internationally in the UN Declaration A/RES/61/295; and in Canada in the Constitution Act, 1982 c. 11; An Act respecting First Nation, Inuit and Metis children, youth and families S.C. 2019, c. 24 ("C-92") and the United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14.
- D. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae have the responsibility to protect, uphold and advance the inherent and treaty rights of their collectives and citizens.
- E. First Nations across Turtle Island are asserting and exercising jurisdiction with respect to the well-being of children and families. As shared with most First Nations across Turtle Island, to the First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae, children are sacred gifts from the Creator. Children and families thrive when their connection to Creator; their relations; their customs, traditions, ceremonies, teachings, laws, ways of life; language; land, resources, territory; nation and people; are nurtured and supported.
- F. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae (the "Niijaansinaanik Governing First Nations") formed and are the governing members of Niijaansinaanik Child and Family Services ("Niijaansinaanik"), a fully designated child and family caring agency in Ontario, mandated to provide full-range child and family services inclusive of early intervention, prevention and protection services to their nations' children and families within their nations' territories. As it is currently mandated under Ontario law, Niijaansinaanik is required to follow Ontario provincial standards and the national standards under C-92.
- G. Niijaansinaanik provides Niijaansinaanik Governing First Nations with services in a manner that recognizes and respects their Treaty and inherent rights and adheres to the Niijaansinaanik Governing First Nations' vision for the well-being of their children and families.
- H. While Niijaansinaanik is required to follow provincial and national standards, it must also follow standards set by the Niijaansinaanik Governing First Nations. Working collaboratively, the Niijaansinaanik Governing First Nations and Niijaansinaanik have adopted an approach to child and family well-being wherein the exercise and assertion of jurisdiction is in balance with and furthering the mandate to achieve the highest level of service standard for children and families.
- I. Together, the Niijaansinaanik Governing First Nations and Niijaansinaanik are working to standardize a level of service that is focused on the laws, customs, values, and practices of the Niijaansinaanik Governing First Nations. Development of a standardized level of service will ensure the Niijaansinaanik Governing First Nations

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and their children and families receive services that strengthen and enhance the well-being of children and families, including equitable services regardless of location, fair and just funding and governance authorities that are recognized and respected by all levels of government, other institutions and service providers.

- J. The standards initiative is grounded in the principle that First Nations children and families deserve the highest degree of service excellence and should be supported within a standardized framework that is founded in the Niijaansinaanik laws, customs, values and practices. Colonial value systems, laws, or regulatory models that impose unnecessary red tape and government control have no place in the Niijaansinaanik service delivery model.
- K. The Niijaansinaanik Governing First Nations recognize the "Every Child Matters" movement, and the monumental contributions of Phyllis (Jack) Webstad, the founder of the Orange Shirt Society.
- L. To best meet the needs of their children and families, the Niijaansinaanik Governing First Nations and Niijaansinaanik are developing the "Orange Standard Initiative", as a standardized level of service grounded in the principle that First Nations children and families deserve the highest degree of service excellence.
- M. The Orange Standard lays the foundation to promote leading and innovative practices in child and family well-being, guided by the four pillars: the Rights of the Child and Family; First Nation Child and Family Funding Equity; Niijaansinaanik History, Heritage and Culture; and an Every Child Matters Framework of Operational Excellence.
- N. The Niijaansinaanik Governing First Nations recognize that all First Nations across Turtle Island benefit when there is collaboration on initiatives that strengthen and enhance the well-being of First Nation children and families. To honour the spirit of the Every Child Matters movement, the Niijaansinaanik Governing First Nations and Niijaansinaanik will share developments, participate in other shared tables, and offer support to other nationhood and child and family well-being discussions in sister nations across Turtle Island.

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

- 1. Support the Niijaansinaanik Governing First Nations and Niijaansinaanik in the development of the Orange Standard Initiative and their developments in approaches and promising practices in strengthening and enhancing the well-being of First Nations children and families and encouraging opportunities for collaboration among interested First Nations.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 02/2023

TITLE: Implementation of Treaty Funding for Early Childhood Support

SUBJECT: Children

MOVED BY: Regina Crowchild, Proxy, Tsuu T'ina First Nation, AB

SECONDED BY: Chief Lynn Acoose, Zagimē Anishinabēk, SK

DECISION Carried by Consensus

WHEREAS:

- A. Our ancestors entered into treaties with the Crown in the right of Great Britain and Ireland to last as long as the sun shines, the grass grows, and the waters flow.
- B. The Crown wanted to use some of our lands and territories to the depth of a plow for her subjects to live in peace and friendship.
- C. The state of Canada undertook from its beginning to use our children as a means to enact genocide .
- D. Canada continues to use our children as a means of assimilation with the lack of proper funding to our nations for their care and protection.
- E. Canada is bound by the provisions of the United Nations Convention on the Rights of the Child (CRC) adopted by General Assembly Resolution 44/25 on 20 November 1989.
- F. The CRC makes specific references to care of children in Article 18:
- G. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

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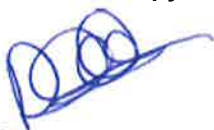
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- H. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.
- I. Canada has failed to live up to their international commitments undertaken by the Crown in the making of treaties and its international obligations as set out in the binding Convention.

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

- 1. Support the call for the federal government to honour its obligations to Treaty children by implementing the following measures:
 - i. Call on the federal government to provide First Nations core funding support for First Nations to care for our children. More specifically, the Chiefs support the requirement for:
 - a. Treaty monies to be made available for structural support by way of buildings and their upkeep;
 - b. A needs-based funding formula developed by First Nations to provide sustainable, growth-oriented funding, as well as funds to redress the historic chronic underfunding in child care. These funds will support functions that we currently are unable to offer;
 - c. An increment to achieve payroll equity sustained by long-term operating funding;
 - d. A commitment to respect our leadership and authentication of programming in Indigenous languages and ways of knowing; and,
 - e. Reciprocal acknowledgement of our national and international accreditation for the care of our children as envisioned by our ancestors at the time of the treaty making.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no.03 /2023

TITLE: Long-Term Strategy on Financial Services for First Nations

SUBJECT: Economic Development

MOVED BY: Chief Mark Hill, Six Nations of the Grand River, ON

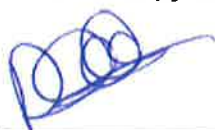
SECONDED BY: Chief Mary Duckworth, Caldwell First Nation, ON

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 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. Mainstream banking institutions have unjustly targeted First Nations businesses as potential sources of money laundering due to the cash-based nature of First Nations economies, discriminatory assumptions about First Nations-led enterprises, and lack of recognition of First Nations regulatory regimes.

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- C. Attempts to negotiate directly with mainstream banking and financial institutions have not resulted in any long-term solutions for First Nations to securely and reliably access banking services. This significantly undermines the ability of First Nations to safely and securely build their economic development capacity in a wide range of potentially lucrative industries.
- D. Reliable banking and financial products, especially for businesses in the tobacco, cannabis, and gaming industries, remain inaccessible, due to the lack of recognition of First Nations laws, economic rights, and the inherent right to self-determination, by the federal government and associated agencies.
- E. The Proceeds of Crime (Money Laundering) and Terrorist Financing Act and associated regulations is designed to help detect and deter money laundering and the financing of terrorist activities, including reporting and other requirements for financial service providers that have effectively barred First Nations from using a wide-range of financial services in several key sectors necessary for the sustainable development of First Nations economies.
- F. The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) is the federal agency responsible for the collection, analysis, and disclosure of information to assist in the detection, prevention and deterrence of money laundering and terrorist financing and has not been able to resolve this issue, refused to meet with First Nations, and undermined First Nations economic rights and inherent jurisdiction by terminating legitimate financial transactions.

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

1. Direct the Assembly of First Nations (AFN) and the Chiefs' Committee on Economic Development (CCED) to develop a long-term strategy to ensure reliable access to financial services for First Nations, particularly those involved in the gaming, cannabis, and tobacco industries that includes:
 - a. comprehensive research and reporting to determine the exact policies, legislation, and government agencies responsible for undermining and discriminating against First Nations access to reliable financial services;
 - b. collation of information and research from First Nations on relevant international, domestic and First Nations laws which support reliable access to financial services for First Nations;
 - c. the development of a strategy to secure resources for continued work, including, but not limited to, consultants, professional fees and legal counsel;
 - d. the development of an advocacy strategy to Parliament, regulatory bodies and agencies, Ministers, federal departments and others; and
 - e. the development of an implementation plan that includes, but is not limited to, deadlines and outcomes.

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2. Direct the AFN, pending the securing of resources, to coordinate advocacy efforts to Canada and associated agencies, to meet with First Nations to ensure anti-money laundering and anti-terrorism policy and legislation does not violate Treaty and inherent rights, First Nations jurisdiction, or impede the economic development goals of First Nations.
3. Direct the AFN and the CCED to incorporate the need for a long-term strategy on financial services for First Nations as part of ongoing advocacy for First Nations economic capacity and growth.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no.04/2023

TITLE: Revised Final Settlement Agreement on Compensation for First Nations Children and Families

SUBJECT: Child and Family Services

MOVED BY: Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON

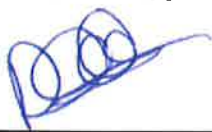
SECONDED BY: Chief Derek Nepinak, Pine Creek First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The First Nations-in-Assembly honour all the children, youth, and families, those with us and those lost, who experienced egregious harms by Canada and its colonial structures, the impacts of which continue to be felt today. We dedicate ourselves to ensuring justice for all affected children, youth, and families.
- B. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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- iv. Article 40: Indigenous peoples have the right to access to prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- C. The First Nations-in-Assembly commend the Representative Plaintiffs for their strength and resilience in pursuing the Class Action against Canada's discrimination under the First Nations Child and Family Services (FNCFS) Program and the improper implementation of Jordan's Principle seeking fair and equitable compensation for individuals impacted by this profound discrimination.
- D. In 2022, Canada and the Assembly of First Nations (AFN) sought the Canadian Human Rights Tribunal's (CHRT) approval of the \$20 billion Final Settlement Agreement (FSA) on Compensation. On October 24, 2022, the CHRT issued a letter decision confirming that the FSA on Compensation substantially, but not fully, satisfied its orders on compensation. The CHRT provided its full reasons on December 20, 2022 (2022 CHRT 41).
- E. The First Nations-in-Assembly mandated the AFN by way of Resolution 28/2022, *Final Settlement Agreement on Compensation for First Nations Children and Families*, to, among other items:
 - i. support compensation for those entitled under the FSA and those entitled to \$40,000 plus interest under the CHRT compensation orders;
 - ii. direct the AFN to return to the First Nations-in-Assembly to provide regular progress reports and seek direction on implementation issues, and,
 - iii. expressed support for the Representative Plaintiffs and all victims and survivors of Canada's discrimination and sought to ensure that compensation would be paid as quickly as possible.
- F. The Representative Plaintiffs, youth in care and formerly in care, and those with lived experience in other class actions have expressed that supports for class members are imperative to their wellbeing, including mental wellness supports, financial literacy, and supports for youth past the age of majority, including for high needs Jordan's Principle recipients.
- G. Canada, the AFN, Moushoom counsel, and the First Nations Child and Family Caring Society of Canada ('Caring Society') thereafter came together to amend the FSA on Compensation to address the concerns identified by the CHRT in 2022 CHRT 41. In these negotiations, the AFN advanced the mandates directed by the First Nations-Assembly in Resolution 28/2022.

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- H. The Parties have negotiated a revised Final Settlement Agreement (Revised FSA) on Compensation, providing over \$23 billion in compensation for the survivors and victims of Canada's discrimination, while addressing the issues highlighted by the CHRT in 2022 CHRT 41 and pursuing fair compensation for the Classes dating back to 1991.
- I. The Representative Plaintiffs, the AFN, and the Caring Society are recommending that the First Nations-in-Assembly endorse the Revised FSA on Compensation.
- J. Pending approval of the Revised FSA, the AFN will present the revised agreement to the CHRT for approval. Once approved by the CHRT, the revised agreement will then be presented to the Federal Court of Canada for approval to ensure the timely distribution of compensation to the survivors and victims of Canada's discrimination.

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

1. Fully support the Revised Final Settlement Agreement (Revised FSA) on Compensation in principle and authorize the Assembly of First Nations (AFN) negotiators to make the necessary minor edits to complete the Revised FSA.
2. Support the AFN in seeking an order from the Canadian Human Rights Tribunal (CHRT) confirming that the Revised FSA on compensation fully satisfies its compensation orders.
3. Direct the AFN, upon the endorsement of the Revised FSA on Compensation by the CHRT, to seek approval of Revised FSA on Compensation by the Federal Court of Canada on an expedited basis.
4. Call on the Prime Minister of Canada to make a formal and meaningful apology to the Representative Plaintiffs and the survivors of Canada's discrimination and those who have passed away.
5. Continue to support the Representative Plaintiffs and all survivors and victims of Canada's discrimination by ensuring that compensation is paid, and adequate supports are provided as quickly as possible to all those who can be immediately identified and to continue to work efficiently to ensure that compensation reaches all those who are eligible.
6. Direct the AFN to return to the First Nations-in-Assembly to provide regular progress reports on supports, implementation and the claims process and seek direction where required.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 05/2023

TITLE: Repatriation of First Nations Children

SUBJECT: Child and Family Services

MOVED BY: Catherine Merrick, Proxy, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Heidi Cook, Misipawistik Cree Nation (Grand Rapids), MB

DECISION Carried by Consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) should be the framework for improvement to address the harmful legacy of Residential Schools, Sixties Scoop, and the child welfare system that forced the removal of children, the disproportionate number of First Nations children in care, the consequences of involvement in child welfare systems, and the related loss of language and denial of culture and human rights.
- B.** The UN Declaration states that:
- 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 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.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively

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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.

- C. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action # 1 to # 5 call on federal, provincial, and territorial governments to take actions to improve First Nations child and family services.
- D. The Sixties Scoop was an ongoing practice in the 1960's and 70's that saw the removal of large numbers of First Nations children from their families and communities and placed them in the care of Canadian and international foster or adoptive homes.
- E. First Nations children continue to lose their identity, culture, and kinship links as they continue to be removed from their homes, families, and nations by the federal, provincial, and territorial child welfare systems.

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

1. Call on Canada to acknowledge there is a generation of lost First Nations children who were placed outside of their communities, both within Canada and internationally, who have never been reunified with their families.
2. Direct Canada to fund the Assembly of First Nations to engage with First Nations to develop a repatriation strategy to identify First Nations children who are domestically and internationally displaced and have not reconnected with their families and/or nations.
3. Call on Canada to meaningfully engage and collaborate with First Nations to address the impacts of First Nations children who were removed from their families and nations, both within Canada and internationally.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 06/2023

TITLE: Supporting Indigenous Tourism in Canada

SUBJECT: Tourism, Economic Development

MOVED BY: Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON

SECONDED BY: Chief Gerry Duquette, Dokis 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 (1): Indigenous peoples have the right to practise 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, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
- B. New research by the Indigenous Tourism Association of Canada and the Conference Board of Canada shows that the Indigenous tourism sector in Canada continues to grow at a rapid rate.
- C. Indicators show that First Nations tourism sector growth is outpacing Canadian tourism activity overall.
- D. First Nations and Indigenous tourism with both local and foreign markets is growing, however, First Nations and Indigenous business owners continue to identify access to financing and marketing support and training as their main barriers to growth.
- E. As a result of the COVID-19 global pandemic, research shows that First Nations and Indigenous tourism has dropped to 10,600 employees and contributed only \$580 million in direct Gross Domestic Product (GDP).

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- F. Efforts to support the development of authentic cultural experiences where First Nations benefit directly in terms of economic development, employment, and investment are important to First Nations.
- G. Engaging cooperatively to develop a strategy that recognizes the inherent and Treaty rights of First Nations to develop economic, social and cultural tourism that is respectful of our land bases, protocols, and processes can only be achieved by engaging in our practices in a good way.

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

1. Direct the Assembly of First Nations (AFN) Economic Development Sector to seek resources and further build an interim plan to coordinate discussions with regions regarding a First Nations and Indigenous tourism strategy that includes relevant government and non-profit partners at all levels to identify opportunities for growth and economic development within First Nations and Indigenous tourism in Canada.
2. Direct the AFN, with the guidance of the Chiefs' Committee on Economic Development, to work with an Indigenous-led national tourism body to complete a full review of a national tourism strategy and its recommendations for the updated Federal Tourism Growth Strategy to ensure that all regional Indigenous and First Nations tourism concerns are validated and reflected. Further, ensure that this work is acknowledged by the Government of Canada as it moves toward implementing the appropriate actions identified.
3. Direct the AFN to include Indigenous Tourism British Columbia (ITBC), Indigenous Tourism Alberta (ITA), Indigenous Destinations Saskatchewan (IDSK), Indigenous Tourism Manitoba (ITM), Indigenous Tourism Ontario (ITO), Indigenous Tourism Quebec (ITQ), Indigenous Tourism Association of New Brunswick (ITANB), Nova Scotia Indigenous Tourism Enterprise Network (NSITEN), Newfoundland and Labrador Indigenous Tourism Association (NLITA), Indigenous Tourism Association of PEI (ITAPEI), Yukon First Nations Culture and Tourism (YFNCT) as well as the NWT Indigenous Tourism Association to be a part of the review of the national tourism strategy and in a coordinated approach ensuring all regions receive a fair and equitable base investment and share of all national resources, and is included in a meaningful way to contribute to a national strategy that identifies economic growth and opportunity through all territories.
4. Call to ensure that all tourism including Indigenous tourism must respect appropriate First Nations land title and rights holders. It also should be territorial-specific, culturally appropriate, and with the free, prior and informed consent of affected First Nations.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 07/2023

TITLE: Support for the NeeStaNaN Port and Corridor

SUBJECT: Economic Development

MOVED BY: Chief Morris Beardy, Fox Lake First Nation, MB

SECONDED BY: Chief Elwood Zastre, Wuskwi Sipihk First Nation (Indian Birch), MB

DECISION Carried; 14 abstentions, 1 opposed

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. The NeeStaNaN Utility Corridor Project (the Corridor) will be led and owned by First Nations and a consortium of Indigenous groups. First Nations along the Corridor will own rights-of-way and be in control of relevant environmental studies.
- C. Existing trade routes used to export commodities from Western Canada are costly, inefficient, and overcrowded and burdened by shipping delays.
- D. Prairie commodities such as potash, natural gas, wheat, and bitumen are landlocked in Western Canada.

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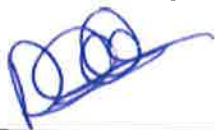
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- E. There is a need to develop a utility and transport corridor through the Prairies and the North through Hudson Bay to efficiently ship commodities to international markets.
- F. The Corridor is a proposed transportation corridor that will ship commodities to international markets through Port Nelson, Manitoba.
- G. NeeStaNan Projects Inc. is being established to complete the necessary feasibility, environmental, and engineering studies for the Corridor.
- H. The Corridor will be designed to deliver economic, environmental, and social benefits to First Nations' communities and Canada by diversifying how we transport natural resources to national and international markets, safely and responsibly.

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

1. Direct the Assembly of First Nations to support the establishment of the NeeStaNan Utility Corridor Project ("the Corridor").
2. Direct the federal government to support the establishment of the Corridor.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 08/2023

TITLE: Government Support for First Nations Digital Connectivity and Spectrum Sovereignty

SUBJECT: Connectivity

MOVED BY: Chief Dylan Whiteduck, Kitigan Zibi Anishinaabeg, QC

SECONDED BY: Chief Bruce Acheepineskum, Marten Falls First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 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 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, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - 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.
 - iv. 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.

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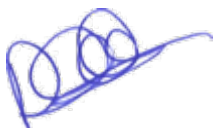
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- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
 - vi. 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.** Innovation, Science and Economic Development (ISED) has just completed its consultation process on the wireless Spectrum Outlook 2022 to 2026 on November 21, 2022. First Nations connectivity experts and providers are working to advocate to government to support spectrum sovereignty ownership through the First Mile Connectivity Consortium and have submitted its detailed report and recommendations to ISED.
- C.** The natural resource known as electromagnetic spectrum in Indigenous territories is currently governed and administered by the Ministry of Innovation, Science and Economic Development through spectrum license auctions or other assignments that provide few benefits or revenues to First Nations, and which uses processes that require more transparency and proactive articulation in all official languages.
- D.** For-profit commercial telecommunications service providers that own spectrum licenses have not deployed affordable, adequate, reliable mobile and fixed wireless broadband infrastructures and services in many First Nations communities and territories given the lack of a profitable business case. This has resulted in lengthened emergency response times and detrimental health outcomes in our communities.
- E.** First Nations require adequate, accessible, and affordable access to fixed and mobile wireless connectivity to support services that include but are not limited to Internet, video conferencing, eHealth, online learning, government services, economic development, access to financial services, water treatment, climate change monitoring and modeling, cultural and language activities, protection and mental health services, food sovereignty and security, communication and other community-owned facilities and residences to reduce inequalities as part of Canada's commitment to the United Nation's Sustainable Development Goals and to health and safety, particularly pertaining to missing and murdered Indigenous people.

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

1. Call upon the Government of Canada to immediately stop all sales and renewals of any spectrum licenses and permits on Indigenous traditional territories until consultations on the issue of spectrum have been completed with First Nations governments and mandated organizations in both official languages.

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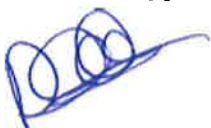


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2. Call upon the Government of Canada to revisit, review, and redefine decision-making processes related to spectrum licensing in a way that upholds First Nations' rights, title, and Treaty rights and Canada's obligation to bring federal ways, policies, and other collaborative initiatives and action into alignment with the United Nations Declaration on the Rights of Indigenous Peoples, the Crown's legal duty to consult and collaborate with Indigenous Peoples, and free, prior and informed consent.
3. Call upon the Government of Canada and Innovation, Science and Economic Development (ISED) to initiate a forum to review the broad issue of Indigenous spectrum sovereignty and related matters involving government departments and agencies as well as First Nations governments and mandated organizations.
4. Call upon the federal government to contribute capital and operational investments to support First Nation management of spectrum resources and eliminate fees to access currently unused spectrum in Indigenous territories and communities, which will reduce costs of connecting remote and rural areas.
5. Call upon the Government of Canada, and provincial, and territorial governments to support First Nations in undertaking business ventures and partnerships in the area of mobile and fixed wireless connectivity, enabling First Nations to be able to deliver services on their own or with a provider of their choice.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 09/2023

TITLE: Upgrades to Airport Runways and Infrastructure in Remote First Nations: National Action Plan for Air Services to Remote First Nations

SUBJECT: Transportation, Health, and Safety

MOVED BY: Chief Derek Nepinak, Pine Creek First Nation, MB

SECONDED BY: Chief Jordan Hill, Shamattawa First Nation, M

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. Section 6(1) of The United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14. requires that the Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the UN Declaration.
- C. Section 3(2) of The Path to Reconciliation Act, C.C.S.M. c. R30.5, requires that each member of the Manitoba Executive Council is to promote measures to advance reconciliation through the work of the member's department and across government.
-

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- D. The airports serving remote First Nations in northern Manitoba and elsewhere in Canada are regulated by Transport Canada, which is responsible for setting and enforcing all airport safety and security standards, and for certifying and regulating all airports across the country. The operations and maintenance of the airports serving remote First Nations in northern Manitoba and elsewhere in Canada falls or may fall under the responsibility of the provincial or territorial Minister responsible for transportation or infrastructure.
- E. The airports serving remote First Nations in northern Manitoba and remote First Nations throughout Canada are regulated, constructed, and maintained in a manner which is wholly inadequate for the basic air transportation requirements, emergency response and other needs of First Nations communities, and also fail to address the increasingly critical and essential role of air transportation services as a climate change adaptation in response to the progressive shortening of the duration of the seasonal winter road networks due to climate change.
- F. The regulation, construction, operation, maintenance, and service levels of airports serving remote First Nations in northern Manitoba and throughout Canada are not reasonably comparable to the service levels, regulation, construction, operation, and maintenance of airports serving non-First Nations communities in similar locations.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal Minister of Transport, the federal Minister of Intergovernmental Affairs, Infrastructure and Communities, the federal Minister of Emergency Preparedness, the federal Minister of Environment and Climate Change, the Manitoba Minister of Infrastructure and Transportation, and other provincial and territorial transportation and infrastructure Ministers to immediately and collectively work in full partnership and cooperation with northern remote First Nations in Manitoba and across Canada to:
 - a. identify the requirements, priorities, strategies, costs and programs that will ensure that the service levels and the regulation, construction, capacities, maintenance and operation of airports serving remote First Nations in Manitoba and throughout Canada are adequate for the basic air transportation requirements and the needs of remote First Nation communities;
 - b. are at least reasonably comparable to airports serving similar non-First Nations communities in similar locations;
 - c. address the increasingly critical and essential role of airports in emergency response and climate change adaptation; and,
 - d. include up to date guidance systems.

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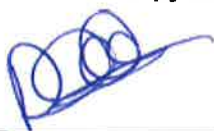


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2. Direct the AFN to take every step to ensure that federal, provincial, and territorial governments collaborate with First Nations to identify these requirements, priorities, strategies, costs, and programs in a "National Action Plan for Air Services to Remote First Nations" that includes adequate and sustainable budgetary commitments and timelines; that will ensure that the service levels, regulation, construction, capacities, maintenance and operation of airports serving remote First Nations in northern Manitoba and other regions meet the basic air transportation requirements and the needs of remote First Nations communities, are reasonably comparable to airports serving non-First Nations communities in similar locations, effectively address the increasingly critical role of airports in emergency response and climate change adaptation, and include up to date guidance systems.
3. Direct the AFN to take every step to ensure that both the federal and provincial governments amend or establish their respective legislative frameworks governing the setting of standards for service levels and the regulation, construction, capacities, maintenance and operation of airports serving remote First Nations communities that are not connected to the provincial all-weather highway network to class airports serving remote First Nations as an "essential service" and "critical infrastructure," together with enforceable statutory obligations on the part of Canada and Manitoba to:
 - a. ensure that these airports meet the basic air transportation requirements and needs of remote First Nations communities;
 - b. are at least reasonably comparable to airports serving non-First Nations communities in similar locations;
 - c. address the increasingly critical and essential role of airports in emergency response and climate change adaptation; and
 - d. include up to date guidance systems.
4. Ensure that the AFN obtains deficiency inspections from Transport Canada, that they be costed out as to what the repairs would cost, and that the AFN advocates for resources to address repairs

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 10/2023

TITLE: Support for the First Nations National Action Plan for the United Nations International Decade of Indigenous Languages (2022-32)

SUBJECT: Languages

MOVED BY: Duane Aucoin, Proxy, Teslin Tlingit Council, YT

SECONDED BY: Chief Ira McArthur, Pheasant Rump Nakota Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places, and persons.
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. Through Assembly of First Nations (AFN) Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*, First Nations-in-Assembly fully supported the Report's 94 Calls to Action, including specific Calls (13, 14, 15, 16, 17, 84, and 85) about Indigenous Peoples' languages.

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- C. AFN Resolution 46/2018, *United Nations International Decade of Indigenous Languages*, was adopted on December 4, 2018, and called upon the federal government to propose, advocate, and support a timely United Nations declaration of an International Decade of Indigenous Languages (IDIL).
- D. AFN Resolution 16/2021, *Support for the United Nations International Decade of Indigenous Languages (2022-32)*, was adopted on December 7, 2021, and called upon the federal government to engage directly and meaningfully with First Nations about planning and implementing Canada's participation in the IDIL.
- E. The United Nations declared 2019 to be the International Year of Indigenous Languages and subsequently declared 2022 to 2032 to be the IDIL.
- F. The Los Pinos Declaration (Chapoltepek) - Making a Decade of Action for Indigenous Languages, resulted from the closing event of the International Year of Indigenous Languages and highlights the importance of enabling the use of Indigenous languages in justice systems, the media, labour, and health programming and set out a vision for planning and organizing the IDIL.
- G. The United Nations is urging participating States, including Canada, to support the development of National Action Plans for the IDIL.
- H. The Department of Canadian Heritage is developing a National Action Plan for the IDIL with input from First Nations, Inuit, and Métis Peoples.
- I. First Nations voices and visions for the revitalization of First Nations languages must be included and recognizable in any planning regarding the IDIL, both within Turtle Island and internationally.
- J. The First Nations Languages National Action Plan, reflecting First Nations visions of revitalization, must be evident in strategic planning for the decade and in Canada's National Action Plan for the IDIL.
- K. The First Nations Languages National Action Plan has been informed by the Indigenous Languages Initiative Report (2017), engagements on the Indigenous Languages Act, consultations on the Office of the Commissioner of Indigenous Languages and the development of a Languages Funding Model, and through strategic discussions with the Technical Committee on Languages (TCOL), and the Chiefs' Committee on Languages (CCOL).
- L. Support for the First Nations Languages National Action Plan would reinforce a shared First Nations vision to reinforce, revitalize, maintain and strengthen First Nations languages and would support the implementation objectives of the United Nations Declaration on the Rights of Indigenous Peoples Act.

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

1. Reaffirm that jurisdiction over First Nations languages remains with individual First Nations.

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2. Ratify the First Nations Languages National Action Plan to inform the Department of Canadian Heritage's National Action Plan for the International Decade of Indigenous Languages (IDIL).
3. Call on the Government of Canada and demand adequate funding to support needs-based activities related to the IDIL, as determined by each First Nation, and not divert funding committed to support the efforts of First Nations to reclaim, revitalize, and strengthen their languages, including amendments to Bill C-13, *An Act to Amend the Official Languages Act to further support First Nations languages*.
4. Direct the Assembly of First Nations (AFN), with support from the Chiefs' Committee on Languages (CCOL), and the Technical Committee on Languages (TCOL), to monitor the implementation of the IDIL.
5. Direct the AFN to return to First Nations-in-Assembly if the First Nations Languages National Action Plan, or the Department of Canadian Heritage's National Action Plan for the IDIL, requires amendment during the decade, and to report on outcomes following the IDIL.
6. Affirm the First Nations Languages National Action Plan as a foundational step for First Nations languages and that activities to reclaim, revitalize, and strengthen languages, including First Nations sign languages, will extend beyond the IDIL.
7. Direct the AFN to raise the profile of Indigenous languages by removing it from the purview of the Department of Canadian Heritage and work with First Nations to determine an appropriate place.

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**SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON**

Resolution no. 11/2023

TITLE: Right to Education

SUBJECT: Education

MOVED BY: Chief Randy Ermineskin, Ermineskin Cree Nation, AB

SECONDED BY: Proxy James Jackson, Whitefish (Goodfish) Lake First Nation #128, AB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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.
- B. The Truth and Reconciliation Commission of Canada states:
- i. Call to Action 7: We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.
 - ii. Call to Action 8: We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.

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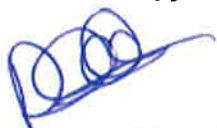
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- iii. Call to Action 9: We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Call to Action 11: We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
- C. The historic international Treaties and many modern Treaties contain promises and provisions regarding First Nations' right to education that have been honoured more in the breach than in the fulfillment of the obligations by Canada.

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

1. Reaffirm First Nations inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call upon Canada to take immediate steps to reach binding agreements with First Nations who are willing and ready, which ensure Treaty obligations and Indigenous self-determination principles regarding education are recognized and implemented in a manner that fully honours the spirit and intent of Treaty rights.
4. Call Upon Canada to comply with the United Nations Declaration on the Rights of Indigenous Peoples, United Nations Declaration on the Rights of Indigenous Peoples Act, and the Truth and Reconciliation Commission of Canada to ensure Treaty Rights are fully funded in the following forms of education:
 - a. K-12 education;
 - b. Post-secondary education;
 - c. Language revitalization;
 - d. Education infrastructure and operations and maintenance;
 - e. Treaty-based and self-determined First Nations education governance systems;
 - f. Special education and specialized services;
 - g. Immersion schools and immersion education systems;
 - h. Adult education; and
 - i. Any other form of Treaty education as determined by First Nations.

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5. Call on the Assembly of First Nations to write to the Minister of Indigenous Services Canada and Minister of Finance in support of these Treaty Rights to education.

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**SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON**

Resolution no. 12/2023

TITLE: First Nations Alternative Approaches to Justice

SUBJECT: Justice

MOVED BY: Catherine Merrick, Proxy, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Desmond Bull, Louis Bull 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 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.
 - iii. 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 federal government is responsible for the dismantling of First Nations legal orders and systems through generations of colonization.

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- C. Some First Nations are succeeding in implementing alternative approaches to justice but lack long-term predictable funding to sustain or expand these alternatives to law enforcement and the Canadian judicial system.
- D. Many First Nations need financial resources to build capacity and undertake the necessary research and work to rebuild their systems of justice and law enforcement.

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

- 1. Call on the federal government to support First Nations with rebuilding their justice systems by providing long-term predictable funding to develop, expand, or sustain alternative approaches to law enforcement and justice that are informed by individual First Nations' laws and legal traditions.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 13/2023

TITLE: Enforcement of Band Council Resolutions and Bylaws On-Reserve

SUBJECT: Community Policing and Safety

MOVED BY: Catherine Merrick, Proxy, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Desmond Bull, Louis Bull 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 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. Community safety and policing is a major concern in First Nations throughout Canada and has been a concern for some time.
- C. First Nations have the inherent right to self-determination, and Council may enact laws or by-laws for the observation of law and order through the provisions of the Indian Act.

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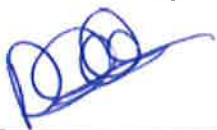
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- D. The Royal Canadian Mounted Police (RCMP) have advised First Nations in Manitoba that Emergency Laws and Orders enacted under a Land Code under the First Nations Land Management Act (FNLMA) are of no more force and effect than a Band Council Resolution and are therefore unenforceable by the RCMP.
- E. Similarly, in Manitoba, the RCMP are not recognizing, enforcing, or laying charges, and Crown prosecutors have reportedly advised the RCMP that they will not prosecute offences under duly enacted First Nations By-laws under s. 81 and s. 85(1) of the Indian Act, which are posted on the First Nation Gazette.

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

1. Direct the Assembly of First Nations (AFN) to advocate to the federal government that it gives clear and firm direction to the Royal Canadian Mounted Police (RCMP), provincial, territorial, and municipal services across Canada, and federal Crown prosecutors that First Nations by-laws enacted through the Indian Act are valid First Nations and federal laws, and must be recognized and enforced by the local policing authority and, where charges are laid and where appropriate, prosecuted by provincial or federal Crown prosecutors.
2. Direct the AFN to engage with the Government of Canada to co-develop amendments to the Criminal Code of Canada to allow for private prosecutions by First Nations prosecutors in situations of summary offences, including violations of Indian Act by-laws or other First Nations laws.
3. Call on the federal government for sustainable and long-term funding for First Nations prosecutors to enforce laws and by-laws enacted under the Indian Act or the FNLMA.
4. Call on the Attorney General of Canada to act on Section 31 of the Indian Act to enforce trespass by-laws enacted by First Nations.
5. Call on the Government of Canada to work with First Nations who wish to establish a court system and that Canada fund those systems.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 14/2023

TITLE: Support for Canada to Announce a New Self-Administered Police Service for Northern Manitoba First Nations

SUBJECT: Policing and Public Safety

MOVED BY: Catherine Merrick, Proxy, Pimicikamak Cree Nation, MB


SECONDED BY: Chief Desmond Bull, Louis Bull First Nation, AB

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 7 (1): Indigenous peoples have the rights to life, physical and mental integrity, liberty and security of person.
 - iv. 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.

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- v. 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.
- B. Section 6 (1) of The United Nations Declaration on the Rights of Indigenous Peoples Act, (S.C. 2021, c. 14) requires that the Minister must, in consultation and cooperation with Indigenous Peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the UN Declaration.
- C. Section 3 (2) of The Path to Reconciliation Act, C.C.S.M. c. R30.5, requires that each member of the Manitoba Executive Council is to promote measures to advance reconciliation through the work of the member's department and across government.
- D. The First Nations in northern Manitoba affiliated with the Manitoba Keewatinowi Okimakanak. Inc. (MKO) have been pursuing the establishment of a new self-administered First Nation Police Service for the past twenty-two years, including through the June 6, 2001, MKO-Canada-Manitoba Framework Agreement, and more recently, through the MKO letter dated July 23, 2021, to the provincial Minister of Justice and to the federal Ministers of Public Safety, Justice, and Indigenous Services Canada.
- E. During the 2022 MKO Annual General Assembly, the MKO Chiefs-in-Assembly reiterated their collective vision and objective of establishing a new self-administered First Nation Police Service for the MKO Region in MKO Resolution 2022-08-07, *Reiteration of Support for Establishing an MKO Regional Police Force and MKO Policing Program*.
- F. Federal Budget 2021 announced \$861 million over five years beginning in fiscal year 2021-2022, with \$126.8 million ongoing to support the stabilization and expansion of the First Nation and Inuit Policing Program (FNIPP).
- G. Manitoba has approximately 19% of the total on-reserve First Nation population in Canada and currently receives only 8% of total annual FNIPP funding, with the result that 46 of the 63 Manitoba First Nations do not receive dedicated, culturally-guided, in-community policing services under the FNIPP.
- H. On November 29, 2022, the Grand Chief of MKO wrote to and met with the Prime Minister to request that Canada announce its support of and commitment to establish new self-administered First Nation Police Services in Manitoba, including for the MKO Region.

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

1. Call on Canada to announce its support of and commitment to establishing new self-administered First Nation Police Services in Manitoba, including to serve the northern Manitoba First Nations.

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2. Call on Public Safety Canada to immediately engage with the northern Manitoba First Nations and the Manitoba Minister of Justice and senior officials to advance the substantive steps necessary to develop, enter into, and operationalize an agreement for a new self-administered police service for the northern Manitoba First Nations, including, but not limited to:
 - a. development of a governance model including the approach to community engagement in setting policing priorities;
 - b. identifying the scope and standards for service delivery and the related officer compliment;
 - c. recruitment and training;
 - d. capital investments for facility locations and configuration;
 - e. equipment and resource requirements; and
 - f. a funding and operations agreement between Canada, First Nations, and Manitoba.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 15/2023

TITLE: Support for Advocacy and the Establishment of a Working Group to Address Missing and Murdered Indigenous Men and Boys

SUBJECT: Justice

MOVED BY: Catherine Merrick, Proxy, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Desmond Bull, Louis Bull First Nation, AB

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 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - iv. 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. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:

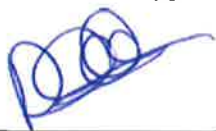
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- i. Call for Justice 1.8: We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA peoples' organizations.
 - ii. Call for Justice 1.9: We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.
 - iii. Call for Justice 1.10: We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.
 - iv. Call for Justice 1.11: We call upon the federal government – specifically, Library and Archives Canada and the Privy Council Office – to maintain and to make easily accessible the National Inquiry's public record and website.
 - v. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- C. The healing and prevention programs must be Indigenous-led, rooted in Indigenous knowledge, culture and ceremony, and must include families of Murdered and Missing Indigenous Men, Boys, Survivors, Two-Spirited and Gender Diverse People and communities, also known as the family first philosophy.
- D. The 2004 Commission of Inquiry into Matters Relating to the Death of Neil Stonechild demonstrated how systemic racism ingrained in Canadian institutions such as the police, contributes to the disproportionate number of Missing and Murdered First Nations Men and Boys.
- E. First Nations men and boys experience violence and are murdered at a disproportionately higher number than any other groups in Canada. In 2020, there were 201 Indigenous victims of homicide nationwide – 81% of which were Indigenous men. An Indigenous man is four times more likely to be a victim of homicide when compared to Indigenous women and seven times more likely than non-Indigenous males.

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- F. Greater awareness and resources are needed to draw attention to the issue of Missing and Murdered Indigenous Men, Boys and 2SLGBTQQIA+ people.

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

1. Direct the Assembly of First Nations (AFN) National Chief and Executive Committee to advocate and lobby the Government of Canada to commit funds and resources for Murdered and Missing Indigenous Men and Boys, similar to that of Missing and Murdered Indigenous Women, Girls and Gender Diverse People (MMIWG2S+).
2. Direct the AFN to advocate for dedicated resources to establish a Murdered and Missing Indigenous Men and Boys working group, to examine the root causes of violence against Indigenous men and boys and to advocate for solutions to address the disproportionate number of First Nations men and boys who go missing or are found murdered.
3. Direct the AFN to work with the Minister of Justice/Attorney General of Canada and the provinces, the Department of Justice Canada as well as the RCMP, provincial and municipal police forces across Canada to commit to devoting greater resources to investigating unsolved cases of Missing and Murdered First Nations Men, Boys and 2SLGBTQQIA+ people.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 16/2023

TITLE: Distinctions-Based Indigenous Health Legislation

SUBJECT: Health

MOVED BY: Chief Derek Nepinak, Pine Creek First Nation, MB

SECONDED BY: Chief Andrea Paul, Pictou Landing First Nation, NS

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iv. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

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- v. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
 - vi. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
 - vii. Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - viii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
- C.** Canada's obligations at international customary law are explained in the Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 14: The Right to the Attainable Standard of Health (Art. 12 of the International Covenant on Economic, Social and Cultural Rights) which provides, in part:
- i. Indigenous peoples

“In the light of emerging international law and practice and the recent measures taken by States in relation to indigenous peoples, the Committee deems it useful to identify elements that would help to define indigenous peoples' right to health in order better to enable States with indigenous peoples to implement the provisions contained in article 12 of the Covenant. The Committee considers that indigenous peoples have the right to specific measures to improve their access to health services and care. These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines. States should provide resources for indigenous peoples to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health. The vital medicinal plants, animals and minerals necessary to the full enjoyment of health of indigenous peoples should also be protected. The Committee notes that, in indigenous communities, the health of the individual is often linked to the health of the society as a

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 17/2023

TITLE: Prioritize Land Back Through All Federal Laws, Policies, and Programs

SUBJECT: Lands

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

SECONDED BY: Victor Linklater, proxy, Taykwa Tagamou Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - iv. 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

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- v. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. For First Nations, the land is life. We have lived on our lands since time immemorial. As a result, we have deep cultural, spiritual, and economic ties to our lands and territories and a sacred responsibility to protect, nurture, and sustain the land, water, animals, and resources for future generations.
- C. The colonial and Canadian governments have taken, occupied, used, damaged, and stolen lands from First Nations. This was done through policy, law, coercion, lies, force, and many other harmful actions that amount to genocide. Furthermore, these acts, intended to accelerate the settlement of Indigenous lands, were inconsistent with applicable principles of domestic and international law and Indigenous laws, customs, and traditions.
- D. The doctrines of discovery and terra nullius are racist, unjust, and legally invalid. The assertion of Crown sovereignty is a legal fiction used to justify the theft of First Nations' lands.
- E. Despite the ongoing effort to sever First Nations from their lands, we are still overcoming and maintaining cultural, spiritual, and economic ties to our lands, territories, and resources.
- F. We have entered a new era in which the Government of Canada acknowledges its colonial past, which continues to reverberate outwards, harming all, despite apologies and commitments to change. The heart of reconciliation is the return of land to First Nations. Without land, there can be no reconciliation.
- G. Section 35 of the Canadian Constitution recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal Peoples of Canada. Through the United Nations Declaration on the Rights of Indigenous Peoples Act, and the commitment to implement the UN Declaration, the Government of Canada is obliged to return lands to First Nations. The starting point of reconciliation is not an apology; it is taking active steps to return land to First Nations.
- H. Increasingly, First Nations youth, Elders, women, water warriors, and land defenders are being criminalized as they assert their rights to their lands. For reconciliation to be true, we need the Government of Canada and its provinces to take meaningful and swift action to demonstrate that our land rights are a priority.
- I. There are currently no effective federal policy mechanisms to facilitate the quick and efficient return of lands to First Nations. First Nations have explicitly rejected the Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) because they are based on a denial of our shared past.

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- J. The specific claims process is flawed and prioritizes financial compensation over the return of lands. While First Nations can purchase lands with money, the additions-to-reserve policy is costly, inefficient, and prioritizes third parties over First Nations.
- K. The Government of Canada has acknowledged its policy shortcomings but continues to prioritize accelerated negotiations through a suite of options, including Recognition of Indigenous Rights and Self-Determination Discussion Tables (RIRSD), rather than working with all First Nations to identify principled, transparent, and fairly funded alternatives consistent with the UN Declaration.

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

1. Direct the Assembly of First Nations (AFN) to call on the Prime Minister of Canada and the Crown to prioritize the return of lands to First Nations through all laws, policies, and processes.
2. Direct the AFN to call on the Government of Canada to work with all First Nations to identify open, transparent, and funded processes that prioritize the return of lands to First Nations through nation-to-nation discussions.
3. Direct the AFN to ensure adequate funding is provided for First Nations and their representative organizations to fully participate in the return of lands through nation-to-nation discussions.
4. Direct the AFN to seek funding and opportunities to support First Nations asserting self-determination and control over their lands through research, analysis, communications, and political intervention.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 18/2023

TITLE: Support for Treaty 9 Legal Action on Cumulative Impacts

SUBJECT: Treaties

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

SECONDED BY: Victor Linklater, proxy, Taykwa Tagamou Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. Indigenous Peoples have always used and cared for their lands and waters in accordance with their inherent laws and practices.
- B. For decades, provincial governments across Canada have undertaken and authorized resource development on Indigenous lands without regard for the cumulative impacts of those developments on Indigenous Peoples' rights, culture, and ways of life.
- C. In *Yahey v. British Columbia*, the BC Supreme Court affirmed that the Province of British Columbia failed to uphold the Crown's obligations under Treaty 8, including by failing to develop and implement mechanisms to assess, monitor, and manage the cumulative impacts of resource development on Treaty 8 territory in British Columbia.
- D. First Nations in other provinces have initiated or are contemplating initiating legal action to protect their territories and enforce the Crown's Treaty obligations.

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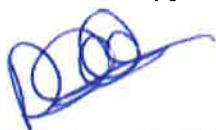
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- E. Since the signing of Treaty 9, Ontario has authorized industrial development and forestry in the traditional territories of the Chapleau Cree First Nation, Missanabie Cree First Nation, and Brunswick House First Nation (collectively, the Treaty 9 First Nations). These actions have fragmented the landscape, degraded the lands and waters, and harmed the wildlife and plant life within.
- F. In September 2022, the Treaty 9 First Nations launched litigation (the Legal Action) challenging Ontario's failure to uphold the Crown's obligations under Treaty 9, including its obligation to protect the Nations' Treaty rights and way of life from the cumulative impacts of resource development in Treaty 9.
- G. The Legal Action will build on recent court decisions, including the Yahey decision, which seek to address and enforce the Crown's outstanding obligations to protect Indigenous Peoples' lands and waters from the cumulative impacts of resource development.
- H. The Legal Action will bring attention to the environmental damage these activities cause to the boreal forest ecosystem in Treaty 9 First Nations' traditional territories and add to the growing body of jurisprudence on the Crown's obligations to take proactive measures to address the cumulative impacts of resource development on Treaty rights.

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

1. Direct the Assembly of First Nations (AFN) to lend political support for Treaty 9 in the legal action and work with the Treaty 9 Nations to explore avenues for continued support as the legal action progresses, including ensuring that this legal action can be used as a positive precedent for other Treaty First Nations in Canada to pursue similar claims and protect their traditional territories.
2. Direct the AFN to call on Canada and all of the provinces, through correspondence to Minister Lametti, Minister Guibeault, and Minister Miller, to ensure the Treaty 9 First Nations' lands and waters are respected and protected, including by taking immediate measures to address the cumulative impacts of resource development on the Nations' Treaty rights and way of life in such a way to ensure climate change resiliency can occur and that landscape scale biodiversity is achieved.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 19/2023

TITLE: Repatriation of Grave Sites

SUBJECT: Lands

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

SECONDED BY: Victor Linklater, proxy, Taykwa Tagamou Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11 (1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This included 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 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious, and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
 - iii. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access to privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

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- iv. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- B. The ancestral grave sites of members of Enoch Cree Nation have been identified and located in lands owned by the province of Alberta.
- C. These lands should be repatriated from the province of Alberta to Enoch Cree Nation as the ancestral members of Enoch Cree Nation rest in Enoch Cree Nation lands.

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

- 1. Direct the Assembly of First Nations to urge the Government of Canada and the Alberta Government to repatriate the ancestral grave sites to the Enoch Cree Nation.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 20/2023

TITLE:	United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan
SUBJECT:	United Nations Declaration on the Rights of Indigenous Peoples
MOVED BY:	Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation (Gull Bay First Nation), ON
SECONDED BY:	Chief Lisa Robinson, Wolf Lake First Nation, QC
DECISION	Carried; 1 opposition

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly of the United Nations in 2007.
- B. Canada endorsed the UNDRIP without qualification in 2016.
- C. In 2021, the Government of Canada enacted Bill C-15, the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act).
- D. Section 5 of the UNDRIP Act provides:
 - i. The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.
- E. Section 6 of the UNDRIP Act provides:
 - i. 6 (1): The Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the Declaration.
 - ii. 6 (2) The action plan must include:

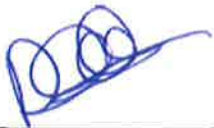
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- a. measures to:
 - i. address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons, and
 - ii. promote mutual respect and understanding as well as good relations, including through human rights education; and
 - b. measures related to monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration.
 - iii. 6 (3) The action plan must also include measures related to monitoring the implementation of the plan and reviewing and amending the plan.
 - iv. 6 (4) The preparation of the action plan must be completed as soon as practicable, but no later than two years after the day on which this section comes into force.
 - v. 6 (5) The Minister must cause the action plan to be tabled in each House of Parliament as soon as practicable after it has been prepared.
 - vi. 6 (6) After the action plan is tabled, the Minister must make it public.
- F. Pursuant to Section 7 of the UNDRIP Act, the Government of Canada submitted a report to Parliament on June 2022, indicating the following:
- i. "Early work in implementation has concentrated on how to support Indigenous-led capacity to participate in the co-development of the action plan, including the identification of measures to ensure the consistency of federal laws with the UN Declaration. As part of this collaborative work, approximately \$23.6 million in funding was made available to support Indigenous participation in the engagement process, including support for Indigenous-led consultations. A call for proposals was undertaken from December 2021 to April 2022, with a goal to support a broad range of Indigenous rights holders, representative organizations and groups. Funding will help support Indigenous partners in conducting research and analysis and consulting their members and citizens to identify priorities. Two hundred and eight (208) proposals were received, and of these, 147 have been approved. Indigenous-led engagement sessions will take place over the summer and early fall of 2022."
- G. On March 20, 2023, the Department of Justice released *What We Learned to Date: Report on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act* and the Draft UNDRIP Act National Action Plan.

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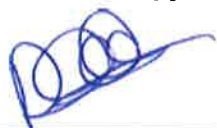


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- H. Pursuant to Section 6, the Action Plan must be tabled with Parliament by June 21, 2023.
- I. The call for proposals issued by the Government of Canada was limited to those First Nations and Indigenous organizations which had participated in the shortened consultation process which occurred prior to the enactment of the UNDRIP Act, excluding the vast majority of First Nations in Canada, and thereby denying them the opportunity to participate in the consultation process leading up to the tabling of the Action Plan with Parliament.
- J. Only \$7.35 million in consultation funding was allocated to First Nations, with the remaining \$16.25 million being allocated to Indigenous organizations which are not rights holders, thereby making the allocation of funding inconsistent with Section 6 of the UNDRIP Act, which requires the Government to draft the Action Plan in consultation and cooperation with Indigenous Peoples and with the spirit of the Act and the United Nations Declaration.
- K. The Department of Justice, tasked with drafting the Action Plan, has established an unreasonably shortened timeline for community engagement and consultation. The timeline has not been adjusted, in spite of the Government's failure to release the Draft Action Plan by the date provided for in the timeline, thereby depriving First Nations of the opportunity to conduct meaningful community engagement and consultation. This has resulted in grossly inadequate time to provide feedback on the Draft UNDA National Action Plan.
- L. This conduct by the Department of Justice is in direct contravention of the Government's obligations under Section 6 of the UNDRIP Act, as well as in contravention of its duty to consult and accommodate under Section 35 of the Constitution Act, 1982.
- M. The Government of Canada must acknowledge that First Nations need not negotiate their rights, whether under the UNDRIP Act action plan or otherwise.
- N. The draft Action Plan signals the ineffectiveness of the federal government to envision reconciliation that includes the full recognition of First Nations inherent and Treaty rights, title, and jurisdiction or to push past the status quo of contingent and limited governing authority for First Nations governments.
- O. Implementation of the Articles of the UNDRIP, contained within the UNDRIP Act, and the affirmation of First Nations Inherent and Treaty rights, title, and jurisdiction requires whole of government approaches that support First Nations free, prior, and informed consent. The Draft National Action Plan contains many gaps and omissions that must be addressed, including but not limited to the incorporation of the Truth and Reconciliation Commission (TRC) Report's Calls to Action, recognition of First Nation land rights, including unceded lands, and the absence of any measures to rescind the application of the Doctrine of Discovery in law, including the common law's interpretation of Section 35 of the *Constitution Act, 1982*.

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- P. The UNDRIP Act requires Canada to continue to work with First Nations rights holders and their representative institutions and organizations as identified by First Nations rights holders, including in all efforts to amend and/or review any future National Action Plans.
- Q. An amendment to the UNDRIP Act would be required in order to extend the date for tabling the Action Plan with Parliament.

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

1. Call upon the Government of Canada to proceed without delay to amend the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act), for tabling the Action Plan with Parliament annually, in order that Indigenous Peoples be consulted and accommodated pursuant to Section 6(1) of the UNDRIP Act and Section 35 of the *Constitution Act, 1982*.
2. In the event that the Government of Canada is unwilling or unable to amend Section 6 (4) of the UNDRIP Act, direct the Assembly of First Nations (AFN) to:
 - a. Call on the Government of Canada to commit to amending the Action Plan annually after June 21, 2023, following consultation that meets the requirements of the UNDRIP Act, and First Nations Inherent and Treaty rights, title and jurisdiction.
 - b. Call upon the Government of Canada to ensure additional funds and resources be made available to all First Nations who wish to participate in the consultation of the Action Plan, in order to meet the requirements of free, prior, and informed consent as per Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples and the duty to consult and accommodate.
3. Call on the Government of Canada to continue to consult and cooperate with First Nations title and rights and treaty holders and their representative institutions, where mandated by the First Nation, to review and co-develop amendments to the National Action Plan in order to address the gaps that have been identified by First Nations. This process must be supported by a national oversight body with representation from First Nations and Crown governments, to ensure transparency and the incorporation of First Nations submissions on the National Action Plan.
4. Support First Nation and region-specific approaches that uplift First Nations right-holders and advance the implementation of the Declaration based on ongoing work, identified priorities and positions in relation to the UNDRIP Act, and the National Action Plan.
5. Call on the Department of Justice to provide a copy of all the proposals it has reviewed and approved, without restrictions, to the Assembly of First Nations.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 21/2023

TITLE: Replacing First Nations Lands Lost Due to Climate Disasters

SUBJECT: Climate Change and Emergency Management

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NWT

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried; 3 opposition, 2 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories, or resources.
 - ii. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation, and, where possible, with the option of return.
 - iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions.

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- B. First Nations across Canada have increasingly been experiencing displacement and loss of lands due to climate disasters such as fires and floods. The replacement of lands and the rebuilding of communities are high priorities for First Nations.
- C. Both the federal and provincial governments are aware of the negative impacts of climate disasters on First Nations.
- D. There is currently no effective mechanism to adequately respond to the impacts of climate disasters on First Nations. Some First Nations in Manitoba continue to experience displacement since flooding in 2011.
- E. This is an urgent issue that involves both the federal and provincial governments, in which the existing policy options are insufficient and slow down the process of effective redress for First Nations.

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

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to take a whole of government approach, working in full partnership with affected First Nations, to respond immediately to climate emergencies impacting First Nations lands, including the replacement of lands that have been lost or damaged, and the relocation of reserves vulnerable to climate disasters.
2. Direct the AFN to call on the Government of Canada to work in full partnership with affected First Nations to identify the priorities, objectives, and resources needed to respond to climate emergencies impacting First Nations lands, including the replacement of lands that have been lost or damaged and the consideration of granting personhood to vulnerable lakes, rivers, aquifers, and other bodies of water.
3. Direct the AFN to call on the Government of Canada to ensure its policies, processes, and laws facilitate a whole of government approach to climate emergencies, particularly the purchase, transfer, and conversion of lands to replace First Nations lands lost or damaged by climate emergencies. In those cases where policy, process or law is an impediment, the Government of Canada must identify alternative approaches that prioritize immediately responding, in full partnership with affected First Nations, to climate emergencies impacting First Nations lands.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 22/2023

TITLE: First Nations Engagement on Canada's 2030 Emissions Reduction Plan

SUBJECT: Environment and Climate Change

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NWT

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried; 3 opposition, 2 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.
 - iii. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of Indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- v. 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.
 - vi. 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 Truth and Reconciliation Commission of Canada's Call to Action 92 calls upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This includes:
- i. a commitment to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- C.** The extraction of natural resources throughout Canada has been done without the Free, Prior, and Informed consent of First Nations and most often without appropriate consideration of the environmental impacts to the well-being of First Nations or impacts on Treaty and Aboriginal rights.
- D.** First Nations' unceded lands, reserve lands and Treaty and Aboriginal rights have been drastically impacted by climate change and environmental impacts resulting from natural resource extraction.
- E.** The Canadian Net-Zero Emissions Accountability Act, which became law on June 29, 2021, enshrines in legislation Canada's commitment to achieve net-zero emissions by 2050. The Government of Canada is required to take sweeping and substantive actions under the Act, many of which will have significant implications for First Nations.
- F.** Canada has not adequately consulted with First Nations on the Canadian Net-Zero Emissions Accountability Act and related implementation of the Act, such as through the 2030 Emissions Reduction Plan.
- G.** A key component of Canada's 2030 Emissions Reduction Plan is a carbon capture, utilization, and storage (CCUS) strategy. Carbon dioxide is a greenhouse gas, which is a major factor contributing to climate change. CCUS is a suite of technologies that capture carbon dioxide directly from the atmosphere, or separate carbon dioxide from the emissions of industrial processes, such as those in the oil, gas, and coal energy sectors, prior to release into the atmosphere.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 23/2023

TITLE: Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd

SUBJECT: Environment

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NWT

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried; 3 opposition, 2 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.
- 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 20: 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 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. For thousands of years the Gwich'in Nation, spanning what is now Alaska, Yukon and the Northwest Territories has relied on the Porcupine Caribou herd to meet the nutritional, cultural and spiritual needs of Gwich'in.
- C. Gwich'in have the inherent right to continue their own way of life, and this right is recognized and affirmed by Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which read, in part, "In no case may a people be deprived of their own means of subsistence."
- D. The health and productivity of the Porcupine Caribou herd and the physical and cultural survival of Gwich'in are endangered by ongoing threats of oil and gas exploration and development in the sacred calving and post-calving grounds situated on the north slope of Alaska and within an area of the Arctic National Wildlife Refuge known to Gwich'in as "Izhik Gwats'an Gwandaii Goodlit" (Sacred Place Where Life Begins), more commonly known as the Coastal Plain or '1002' lands.
- E. The entire Gwich'in Nation was called together by their chiefs in Arctic Council in 1988 to carefully address this issue and to seek the advice of our elders. This resulted in Gwich'in of every community from Arctic Village, Venetie, Fort Yukon, Beaver, Chalkyitsik, Birth Creek, Stevens Village, Circle, and Eagle Village in Alaska; and from Old Crow, Fort McPherson, Arctic Red River, Aklavik, and Inuvik in Canada, to reach a consensus in our traditional way, and now speak with a single voice.
- F. Since 1988, the Gwich'in Nation and its allies have successfully resisted multiple attempts by the United States Congress to open the Arctic National Wildlife Refuge for oil and gas exploration and development.
- G. The Assembly of First Nations (AFN) First Nations-in-Assembly passed multiple resolutions articulating their unanimous support for the Gwich'in Nation and their protection of the Porcupine Caribou herd, including Resolution 61/2015, *Prohibit Development in the Calving and Post-Calving Groups of the Porcupine Caribou Herd*; 110/2016, *Support the Protection of the Arctic National Wildlife Refuge*; 24/2017, *Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd*; and 17/2020, *Support for First Nations Climate Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation*.
- H. In 2017, the Trump administration passed the Tax Cuts and Jobs Act in 2017 which mandated two lease sales in the Arctic National Wildlife Refuge's Coastal Plain "by not later than 10 years after the date of enactment" and rushed through the environmental assessment process in order to hold the first lease sale of the Coastal Plain before leaving office in 2020.

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- I. Despite efforts made by President Biden and his administration to protect the Arctic National Wildlife Refuge since taking office in 2020, the Coastal Plain is not yet safe from oil and gas development as the leases sold by the Trump Administration have not yet been cancelled and a second lease sale by 2024 is still mandated by the law creating significant concerns for the Gwich'in who have not been consulted throughout the legislative and administrative processes to date and continue to advocate for permanent protection of the sacred calving and post calving grounds of the Porcupine Caribou Herd.

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

1. Direct the Assembly of First Nations (AFN) National Chief to call upon the United States Congress and President of the United States to recognize the inherent rights of Gwich'in to continue to live their way of life and maintain their sacred relationship with the Porcupine Caribou Herd by meaningfully acknowledging and engaging with the Gwich'in and by repealing the language in the 2017 Tax Cuts and Jobs Act which mandates oil and gas development in the Arctic National Wildlife Refuge.
2. Support the Gwich'in, through available domestic and international diplomatic avenues, in their efforts to raise awareness of this international human rights issue and advocate for political leaders, corporations and financial institutions to take firm stances on:
 - i. opposing development in the Arctic National Wildlife Refuge and;
 - ii. stressing the importance of permanent protection of the Coastal Plain of the Arctic National Wildlife Refuge.
3. Direct the AFN National Chief to urge the Prime Minister of Canada and the Minister of Environment and Climate Change Canada to continue to support efforts aimed at seeking permanent protection of the Coastal Plain of the Arctic National Wildlife Refuge.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 24/2023

TITLE: Support for an Equitable Carbon Tax on Industrial Fossil Fuel Protection

SUBJECT: Taxation, Oil and Gas, Environment

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NWT

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried; 3 opposition, 2 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- 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 and implementing legislative or administrative measures that may affect them.
 - iii. 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 programmes for indigenous peoples for such conservation and protection, without discrimination.
 - iv. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- v. 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.
 - vi. 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. Canada has implemented a national, economy-wide minimum carbon price on fossil fuels, which will increase annually to \$170 per tonne of greenhouse gas (GHG) emissions by 2030, and British Columbia has committed to meeting or exceeding the federal carbon price by amending the current provincial carbon tax of \$50 per tonne.
 - C. Carbon pricing is one of the major market-based climate mitigation measures implemented by the provincial and federal governments to date, representing one of the pillars of Crown initiatives to meet international obligations and legislated commitments to reduce GHG emissions that cause climate change.
 - D. Climate change threatens the security and way of life of Indigenous Peoples throughout Canada and the world, which has been evident in British Columbia as climate extremes have exacerbated severe heat, wildfires, flooding, and storms, among other impacts, that have devastated communities across the province.
 - E. Canada's highest-emitting sector, the oil and gas industry, receives special accommodations in national and provincial programs for large emitters that enable them to pay lower carbon tax rates than most other sectors of the economy, such as through the federal Output-Based Pricing System and provincial incentive programs.
 - F. Federal ministries are currently seeking input on a proposed emissions cap for the oil and gas sector, including on regulatory options such as a modified carbon pricing system designed to gradually reduce the GHG emissions from upstream oil and gas activities in line with an emissions cap trajectory.
 - G. Canada is one of the world's leading exporters of the fossil fuels that are driving the escalating climate emergency, and the existing and proposed emissions reduction measures for the oil and gas sector seek to avoid reductions in overall production in the interest of competitiveness.
 - H. Canada, along with many other jurisdictions, is unlikely to be able to reduce emissions from its fossil fuel sector to the extent required to limit global warming to 2°C without also winding down production.

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

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**SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON**

Resolution no. 24/2023

1. Fully support an equitable carbon price that holds large emitters accountable for their role in perpetuating climate change through their activities and products.
2. Urge the Governments of British Columbia and Canada to immediately begin exploring options for a managed wind-down of the provincial and national fossil fuel sector.
3. Direct the Assembly of First Nations (AFN) Executive and staff to work with First Nations and like-minded organizations to advocate for greater First Nations oversight and decision-making in allocating revenues accrued by carbon levies applied on title lands.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 25/2023

TITLE: Call for an Exemption to the Federal Carbon Levy for First Nation Governments in Rural and Remote Communities

SUBJECT: Environment

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NWT

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried; 3 opposition, 2 abstentions

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 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- B.** The Assembly of First Nations (AFN) First Nations-in-Assembly passed Resolution 103/2019, Ending Reliance on Diesel Power in Rural and Remote First Nations, calling on the federal government to begin consultations with rural and remote First Nations reliant on diesel power in order to jointly develop and implement plans and measures to end the reliance on diesel power by no later than 2030, as promised by Prime Minister Trudeau on October 8, 2019 in Iqaluit, Nunavut.
- C.** Many rural and remote First Nations governments continue to rely on diesel fuel for electricity generation and heat, resulting in rising greenhouse gas emissions.
- D.** While waiting for this transition from diesel power to a renewable energy source, First Nations Governments in these rural and remote communities are subject to the federal carbon levy.
- E.** The federal carbon levy has become very costly for those rural and remote First Nations governments who rely on diesel power, particularly during the winter.
- F.** The cost of living in northern communities is substantially greater than in the south because food and goods need to be transported great distances by freight or air.
- G.** Climate change has had a devastating impact on northern communities and subsistence harvesting, which has been limited due to severe declining populations of traditional foods, thus increasing the cost of living even further.

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

- 1.** Call on the Assembly of First Nations (AFN) to advocate to the federal government for an exemption to the federal carbon levy for diesel-reliant rural and remote First Nation governments.
- 2.** Call on the AFN to urge the federal government for increased funding and resources to ensure that rural and remote First Nations governments are able to transition away from a reliance on diesel power by no later than 2030.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 26/2023

TITLE: Transition from Open Net-Pen Fish Farming

SUBJECT: Fisheries

MOVED BY: Chief Robert Charlie-Tetlich, Inuvik Native Band, NT

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

DECISION Carried; 3 opposition, 2 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - iv. Article 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 programmes for indigenous peoples for such conservation and protection, without discrimination.

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- B.** First Nations rely on marine resources in the ocean and rivers for their livelihoods, way of life, health, and well-being, and have a sacred responsibility to protect fish from the devastating impacts of open net-pen aquaculture.
- C.** Open net-pen fish farming has long generated public concern for both its environmental devastation and its health consequences for wild aquatic species, becoming focal points for salmon-related diseases and viruses, including Heart and Skeletal Muscle Inflammation (HSMI), Piscine Reo-Virus (PRV), and Tenacibaculum, and for hazardous levels of parasitic sea-lice impacting wild migratory juvenile salmon, and unnatural levels of predation targeting vulnerable herring stocks.
- D.** The containment of hundreds of thousands of fish effectively transfers the economic burden of managing fish waste to the environment and surrounding communities.
- E.** In *Delgamuukw v. British Columbia*, 1997 3 SCR 1010, the Supreme Court of Canada affirmed Indigenous Peoples' rights in the land (including waters) and rights to determine its usage, requiring full consent of Indigenous Nations for government actions on Aboriginal Title Lands.
- F.** The Department of Fisheries and Oceans Canada (DFO) is carrying out engagements on the development of a fish farm transition plan that appears to be insufficient to meet the dire and urgent need to protect wild salmon and proposes unproven approaches, such as semi-closed containment facilities.
- G.** In Spring 2022, evidence was provided to the federal Standing Committee on Fisheries and Oceans that outlined how DFO repeatedly ignored and misrepresented scientific research and over-represents the interests of the industry.

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

- 1.** Fully support a rapid transition away from open net-pen aquaculture led by First Nations that shifts aquaculture to land-based closed-containment facilities and does not utilize unproven methods, such as semi-closed containment.
- 2.** Direct the Assembly of First Nations Executive Committee to work with like-minded organizations and the Governments of Canada on a plan to transition from open net-pen aquaculture to closed containment alternatives by 2025.
- 3.** Call upon the Department of Fisheries and Oceans to ensure Indigenous rights are foundational to federal aquaculture legislation and to co-develop legislation with Indigenous title and rights holders.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 27/2023

TITLE: Endorsement of A Response to the Vatican Statement on the Doctrine of Discovery

SUBJECT: The Doctrine of Discovery

MOVED BY: Kukpi7 Rosanne Casimir, Tk'emlups, BC

SECONDED BY: Chief Philip Blake, Tsiighehtchic Dene First Nation, NT

DECISION Carried by Consensus

WHEREAS:

- A. The International Convention on the Elimination of All Forms of Racial Discrimination states:
- i. Preamble: Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.
- B. The Truth and Reconciliation Commission Calls to Action state:
- i. Call to Action 49: We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius.
- C. The Doctrine of Discovery originated from "papal bull" statements issued by the Catholic Church centuries ago and as such must be rescinded.
- D. The Doctrine of Discovery was used as legal and moral justification for colonial dispossession of sovereign Indigenous Nations, including First Nations, in what is now Canada.

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- E. Canadian law continues to undermine First Nations Inherent and Treaty rights, title, and jurisdiction as long as it repeatedly fails to recognize and affirm the underlying title and overarching governance powers that First Nations inherently possess.
- F. Pope Francis visited with First Nations in July 2022 to hear our stories and apologize for the Catholic Church's role in colonization, particularly for abuses suffered at Residential Schools.
- G. For years, the Assembly of First Nations (AFN) and other groups have called for the Doctrine of Discovery to be rescinded. This message was sent directly to Pope Francis by an AFN delegation that traveled to the Vatican in 2022. The delegation was led by Northwest Territories Regional Chief Gerald Antoine.
- H. The Vatican issued a statement repudiating the Doctrine of Discovery on March 30, 2023, in response to demands from First Nations and Indigenous Peoples globally.
- I. The Vatican's March 30, 2023, statement on the Doctrine of Discovery is a significant but intentionally weak effort by the Roman Catholic Church to come to terms with its role in the oppression of Indigenous Peoples globally.
- J. Canada's concerted efforts to destroy our languages, cultures, and spiritual traditions, and to displace us from our lands, constitutes genocide, which is the intention to destroy in whole or in part the existence of a distinct nation or peoples.
- K. The Vatican Statement has been received as a potentially positive step by First Nations, but significant concerns remain regarding the Doctrine of Discovery and its enduring impacts.
- L. Regional Chief for the Northwest Territories, Gerald Antoine, is the portfolio holder for Indian Residential Institutions.

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

1. Support Assembly of First Nations (AFN) Regional Chief Gerald Antoine in informing and continuing to work with Residential School Survivors and the AFN Executive Committee to deliver a response to the Vatican, in his ongoing capacity as portfolio holder for the AFN.
2. Call on the Government of Canada to:
 - a. formally renounce the Doctrine of Discovery and terra nullius.
 - b. take steps in collaboration and with the consent of First Nations, to provide effective redress for the violation of First Nations' rights to lands, territories and resources taken without free, prior, and informed consent are effectively redressed; and

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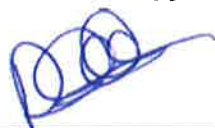


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- c. no longer invoke the Doctrine of Discovery in any manner, including in contemporary court cases or negotiations.
3. Call on the AFN to seek resources to support a communications strategy to educate non-Indigenous persons, First Nations, Métis, and Inuit peoples about the history of the Doctrine of Discovery and what is required to support the affirmation of First Nations rights.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 28/2023

TITLE: Dene Funding

SUBJECT: Fiscal Relations

MOVED BY: Ted Quewezance, proxy, Keeseekoose First Nation, SK

SECONDED BY: Bill Erasmus, proxy, Gwichya Gwich'in Council, NWT

DECISION Carried by Consensus

WHEREAS:

- A. Assembly of First Nations (AFN) First Nations-in-Assembly have previously passed a similar resolution, 95/2018, *Inherent and Treaty Based Funding Agreements*, calling for provincial and federal governments to uphold the honour of the Crown and their Treaty obligations by consulting with First Nations on the allocation of federal transfer payments.
- B. The Crown recognized First Nations Sovereignty in the Royal Proclamation, 1763 and subsequently made Treaties with First Nations on a nation-to-nation basis.
- C. The Dene have always occupied their Territory as a nation.
- D. The Dene were provided with inherent laws from the creator, which still exist today.
- E. The Dene entered into international peace and friendship Treaties #8 and #11 with the British Crown in 1899-1900 and in 1921-1922.
- F. There was never any intention to set up Indian reservations north of 60° because of the Dene way of life and because the Dene own all of the lands in their Territory, as confirmed in the "Paulette case" of 1973;
- G. The Dene communities are considered off-reserve and do not receive direct Treaty-based funding.

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H. The Government of the Northwest Territories receives Dene funding which goes into the public purse for the public government.

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

1. Direct the Assembly of First Nations (AFN) to support the Dene Nation to call upon the federal government to uphold the honour of the Crown and their Treaty obligations by agreeing with First Nations before allocating any federal transfer payments to the Territory (state).
2. Direct the AFN to advocate for First Nations to have direct access to funding, including direct Treaty-based transfer funding agreements, in a way that is consistent with First Nations Treaty and inherent rights.
3. Direct the AFN to support and advocate for the Dene communities North of 60° to receive direct Treaty-based transfer funding agreements.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 29/2023

TITLE: Support for Indian Residential School Survivors Organization

SUBJECT: Residential Schools

MOVED BY: Ted Quewezance, proxy, Keeseekoose First Nation, SK

SECONDED BY: Bill Erasmus, proxy, Gwichya Gwich'in Council, NWT

DECISION Carried by Consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) negotiated and signed the Indian Residential School Settlement Agreement (IRSSA) and oversaw its implementation.
- B. The Truth and Reconciliation Commission submitted its 94 Calls to Action, which Canada has committed to implement.
- C. The Papal visits are now complete and there is much outstanding business to be addressed by the Indian Residential School Survivors on the legacy of the Indian Residential School (IRS) policy.
- D. The Indian Residential School Survivors wish to carry on with the work required to address the legacy of the IRS policy and have prepared a "Reconciliation Document" which outlines their understanding of what real reconciliation means, including assisting in resolving outstanding Indian Residential School issues such as missing children, the return of cultural artifacts wherever they may be situated, and missing church records and information.
- E. There is a group of Indian Residential School Survivors who will incorporate its organization and are requesting the support of the First Nations-in-Assembly, by the adoption of this resolution, for the work they want to undertake on real reconciliation from the legacy of Indian Residential Schools.

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

1. Support the Indian Residential School Survivors organization in their endeavor to represent all Indian Residential School Survivors on all matters regarding the Indian Residential School legacy of the Indian Residential School policy, including in accessing financial resources for its organizational activities.
2. Support all regional Indian Residential School Survivors' organizations in their efforts and ongoing work.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 30/2023

TITLE: Towards a National Cultural Safety and Humility Standard

SUBJECT: Health

MOVED BY: Ted Quewezance, proxy, Keeseekoose First Nation, SK

SECONDED BY: Bill Erasmus, proxy, Gwichya Gwich'in Council, NWT

DECISION Carried by Consensus

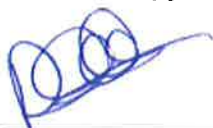
WHEREAS:

- A. Widespread Indigenous-specific racism continues to persist at many levels and forms within the provincial and territorial health systems in Canada, evident along the continuum from the personal to the systemic level.
- B. Indigenous-specific racism has devastating and far-reaching consequences, including negative impacts on Indigenous access to health care and health outcomes, and including to death.
- C. Actions and commitments targeted to address Indigenous-specific racism are needed at all levels of the health system.
- D. The Health Standard Organization, in partnership with the First Nations Health Authority (FNHA), developed the British Columbia Cultural Safety and Humility Standard, which is the first of its kind in Canada. The Cultural Safety and Humility Standard aims to create culturally safe environments for Indigenous Peoples in the health system, encourages health care providers to provide care with humility, and end Indigenous-specific racism.

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

1. Recognize the importance of enhancing access to quality, culturally safe health care that is free of Indigenous-specific racism and that affirms Indigenous cultures, rights, and identities.

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2. Support the adoption of the British Columbia Cultural Safety and Humility Standard or similar standards by federal, provincial, and territorial governments and entities across the country.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 31/2023

TITLE: Advocate for First Nations Athletes Induction into the Hockey Hall of Fame and Other Sports Halls of Fame

SUBJECT: Culture and Sports

MOVED BY: Ted Quewezance, proxy, Keeseekoose First Nation, SK

SECONDED BY: Bill Erasmus, proxy, Gwichya Gwich'in Council, NWT

DECISION Carried by Consensus

WHEREAS:

- A. The Truth and Reconciliation Commission of Canada Calls to Action # 87 states:
- i. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
- B. The Hockey Hall of Fame was officially opened on August 26, 1961, recognizing professional hockey players for their playing ability, character, and contribution to their team or teams and to the game of hockey in general.
- C. Reginald (Reggie) Joseph Leach, born on April 23, 1950, is a former Canadian and First Nations professional hockey player from Riverton, Manitoba who played 13 seasons in the National Hockey League. He is best known for his time with the Philadelphia Flyers, winning a Stanley Cup in 1979, and his nickname "The Riverton Rifle."
- D. In 1992, the Philadelphia Flyers honoured Reggie Leach's contributions to the organization by inducting him into their Hall of Fame. He was also inducted into the Manitoba Hockey Hall of Fame, Manitoba Sports Hall of Fame, and the Manitoba Indigenous Sports Hall of Fame

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- E.** Reggie Leach is a mentor for many First Nations youth. He continues to be an advocate for First Nations youth in sport by opening the Shoot to Score Hockey School that runs hockey development camps in First Nation communities across the country.
- F.** Reggie Leach was not inducted into the Hockey Hall of Fame after the end of his professional hockey career. If inducted, he would only be the second First Nations professional hockey player inducted in the Hockey Hall of Fame since George Armstrong in 1975.
- G.** Having more First Nations athletes inducted into sports' halls of fame helps to encourage First Nations youth in pursuing excellence in athletics, through knowing that it is attainable through the inductions of Reggie Leach and other prominent First Nations athletes.

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

- 1.** Direct the Assembly of First Nations (AFN) to support and advocate for the nomination and induction of Reggie Leach into the Hockey Hall of Fame, as well as to support to current nomination of Jim Neilson.
- 2.** Direct the AFN to develop a shortlist of First Nations athletes who demonstrate and support cultural pride in First Nations youth and who meet the requirements of being inducted into the Hockey Hall of Fame and other sports halls of fame.

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SPECIAL CHIEFS' ASSEMBLY
APRIL 3, 4, 5 & 6, 2023; OTTAWA, ON

Resolution no. 32/2023

TITLE: Modify CMHC Tender Security Bond Requirements

SUBJECT: Housing

MOVED BY: Ted Quwezance, proxy, Keeseekoose First Nation, SK

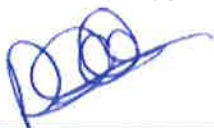
SECONDED BY: Bill Erasmus, proxy, Gwichya Gwich'in Council, NWT

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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. First Nations construction companies in the Yukon and in other provinces or territories, are ineligible to bid for most construction tenders made available by the Canada Mortgage and Housing Corporation (CMHC) to First Nations Governments, Indian Bands, and First Nations organizations because they cannot meet the minimum condition of providing millions of dollars in security bonds.
- C. First Nations construction companies are unquestionably qualified to undertake tenders funded by CMHC on projects due to their years of experience managing and operating successful housing and other community-building projects.
- D. The CMHC policy is an example of systemic racism and discrimination that either inadvertently or intentionally excludes a group of companies that are mostly First Nations-owned and operated from federal government procurement opportunities.

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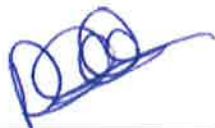
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- E. The 2019 *Department of Indigenous Services Act*, Section 7, requires the Minister of Indigenous Services "...to provide Indigenous organizations with an opportunity to collaborate in the development, provision, assessment, and improvement of... [housing & infrastructure] services."
- F. The December 2021 mandate letter to the federal Minister of Housing and Diversity and Inclusion, who is responsible for CMHC, calls on the Minister to collaborate with the Minister of Indigenous Services in the discharge of their responsibilities contained within the 2019 *Department of Indigenous Services Act*.

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

1. Direct the Assembly of First Nations (AFN) to urge the Canada Mortgage and Housing Corporation to work jointly with the AFN to uphold the principles of reconciliation and revise its funding and procurement policy by reducing the requirement for security bonds for First Nations construction companies eligible to bid for its construction tenders and contracts.

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