



SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no. 75/2023

TITLE:	Approval and Implementation of a National First Nations Homelessness Action Plan
SUBJECT:	Housing and Homelessness
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Daniel Manuel, Upper Nicola Band, BC
DECISION	Carried by Consensus

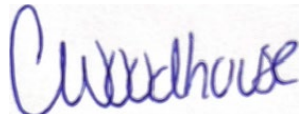
WHEREAS:

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

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- 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.

B. First Nations people experience homelessness at a rate 23 times higher than the rest of the population and comprise 28% of the unhoused population in communities that specifically collect this data.

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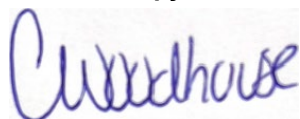
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- C. First Nations homelessness is a direct consequence of colonial practices and policies that have dispossessed First Nations of their traditional territories, economies, governance systems, histories, languages, and worldviews.
- D. First Nations require dedicated, adequate, and sustainable funding to manage and deliver their own homelessness services.
- E. First Nations citizens living in the north, youth, Elders, people dealing with addictions or in recovery, people transitioning from correctional facilities, women fleeing violence, 2SLGBTQIA+ peoples, single parent families, and Veterans have distinct experiences of homelessness which require specific consideration.
- F. First Nations have the right to design, deliver and control their own housing and social services aimed to address homelessness impacting their citizens no matter where they live, in alignment with the UN Declaration.
- G. In 2018, First Nations-in-Assembly approved the *10 Year First Nations National Housing and Related Infrastructure Strategy* (Housing Strategy) which aims to support First Nations care, control, and management of their own housing and infrastructure.
- H. Assembly of First Nations Resolution 79/2019, *Action Plan for First Nations Homelessness On- and Off-Reserve*, directed the AFN to develop a draft National First Nations Homelessness Action Plan (Action Plan) in alignment with the Housing Strategy to be presented to First Nations-in-Assembly for approval and implementation.
- I. A draft Action Plan has been developed which provides a detailed road map towards fulfilling its vision: First Nations control and deliver holistic and culturally safe supports and services so their citizens can access safe and supportive housing no matter where they live.
- J. The Action Plan sets out concrete actions pertaining to research and data collection, support for citizens off-community, service navigation, partnerships, governance, and other key areas to advance First Nations priorities related to addressing homelessness. It also contains several recommendations aimed at the federal government, provincial/territorial governments, and service providers.

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

1. Adopt the National First Nations Homelessness Action Plan Action Plan to its full implementation, in alignment with the Assembly of First Nations (AFN) *10 Year First Nations National Housing and Related Infrastructure Strategy*.
2. Direct the AFN to develop an implementation plan laying out timelines and detailed steps to meet the objectives laid out in the Action Plan.
3. Direct the AFN to develop an advocacy plan including targeted messaging to raise awareness about First Nations homelessness, to support First Nations in accessing resources to develop and deliver homelessness services, and to hold governments and service providers accountable to meeting the recommendations laid out in the Action Plan and supporting its implementation.

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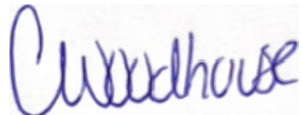


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4. Call upon the AFN to develop an updated and renewed National First Nations Homelessness Action Plan in 2028 or earlier, in alignment with the vision and objectives of an updated Housing Strategy, once developed.
5. Direct the AFN to urge the federal government, provincial and territorial governments, and service providers to work with First Nations in revising policies and amending program criteria to better address First Nations homelessness in line with the recommendations of the Action Plan.
6. Call upon the AFN to advocate for long term, sustained, needs-based funding options for First Nations to develop and deliver their own programs and services to address homelessness impacting their citizens no matter where they live.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no. 76/2023

TITLE: Support for Urgent First Nations Languages Funding

SUBJECT: Languages

MOVED BY: Chief Ira McArthur, Pheasant Rump Nakoda Nation, SK

SECONDED BY: Chief Leroy Denny, Eskasoni First Nation, NS

DECISION Carried; 60 opposition, 11 abstentions

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places, and persons.
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. The *Indigenous Languages Act (ILA)* establishes measures to facilitate the provision of adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance, and strengthening of Indigenous languages.
- C. The Department of Canadian Heritage (DCH) has failed to fulfill their legislative requirements and is reducing funding in the Indigenous Languages Component (ILC) by an estimated \$65 million in 2024/2025.
- D. Hundreds of First Nations language programs and local capacities that were developed over three years will be reduced or discontinued in 2024/2025 due to DCH's reduced funding.

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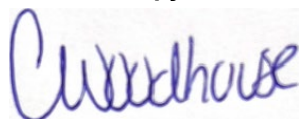
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- E. The Assembly of First Nations (AFN) 2022 Report, *Revitalizing First Nations Languages: A Costing Analysis*, estimates that over \$3.8 billion is required over the next five years to promote life-long learning in First Nations languages by supporting language reclamation, revitalization, maintenance, and strengthening outside schools, including the transition from proposal-based funding to consistent and ongoing funding as outlined in the ILA.
- F. AFN Resolutions 10/2021, *Support for the Co-Development of a Distinctions-Based Indigenous Languages Funding Model*, and 17/2022, *Support for the First Nations Languages Funding Model* provide the AFN, the Chiefs' Committee on Languages (CCOL) and Technical Committee on Languages (TCOL) the mandate to work on a revised regional allocation formula that is based on equitability.
- G. The CCOL met on March 29, 2023, and recommended a revised regional allocation formula based on number of factors including languages, population, language vitality, number of First Nations and census metropolitan areas, and remoteness, to be weighted equally in the formula.
- H. The CCOL recommendation was provided to the DCH which was confirmed as the revised First Nations regional allocation formula.
- I. Some First Nations regions understood that a relative increase was being implemented due to the confirmation of DCH.
- J. In July 2023 at the AFN Annual General Assembly, First Nations-in-Assembly did not achieve consensus with Draft Resolution 26/2023, *Equitable Funding for Language Revitalization*, which sought support for the revised regional allocation formula recommended by the CCOL.
- K. The DCH continues to allocate First Nations language revitalization funding through an allocation formula that was unilaterally developed without the free, prior, and informed consent of First Nations.
- L. Discrepancies between the status quo formula and the formula outlined in DR 26/2023, *Equitable Funding for Language Revitalization* equals \$18 million.
- M. The CCOL has recommended to advocate to DCH for immediate \$18 million of new targeted funding to support regions who have been negatively impacted by the status quo formula.

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

1. Reaffirm that First Nations have the Inherent, Constitutional and Treaty rights to speak their languages which are further reinforced in the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*.
2. Reaffirm that the Government of Canada has the financial responsibility to support the reclamation, revitalization, maintenance and strengthening of all First Nations languages.
3. Call on the Government of Canada to immediately address funding shortfalls by providing a \$3.8 billion commitment over the next five years for language reclamation, revitalization, maintenance, and strengthening outside schools, including the transition from proposal-based funding to consistent and ongoing funding as outlined in the *Indigenous Languages Act (ILA)*, and incremental funding for Section 8 and 9 agreements.

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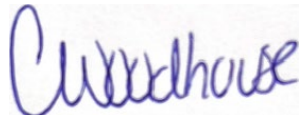


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4. Call on the Department of Canadian Heritage (DCH) to immediately provide \$18 million of new targeted funding to support regions that could be negatively impacted by the status quo formula.
5. Call on the DCH to remove any imposed funding formula on any new First Nations languages funding.
6. Direct the Assembly of First Nations (AFN), the Chiefs' Committee on Languages, and the Technical Committee on Languages to codevelop a funding allocation methodology that is consistent with AFN Resolution 17/2022, *Support for the First Nations Language Funding Model*, for any new funding, and seeks to bring a consensus-based recommendation back to the First Nations-in-Assembly.
7. Affirm that a co-development approach concerning First Nations languages is not intended to detract or hinder any self-government processes or derogate any existing First Nations Treaty and Inherent rights.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no. 77/2023

TITLE: Call for Canada to Consult on All Amendments Pursuant to the *UNDRIP Act*

SUBJECT: Rights

MOVED BY: Chief Sidney Peters, Glooscap First Nation, NS

SECONDED BY: Chief Michelle Glasgow, Sipekne'katik First Nation, NS

DECISION Carried; 4 abstentions

WHEREAS:

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. 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.
- iv. 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. On June 21, 2021, the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*. Section 5 of the UNDA requires Canada to take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration. Section 6 of the UNDA requires

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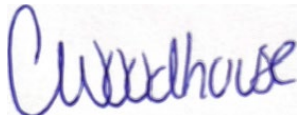
the Minister of Justice to prepare and implement an Action Plan to achieve the objectives of the UN Declaration.

- C. On June 21, 2023, the federal government announced the National Action Plan (the Action Plan) to implement the UN Declaration. The 2023-2028 Action Plan was the result of two years of consultation with Indigenous Peoples. However, the Action Plan contains gaps when it comes to implementing the UN Declaration.
- D. The UNDA requires Canada to continue to work with First Nations rights holders and their representative institutions and organizations as identified by First Nations rights holders.
- E. Assembly of First Nations (AFN) Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Draft National Action Plan*, called on First Nations-in-Assembly to support First Nation and region-specific approaches that uplift First Nations rights holder and advance the implementation of the UN Declaration based on ongoing work, identified priorities and positions in relation to the UNDA, and the Action Plan.
- F. The Crown has a duty to consult and accommodate on all matters when the Crown has real or constructive knowledge of the potential existence of Aboriginal or Treaty rights and contemplates conduct that might adversely affect such rights.
- G. All legislative, policy and regulatory amendments made pursuant to the *UNDA* inherently impact First Nations rights by nature of the Act itself. The amendment of laws as per Section 5 of the UNDA can trigger a duty to consult.

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

1. Call on the Assembly of First Nations (AFN) to demand the Government of Canada obtain the free, prior, and informed consent of all First Nations and consult on all amendments to federal legislation, policy, or regulation which may affect First Nations rights pursuant to Section 5 of the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*.
2. Direct the AFN to call on the Government of Canada to ensure that the implementation of the UNDA does not infringe, diminish, or derogate in any way from existing section 35 rights.
3. Call on the AFN to advocate for the full implementation of the UNDA National Action Plan Measures.
4. Call on the AFN to demand long-term and sustainable funding for First Nations to participate meaningfully in the implementation of the National Action Plan and *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* processes, including consultation processes.
5. Direct the AFN to report to First Nations-in-Assembly annually on the state of the implementation of the UN Declaration within Canada.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no. 78/2023

TITLE: Establishing a Chiefs' Committee on the UN Declaration Act

SUBJECT: United Nations Declaration on the Rights of Indigenous Peoples

MOVED BY: Chief Jerry Jack, Mowachaht/Muchlaht First Nation, BC

SECONDED BY: Chief Annie Daisley, We'koqma'q First Nation, NS

DECISION Carried; 5 abstentions

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) was adopted by the General Assembly of the United Nations in 2007.
- B. Canada endorsed the UN Declaration 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* (UNDA).
- D. Section 5 of the UNDA 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 UNDA 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:
 - i. measures to:
 - 1. address injustices, combat prejudice and eliminate all forms of violence, racism, and discrimination, including systemic racism and discrimination, against

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indigenous peoples and indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons, and

2. promote mutual respect and understanding as well as good relations, including through human rights education; and

ii. 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. In April 2023, First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, which:

i. Calls upon the Government of Canada to proceed without delay to amend the United Nations Declaration on the Rights of Indigenous Peoples 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.

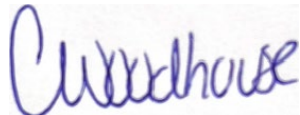
ii. In the event that the Government of Canada is unwilling or unable to amend Section 6 (4) of the UNDRIP Act, direct AFN to:

i. 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.

ii. 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.

iii. 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.

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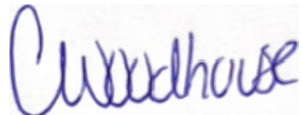
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- iv. Support First Nation and region-specific approaches that uplift First Nations right-holders and advance the implementation of the Declaration based on ongoing work, identified priorities and positions in relation to the UNDRIP Act, and the National Action Plan.
 - v. Call on the Department of Justice to provide a copy of all the proposals it has reviewed and approved, without restrictions, to the AFN.
- G. To date, Canada has failed to meet the expectations outlined in Resolution 20/2023 and called for by First Nations-in-Assembly.
- H. The UNDA requires Canada to continue to work with First Nations rights holders and their representative institutions and organizations as identified by First Nations rights holders, on all matters related to the implementation of the UN Declaration in Canada, including in all efforts to amend and/or review any future National Action Plans and develop the legislated Annual Report.
- I. First Nations must lead the process of achieving alignment of Canada's laws and policies with the UN Declaration.
- J. To date, no new funding has been announced to support First Nations in undertaking this critical work required under the UNDA.
- K. An Ad-Hoc Chiefs' Committee on the UN Declaration was established through executive motion at the AFN Executive Committee to ensure First Nation priorities were being advocated for during the development of the UNDA Action Plan. The Ad-Hoc Committee's mandate expired after the July 2023 Annual General Assembly. Due to its temporary nature, a Terms of Reference was not created for the Ad-Hoc Committee. A permanent Chiefs Committee on the UNDA will build upon the advocacy of the Ad-Hoc Committee.
- L. Article 7 (3) of the AFN Charter states:
 - i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - i. Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - ii. The Chiefs' Committee shall draft a term of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - iii. The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - iv. The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co- Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.

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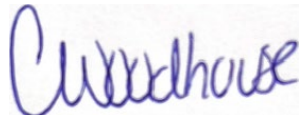
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- v. At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.

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

1. Direct the Assembly of First Nations (AFN) to continue working with relevant federal and provincial ministries to support First Nations as the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is implemented.
2. Direct the AFN to transition the current Ad-Hoc Chiefs' Committee on the UN Declaration to become a standing Chiefs' Committee on the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
3. Direct the AFN Executive Committee to appoint, and in some cases reappoint, existing members as needed, to the Chiefs' Committee on the UNDA, in accordance with Article 7 (3) of the AFN Charter, to provide advice and direction on matters relating to the implementation of the UN Declaration.
4. Direct the Chiefs' Committee on the UN Declaration to create a Terms of Reference and to report back to First Nations in-Assembly on the status of implementation within Canada.
5. Direct the AFN to seek adequate resources to support the Chiefs' Committee as it advocates for the full implementation of the UN Declaration.

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**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no. 79/2023**

TITLE:	Reconsider Proposed Distinctions-Based Indigenous Health Legislation Process
SUBJECT:	Health
MOVED BY:	Chief Sheldon Kent, Black River First Nation, MB
SECONDED BY:	Chief Allan Polchies Jr, St. Mary's Wolastoqiyik First Nation, NB
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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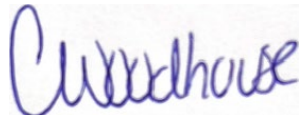
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- v. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of 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. Article 24 of the Organization of the American States (OAS) American Declaration on the Rights of Indigenous Peoples (2016) states:
- i. Indigenous peoples have the right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, in accordance with their true spirit and intent in good faith and to have States honor and respect same. States shall give due consideration to the understanding of the indigenous peoples as regards to treaties, agreements and other constructive arrangements.
 - ii. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- C. 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.
- D. In 2019 and 2020, the Speech from the Throne and mandate letters from the Prime Minister affirmed the Government of Canada's commitment to co-develop new legislation to ensure that Indigenous Peoples have access to high-quality, culturally relevant health care and mental health services.
- E. Assembly of First Nations (AFN) Resolution 69/2017, *Exploring A Legislative Base for First Nations Health*, mandated the AFN to examine options and federal obligations towards First Nations health and to develop tools to aid interested First Nations in developing their own positions on federal First Nations health legislation.
- F. AFN Resolution 18/2021, *Supporting First Nations Participation in Dialogue on Health Legislation*, directed the AFN to advocate for regional engagement processes in relation to health legislation, promote First Nations participation, lead national level dialogue and engagement, and to call upon Indigenous Services Canada (ISC) to ensure that the timelines for engagement on health legislation are reflective of First Nations' needs and capabilities and not those of the federal government.

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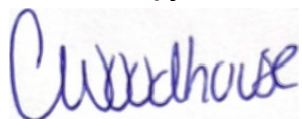
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- G. AFN Resolution 16/2023, *Distinctions-based Indigenous Health Legislation*, directed the AFN to make recommendations to the federal government on what should be included in any proposed health legislation. This work is guided by the Chiefs' Committee on Health with an obligation to report back to the AFN Executive Committee periodically, and to First Nations-in-Assembly for final vetting before going through the parliamentary process.
- H. The Government of Canada has committed to introducing the new distinctions-based Indigenous Health Legislation in the Winter of 2024.
- I. ISC released a 'Key Elements Document' In late August 2023. The purpose of the document is to anchor the contents of the proposed legislation. Both the AFN and regions analyzed the document and found it inadequate and misguided, lacking specific guarantees and detail in terms of legislative content, and failing to ease the pre-existing concerns of First Nations, created through conditions under which the proposed legislation's development has been operating to date. Concerns outlined include, but are not limited to:
- i. Timeline: First Nations capacity to respond to the scheduled release of benchmark documents from ISC to support distinctions-based Indigenous health legislation places First Nations at a disadvantage for meaningful and precise contributions into legislative drafting.
 - ii. Funding: First Nations have not been adequately and equitably funded to formulate strategic and thorough assessments of the proposed legislation based on traditional health frameworks consistent with First Nations worldviews and aspirations. National funding for engagement was \$1 million in total. This amount did not cover the costs of even one region's engagement funding request. As a result, participation from community and regional level engagement is insufficient to affirm comprehensive free, prior, and informed consent.
 - iii. Jurisdiction: ISC has not respected the jurisdictional rights and realities of First Nations. There is no demonstrated commitment to ensure necessary work with the provinces and territories is incorporated. Transparent agreements from the provinces and territories are necessary to strengthen engagement credibility and implementation viability.
 - iv. Treaty and Inherent Rights: the Key Elements Document is in opposition to the full implementation of and adherence to the Treaty Right to Health. It is inconsistent with the international, constitutional, and inherent rights of First Nations, undermining efforts for a renewed nation-to-nation relationship and First Nation self-determination specific to the area of health.

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

1. Call on Canada to suspend the proposed distinctions-based Indigenous health legislation process to address unreasonable timelines, lack of appropriate funding, and lack of opportunities for active and meaningful dialogue between and amongst First Nations as proper rights and title holders in accordance with their Inherent and Treaty Rights.
2. Call on Canada to fund and support First Nations-led engagement, including with Inherent and Treaty rights-holders, required for Nations-based health legislation excluding the Métis.

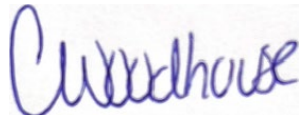
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3. Call on Canada to ensure if resumed, distinctions-based health legislation, is adequately informed by principles identified by First Nations regions. Principles include, but are not limited to, equitable distribution, respect for Inherent and Treaty rights of First Nations Peoples, upholding human rights standards, honouring regional considerations, and prioritizing meaningful engagement, including ensuring grassroots perspectives are included.
4. Call on Indigenous Services Canada, Crown Indigenous Relations and Northern Affairs Canada, and provinces and territories to work with First Nations, with the technical support of the AFN, the AFN Chiefs' Committee on Health, and the AFN Executive Committee, to ensure active and meaningful engagement with First Nations on the legislation.
5. Call on the AFN and Canada, in consultation with First Nations, to develop a fair and equitable fiscal arrangement that is appropriate for each region to ensure adequate and sustained funding for implementation of a Nations-based health legislation excluding the Métis.
6. Call on Canada to join the global call at the Conference of the Parties (COP) 29 to the United Nations Framework Convention on Climate Change to make the essential link on the impacts of climate change on the health of First Nations Peoples.
7. Direct the AFN to call on the federal, provincial, and territorial governments to develop and implement, in cooperation and collaboration with First Nations, a First Nations Health Ombudsperson to address discrimination in the health care system.

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**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no.80/2023**

TITLE: Immediate Review of the Specific Claims Research Funding Shortfall

SUBJECT: Lands, Specific Claims

MOVED BY: Chief Dalton Silver, Sema:th First Nation, BC

SECONDED BY: Chief Lynn Acoose, Zagimē Anishinabēk, SK

DECISION Carried by Consensus

WHEREAS:

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

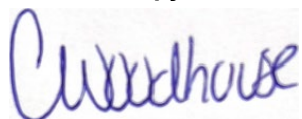
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for (b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c): Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.
- 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 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

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- iv. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - 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.
 - vi. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The historical actions illegally undertaken by successive federal, provincial, and territorial governments in Canada have resulted in the illegal alienation of First Nations lands, the creation of and subsequent failure to protect Indian reserves, villages and fishing areas, the systematic denial of rights to fish and access to water, and the illegal disruption and removal of sacred sites and grave sites.
 - C. These historical and ongoing losses are the result of false, racist premises such as *terra nullius* and the doctrines of discovery and denial which provided colonial governments justification for alienating land through the Western notion of private land, and organized systems of pre-emption and land grants to accelerate non-Indigenous settlement on Indigenous territories. Alienation of First Nations lands and other assets has taken place through the *Indian Act* and often in clear violation of the minimal protections contained in colonial or federal law. These acts of land dispossession ignored Indigenous laws, protocols, and systems of governance.
 - D. Redress of these historical wrongs is the Government of Canada's lawful obligation, and the Honour of the Crown necessitates rightful action on the part of the Government of Canada, and the full, fair resolution of all claims.
 - E. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), through the Specific Claims Branch (SCB) and the Negotiation and Support Directorate (NSD), has taken active and deliberate steps in the last two years to encourage First Nations to seek specific claims research funding by unilaterally revising its research funding guidelines, publishing them on its public website, and actively encouraging some First Nations with multiple claims in progress to apply for funding individually, rather than through a Claims Research Unit (CRU), as a more expedient path to the resolution of their specific claims.
 - F. In response to its annual call for proposals in the 2023/2024 fiscal year, NSD received 160 applications for specific claims research funding from CRUs and individual First Nations, totaling \$30.5 million. This has resulted in an \$18.5 million shortfall.
 - G. The Government of Canada disclosed in its most recent Fall Economic Statement that this funding has not been increased for fiscal years 2024-25 or 2025-26, despite widespread calls for a substantial increase from the Assembly of First Nations (AFN) Interim National Chief, the National Claims Research Directors, and individual First Nations across the country.

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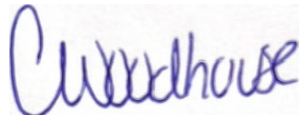
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- H. The Government of Canada's continuing failure to provide adequate resources to First Nations to research and develop their specific claims will exponentially increase the financial costs of resolving these claims and heighten the possibility that First Nations will take direct, on the ground action, seeing it as the only other viable means of seeking redress for their historical grievances.
- I. The Government of Canada's effort to jointly reform the Specific Claims Policy and process with the AFN is currently underway. This funding shortfall undermines the appearance of the Government of Canada's commitment to this work and is counterproductive to building trust with 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 immediately review its funding shortfall for specific claims research in anticipation of the coming 2024-25 fiscal year and subsequent years to ensure that adequate funding is provided to enable all First Nations with specific claims to meaningfully and sustainably pursue research to advance and resolve their specific claims.
2. Direct the AFN to call on the Government of Canada to take immediate action to ensure that First Nations and the designated Claims Research Units (CRUs) who submit proposals for specific claims research funding in the 2024-25 fiscal year and subsequent years receive the resources necessary to continue their critical work.
3. Direct the AFN to call on the Government of Canada to provide ongoing resources for the resolution of specific claims and support co-development, engagement, and joint implementation of efforts to reform the Specific Claims Policy and process.
4. Direct the AFN to request the Minister of Indigenous Services Canada share a copy of the supplementary estimates tabled in the House of Commons for the Treasury Board to determine items relevant to First Nations.
5. Direct the AFN to call on the Government of Canada to work with the AFN to remove all arbitrary limits on financial compensation through the Specific Claims Tribunal.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.81/2023

TITLE: Urgent Protection of First Nations Inherent and Treaty Rights from Ongoing Illegitimate Rights Assertions

SUBJECT: Treaties, Lands, Justice

MOVED BY: Chief Etienne Rich, Sheshatshiu Innu First Nation, NL

SECONDED BY: Chief Réal Mckenzie, Conseil des Montagnais de Matimekush, QC

DECISION Carried; 1 abstention

WHEREAS:

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

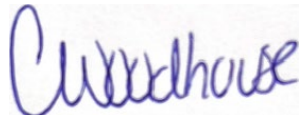
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iv. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

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- B. First Nations hold Inherent, Treaty and section 35 recognized rights, which the Government of Canada has failed to recognize, implement, and uphold since Confederation. Existing federal policies such as the Comprehensive Land Claims and Inherent Right to Self-Government Policies, are premised on extinguishing First Nations rights and title and do not provide First Nations with fair, open, and timely paths to rights recognition.
- C. First Nations are too often forced to prove they possess Inherent rights to self-government and jurisdiction over their lands and territories through the courts as they continue to wait for their Inherent rights to be fully recognized and upheld by the Government of Canada.
- D. Individuals and communities making false claims to be Indigenous to assert rights and obtain resources is an ongoing and increasingly prevalent problem. First Nations Inherent and Treaty rights are being impacted by groups, organizations, and individuals who are making illegitimate or unfounded rights assertions on the traditional and Treaty territories of First Nations. These rights assertions, which in many cases are being legitimized by the Government of Canada, undermine First Nations Inherent and Treaty rights and are antithetical to reconciliation.
- E. The Government of Canada is advancing draft legislation through Parliament and the Senate which recognizes illegitimate rights assertions from groups who lack the authority to represent rights holders. These bills have the potential to undermine First Nations rights and interests.
- F. Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan* (Bill C-53), and Bill S-14, *An Act to amend the Canada National Parks Act*, illustrate the actions of the Government of Canada in recognizing illegitimate groups and unfounded rights assertions. These legislative initiatives also demonstrate a blatant disregard for potential impacts on First Nations rights and interests, and the need for adequate consultation. Bill C-53 and Bill S-14 have reached the committee stage in Parliament and the Senate respectively and may quickly become law if the Government of Canada does not reverse course.
- G. Bill S-14 would amend the *Canada National Parks Act* to recognize all current and future members of the NunatuKavut Community Council (NCC) as “traditional land users” with statutory rights to engage in a wide range of traditional activities within Akami-Uapishk^U, a National Park Reserve. This legislation recognition is being advanced by the Government of Canada despite the Incremental Treaty Agreement affirming the central role of Innu Nation in the management and operation of Akami-Uapishk^U and guaranteeing that the Government of Canada would consult the Innu about any legislation to add the Akami-Uapishk^U to the *Canada National Parks Act*.
- H. The NCC, formerly known as the Labrador Métis Nation, claim to represent a group of distinct “southern Inuit” in Labrador in an effort to secure benefits and resources at the expense of legitimate Indigenous groups in Labrador and Quebec. Nunatsiavut Government, Inuit Tapiriit Kanatami, and the Inuit Circumpolar Council have all repeatedly denounced NCC’s claims as fraudulent, stating that NCC is not Inuit and is not a right-bearing group. The Government of Canada has repeatedly rejected NCC’s land claim submissions

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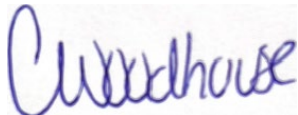
(four times, most recently in 2017) on the basis there was insufficient evidence that NCC is a s. 35 rights-holding people.

- I. Bill C-53 provides broad recognition to the Metis Nation of Ontario (MNO) as the representative government of Métis communities in Ontario, including six new Métis communities whose legitimacy First Nations have raised concerns about. First Nations were not consulted nor included in the negotiation and development of Bill C-53.
- J. AFN Resolution 44/2023, *Protect First Nations Rights and Interests from Unfounded Métis Rights Assertions*, calls on the Government of Canada to immediately withdraw Bill C-53 and to carry out a national consultation process with First Nations on illegitimate Indigenous rights assertions.

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

1. Direct the Assembly of First Nations (AFN) to urgently call on the Government of Canada to immediately begin working with First Nations to identify and establish flexible and fully funded mechanisms, inclusive of First Nations laws and legal orders, and consistent with the Honour of the Crown, to facilitate nation-to-nation discussions on the implementation of First Nations Inherent and Treaty rights.
2. Support Innu Nation in affirming that the NunatuKavut Community Council (NCC) does not hold s. 35 rights in Labrador or Quebec and direct the AFN to call on the Government of Canada to amend Bill S-14, *An Act to amend the Canada National Parks Act*, to remove any recognition of NCC.
3. Direct the AFN to call on the Government of Canada to affirm its commitment to fully implement Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* by consulting with potentially impacted First Nations and obtaining their free, prior, and informed consent before adopting and implementing any legislative or administrative measures that may affect them.
4. Direct the AFN to engage with First Nations regarding how Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan*, and Bill S-14 could be amended to ensure that First Nations inherent, Treaty and s.35 rights are upheld and respected if the Government of Canada proceeds with the legislative process to enact Bills S-14 or C-53.
5. Direct the AFN to support First Nations rights holders who oppose illegitimate rights assertions within their territories, including through political, legislative, legal interventions, information sharing and coordination and analysis.
6. Direct the AFN to seek resources to support these ends.

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**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no.82/2023**

TITLE: Call for a Permanent Ceasefire in Israel-Gaza Crisis

SUBJECT: Justice, Rights

MOVED BY: Wilton Littlechild, Proxy, Erminskin Cree Nation, AB

SECONDED BY: Chief George Ginnish, Natoaganeg First Nation, NB

DECISION Carried; 4 abstentions

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

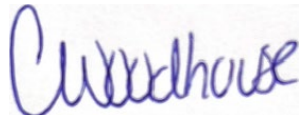
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- iv. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- v. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

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- vi. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The UN Declaration expresses the international legal minimum for the human rights of Indigenous Peoples globally.
- C. The Preamble of the *United Nations Declaration on the Rights of Indigenous Peoples Act* states:
 - i. “Whereas the Government of Canada is committed to taking effective measures—including legislative, policy and administrative measures—at the national and international level, in consultation and cooperation with Indigenous peoples, to achieve the objectives of the Declaration.”
 - ii. “Whereas respect for human rights, the rule of law and democracy are underlying principles of the Constitution of Canada which are interrelated, interdependent and mutually reinforcing and are also recognized in international law.”
- D. The Indigenous Peoples of Palestine—the Jahalin, al-Kaabneh, al-Azazmeh, al-Ramadin, and al-Rshaida Bedouins—have been forcefully displaced and dispossessed from their lands since Israel’s declaration of independence in 1948.
- E. Through Resolution 3236 (XXIX) in 1974, the United Nations General Assembly reaffirmed the inalienable rights of the Palestinian people to self-determination, national independence, and sovereignty.
- F. International Human Rights Organization Amnesty International reports that since 1948 the State of Israel has forced over 600,000 Palestinians off of their lands, violating international humanitarian law and occupying and creating illegal settlements to house Jewish Israeli settlers in the occupied West Bank.
- G. Violence has escalated rapidly in Gaza since the October 7, 2023, Hamas attack where 1,200 Israelis were killed and 240 were taken hostage. In retaliation, Israeli military forces detained more than 2,200 Palestinians without charge or trial, many of them children, across the occupied West Bank.
- H. Since October 7, 2023, over 1.5 million Palestinians in Gaza have been displaced, and over 14,500 Palestinians—the majority being women and children—and many UN aid workers, have been killed by Israeli forces targeting refugee camps, hospitals, and schools.
- I. On October 27, 2023, Canada abstained on a UN General Assembly resolution that called for an immediate and sustained humanitarian truce leading to the cessation of hostilities.
- J. The UN has expressed alarm over the increasing violence against Palestinians in the occupied West Bank, the humanitarian crisis in Gaza, and the serious violations of international law, where 1.5 million Palestinians have been cut off from access to food, water, fuel, medicine, and sanitation.
- K. On October 26, 2023, 132 Indigenous activists, artists, and intellectuals from across Turtle Island, Australia, and Aotearoa/New Zealand signed a letter expressing Indigenous solidarity with Palestine.

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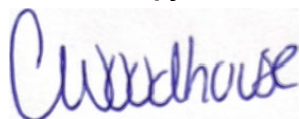
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- L. The Israel-Gaza crisis is directly connected to settler-colonialism, contributing to violence, assimilation, and dispossession. Canada must not be complicit in supporting settler-colonialism both in Turtle Island and around the world.
- M. First Nations are concerned about the rise of antisemitism, Islamophobia, anti-Palestinian racism and stand united against hatred in all forms.
- N. We express our deep concerns about the ongoing suppression of the right to freedom of expression and peaceful assembly experienced by several individuals and groups speaking out against the violence and continued occupation of the Palestinian people.

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

1. Call upon the Government of Canada to call for an immediate ceasefire and end to the occupation of Gaza, the release of all Israeli and Palestinian hostages, the unimpeded flow of immediate humanitarian access into all occupied Indigenous Peoples' territories, and full respect for international human rights law in all occupied Indigenous Peoples' lands including both Gaza, and the occupied West Bank.
2. Condemn all forms of violence against Indigenous Peoples and hereby advocate for an end to the violent illegal occupation of all Indigenous Peoples' lands.
3. Remind all States of their treaty, moral, and legal obligations to fully respect international human rights law and its norms and standards, including respect for International Treaties, which call on States to achieve peaceful co-existence with Indigenous Peoples.
4. Direct the National Chief to immediately send a letter to the Government of Canada calling for a permanent ceasefire.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.83/2023

TITLE: Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle

SUBJECT: Child and Family Services, Jordan's Principle

MOVED BY: Chief Brian Perrault, Couchiching First Nation, ON

SECONDED BY: Chief Mark McCoy, Ojibways of Batchewana First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 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. In 2021 CHRT 41 (para. 545) the Canadian Human Rights Tribunal ordered Canada to fund the actual cost of capital projects for child and family services and Jordan's Principle, as determined by First Nations and First Nations Agencies until:

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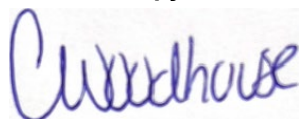
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- i. A “Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
 - ii. Canada reaches an agreement that is Nation-specific even if that Nation is not yet providing its own child welfare services and the provisions for major capital in the agreement for child and family services or Jordan’s Principle are more advantageous for the Nation than the orders in the ruling.
 - iii. Long-term reform is completed in accordance with best practices recommended by the experts and the parties and interested parties, and funding for the purchase or construction of major capital assets is no longer based on discriminatory funding formulas or programs, including as set out in a Final Order by the Tribunal approving a Final Settlement Agreement signed by Canada.”
- C. The lack of capital funding for First Nations child and family services was found by the Canadian Human Rights Tribunal to be a major source of discrimination in 2016 CHRT 2.
- D. Pursuant to the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan’s Principle*, executed December 31, 2021, Canada agreed to fund capital costs for child and family services and Jordan’s Principle at their actual cost as determined by First Nations and First Nations Agencies.
- E. Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for capital and a move toward implementing capital funding based on a formula of “recapitalization.”
- F. Most First Nations have not had the opportunity to access funding at actuals for capital for child and family services and Jordan’s Principle due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for capital.

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

1. Call upon Indigenous Services Canada to comply with the provisions of the Canadian Human Rights Tribunal order 2021 CHRT 41, withdraw its deadline to access funding at actuals for capital for First Nations and First Nations agencies for child and family services and Jordan’s Principle, and continue access to funding for capital at its actual cost until such time as a funding model can be developed that meets distinct community needs (including remoteness), is consistent with substantive equality, and is endorsed by First Nations-in-Assembly.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.84/2023

TITLE:	Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle
SUBJECT:	Child and Family Services, Jordan's Principle
MOVED BY:	Chief Brian Perrault, Couchiching First Nation, ON
SECONDED BY:	Chief Mark McCoy, Ojibways of Batchewana First Nation, ON
DECISION	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 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. Pursuant to the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, executed December 31, 2021, Canada agreed to:

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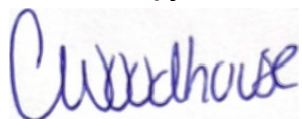
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- i. Fund post-majority support services for First Nations youth “aging out” of care to the age of 25 at the actual cost of delivering services/supports, as determined by the First Nation or First Nations Agency.
 - ii. Assess the resources required to assist families with navigating access to additional supports past the age of majority for high needs youth accessing Jordan’s Principle.
- C. Both of these funding commitments were further ordered on consent by the Canadian Human Rights Tribunal in 2022 CHRT 8.
- D. Transition to adulthood for First Nations youth aging out of care has historically been significantly underfunded causing serious harms to youth such as heightened risks of homelessness, substance use challenges, and incarceration.
- E. There is convincing evidence, including before the Tribunal, that brain development continues up to age 26 during a period known as “emerging adulthood” meaning that young adults between the age of majority and their 26th birthday benefit from additional supports tailored to their needs, cultures, and contexts.
- F. Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for post-majority support services for youth aging out of care.
- G. The majority of First Nations have not had the opportunity to access funding at actuals for post-majority support services for their youth due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for support for all First Nations youth transitioning to adulthood.
- H. The needs of high needs Jordan’s Principle recipients do not end when they reach the age of majority in the province or territory where they reside, and there are limited, and in many cases non-existent, supports and services for these youth to turn to as adults.
- I. Canada’s commitments to assessing the resources required for Jordan’s Principle post-majority navigation supports do not go far enough to address the actual needs of First Nations youth with high needs reaching the age of majority.

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

1. Call upon Indigenous Services Canada (ISC) to extend the deadline for access to funding at actuals for post-majority support services for youth aging out of care for First Nations and First Nations Agencies pursuant to 2022 CHRT 8 until such time as a funding model can be developed that meets distinct community needs (including remoteness), is consistent with substantive equality, and is endorsed by First Nations-in-Assembly.
2. Call upon ISC to immediately implement its commitment to fund navigation support for high needs children accessing Jordan’s Principle after the age of majority and to provide said supports to any young adults retroactively who would have otherwise benefited from the Order but are now 26 years of age or older.
3. Call upon ISC to immediately extend the age of majority for Jordan’s Principle and fund post-majority supports for youth up to age 26 or older.
4. Call upon ISC to work with the Parties to the Tribunal proceedings to develop pathways for youth aging out of care to access post-majority support services independent of an agency or a First Nation.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.85/2023

TITLE: Support for the Technical Working Group on Social Development to Continue Income Assistance Program Reform

SUBJECT: Social Development

MOVED BY: Chief Brian Perrault, Couchiching First Nation, ON

SECONDED BY: Chief Mark McCoy, Ojibways of Batchewana First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 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 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 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

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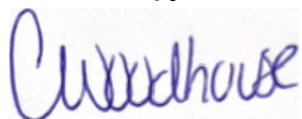
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- B. The On-Reserve Income Assistance (IA) Program was developed in 1964 to provide financial assistance to First Nations individuals on-reserve and in the Yukon to meet their basic needs, mirroring provincial and territorial income assistance rates and eligibility.
- C. The IA Program has largely remained stagnant and unchanged since its inception, resulting in systemic gaps and insufficient funding to meet the needs of First Nations, leading to a greater dependence on the program instead of supporting transitions to employment or education.
- D. In 2018, Indigenous Services Canada (ISC) invested \$8.5 million over two years to engage with First Nations on the reform of the IA Program. The First Nations-led engagements held between 2018 and 2020 identified critical areas for IA Program reform. Since 2021, the Assembly of First Nations (AFN) Technical Working Group on Social Development (TWGSD) and ISC have been co-developing reform of the IA Program, taking a bottom-up approach that leverages the First Nations-led engagements.
- E. The TWGSD developed policy recommendations to reform the IA Program including income assistance rates that are needs-based, expanding case management, pre-employment and administrative supports, strengthening wrap around supports for client wellbeing, and supporting First Nation determination and governance with traditional knowledge embedded in the IA Program.
- F. AFN Resolution 07/2022, *Reform of the On-Reserve Income Assistance Program*, supported the First Nations-developed policy recommendations and called upon Canada to use the policy recommendations for their Memorandum to Cabinet on IA Program reform. The resolution also directed the TWGSD to conduct and oversee an assessment of the long-term financial investments required to fill the gaps in the on-reserve IA Program.
- G. In May 2023, the AFN was informed of Cabinet's support of the First Nations-developed policy recommendations; however, a formal record of decision has not been provided. Further, Budget 2023 did not provide funding for reform of the IA Program. ISC is seeking to continue IA Program reform through a co-developed phased implementation plan for the reformed IA Program.

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

1. Direct the Technical Working Group on Social Development to conduct and oversee costing and transition of reform of the Income Assistance Program (IA Program) using the First Nations-developed policy recommendations that outline considerations for a First Nations-specific, needs-based funding model, key elements for a First Nations-determined social safety net and recommendations for building First Nations capacity for self-determination and data sovereignty within the IA Program.
2. Call upon Canada to fund the Assembly of First Nations (AFN) to conduct costing of the long-term financial investments required to fully implement the First Nations-developed policy recommendations for the reform of the on-reserve IA Program.
3. Direct the AFN to report back to First Nations-in-Assembly on the progress and findings of the costing and transition of IA Program reform by July 2024.

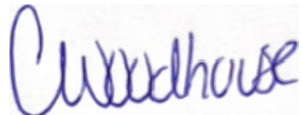
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4. Call on Canada to provide a formal record of decision on the First Nations-developed policy recommendations to reaffirm their commitment to co-develop IA program reform.
5. Call on Canada to co-develop future budget requests for the IA Program with First Nations that include regional priorities.
6. Call on Canada to continue to provide ongoing inflation relief benefits for IA clients, until the IA Program rates are reflective of the cost of living in northern and remote areas.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.86/2023

TITLE: To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle

SUBJECT: Child and Family Services

MOVED BY: Chief Brian Perrault, Couchiching First Nation, ON

SECONDED BY: Chief Mark McCoy, Ojibways of Batchewana First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory which resulted in harms including the removal of children from their families and communities and those delayed and denied in receiving services.
- B. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families.
- C. The CHRT ruling established that First Nations children and families are legally entitled to receive prevention services and the least disruptive measures.
- D. Between 2016 and 2021, the First Nations parties were required to hold Canada accountable and return to the Tribunal on multiple occasions, resulting in 21 non-compliance orders.
- E. In the wake of First Nations and public pressure regarding the children in unmarked graves near Residential Schools and the Federal Court's dismissal of two of Canada's appeals of rulings from the CHRT, the federal government finally agreed to negotiate a resolution.

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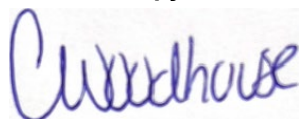
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- F. In Fall 2021, the complainants (the Caring Society and AFN), the interested parties (Chiefs of Ontario & Nishawbe Aski Nation) and Canada entered into negotiations to resolve outstanding discrimination pursuant to the CHRT orders.
- G. The CHRT issued an order (2022 CHRT 8) by consent of the parties providing funding for prevention, post-majority services, and other measures. This funding, combined with an order on capital (2021 CHRT 41) and other previous CHRT orders, amounts to over 75% of the \$19.807 billion over five years announced as part of the Agreement-in-Principle (AIP).
- H. The Institute of Fiscal Studies and Democracy's research to inform long-term funding solutions for FNCFS for First Nations with and without agencies is not due to be completed until March 2024, and Jordan's Principle in December of 2024.
- I. Community-driven research to inform long-term funding solutions for FNCFS for First Nations with and without agencies is not due to be completed until the Fall of 2023 and Jordan's Principle in the spring of 2024.
- J. Under the reformed FNCFS funding model, Canada has proposed that a 2% inflation adjustment be provided, which mirrors the discriminatory funding cap imposed on First Nations' budgets for nearly two decades. The 2% inflation adjustment does not reflect the higher costs of living nor the impact of inflation on First Nations, nor the record-high rates of inflation being observed in Canada.
- K. Canada has also imposed using the Indian Registry to identify the number of people in a First Nation for the purposes of calculating prevention. This excludes many citizens who are eligible for registration but aren't currently registered, and particularly disadvantages communities in remote areas.
- L. Canada has been imposing an unnecessarily heavy burden on First Nations and First Nations child and family service providers and Jordan's Principle service providers to access the capital funding that Canada is legally compelled to provide pursuant to Canadian Human Rights Tribunal Order 2021 CHRT 41.
- M. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities.

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

1. Support regional-specific, independent, First Nations-led secretariats to support First Nations in implementing and transitioning to a reformed First Nations Child and Family Services (FNCFS) approach, including data, best practices, tools, and research.
2. Call upon the Assembly of First Nations (AFN) to consult with the National Advisory Committee on FNCFS Program Reform to provide expert advice on long-term reform of FNCFS.
3. Call upon the AFN to provide an update to First Nations leadership on the implementation of AFN-Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*.
4. Call upon the AFN to ensure the establishment of an Alternative Dispute Resolution process under long-term reform that is apolitical, independent, properly resourced, culturally sensitive, trauma-informed, and accessible to safeguard the rights of First Nations children, youth, and families are respected and upheld.

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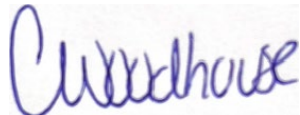


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5. Call upon the AFN to work with regional First Nations leadership and FNCFS experts to strengthen the role of regional experts within the FNCFS and Jordan's Principle negotiations.
6. Call upon Canada to ensure that the population count used to calculate FNCFS services reflect the actual number of people who are the residents and citizens of a First Nation.
7. Call upon Canada to provide its negotiating mandates and any relevant information in a timely manner to facilitate good faith negotiations.
8. Call upon the AFN to advocate for the use of the Consumer Price Index, with a minimum of 2% per annum adjusted upwards if the Consumer Price Index exceeds 2% for any given year, to account for inflation in the reformed FNCFS funding model and the provision of funding respecting Jordan's Principle.
9. Call on the AFN to conduct and support regional engagement on the Final Settlement Agreement on long-term reform to ensure that First Nations leadership has an adequate opportunity to discuss and approve the Final Settlement Agreement.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.87/2023

TITLE: Call for a National Inquiry into The Sixties Scoop and Indigenous Child Removal by The Government of Canada

SUBJECT: Sixties Scoop

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools (IRS) nationwide. The TRC also identified more than 4,100 children died at these facilities, although Survivors and families say that that number is much higher.
- B. The discovery of the remains of 215 children who were forced to attend the former Kamloops Indian Residential School in unmarked graves has led to the discovery of the remains of thousands of children in other former Indian Residential facilities across the country.
- C. As government and church-operated Residential Schools were "winding down," the federal and provincial governments enacted policies and legislation designed to break and destroy First Nations' families, many of whom who had been affected by Indian Residential Schools and Indian Day Schools.
- D. Thousands of First Nations, Métis, and Inuit children were taken and adopted or placed in care with non-First Nations' families throughout Canada from approximately 1951-1991 as another means of assimilation and genocide in what is now known as the Sixties Scoop.
- E. There has been no national inquiry into the precise numbers of children and families affected by the Sixties Scoop, the number of children murdered or killed while in care or adopted by non-Indigenous families, the geographical displacements of Survivors still living abroad, and the far-reaching long-term psychological and physical effects of permanent child removal on Survivors, our families, and communities.

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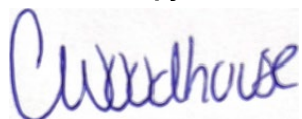
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- F. The 60s Scoop Legacy of Canada, formed in 2017, is a national non-profit organization based in Manitoba that has repeatedly called on the Trudeau Government for a national inquiry, funding, and amendments to the First Nations/Inuit Sixties Scoop Settlement.
- G. Former TRC Chair and Senator, the Honourable Murray Sinclair has publicly supported the need for a national inquiry in an August 2, 2021, joint press release in partnership with the 60s Scoop Legacy of Canada:
- i. “The magnitude of the removal of children in Canada has not yet been measured. It ought to be. It is likely that the Canadian numbers are proportionately as high as those in the United States which led to changes in policy, funding, and law. A study or an inquiry to look into the issue is needed not merely to measure the magnitude of the sin or the names of the sinners but to respond to the suggestion that the child removal system was saving the children from incapable families.”
 - ii. “There is merit to the suggestion that any incapacities of the families were a result of the actions of government, such as 100 years of Indian Residential Schools, and systemic and outright racism. If so, it would be manifestly unfair to allow the perpetrator of an historical injustice to wrap itself in the saviour’s cloak. The children who were removed need to know they are not alone, but they also need to know that there were reasons for what happened that were not of their parents’ making.”
- H. Many Survivors and families were unaware or unable to apply for the First Nations/Inuit Sixties Scoop Settlement before the deadline of December 2, 2019.
- I. There has been no settlement for Sixties Scoop Survivors for the harms, abuses, neglect, and trauma they experienced in care or while adopted.

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

1. Support the call for a national inquiry into the Sixties Scoop and permanent child removal and direct the Assembly of First Nations (AFN) National Chief’s Office to call on the federal government for a national inquiry in partnership with the 60s Scoop Legacy of Canada.
2. Direct the AFN to draft a Memorandum of Understanding with the 60s Scoop Legacy of Canada, a national, non-profit peer-support organization, to support Survivors of the Sixties Scoop.
3. Direct the AFN Executive Committee to call on the federal and provincial governments for long-term funding to support a repatriation and healing program for Survivors and families of the Sixties Scoop.
4. Direct the AFN to seek legal advice in reopening the application deadline in the First Nations/Inuit Sixties Scoop Settlement, provided it does not interfere with processing current applications and payments to claimants.
5. Direct the AFN National Chief to seek resources to hold a joint press conference with the 60s Scoop Legacy of Canada to call on the federal government to commission a national inquiry, and other First Nations in Canada to support the call for a national inquiry.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.88/2023

TITLE: Communal Protection Orders for Violent and Repeat Offenders in First Nations

SUBJECT: Justice, Law Enforcement

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashe Zaaging Anishinaabek First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- ii. Article 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 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.
- iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

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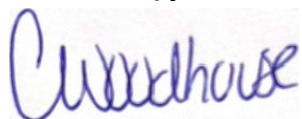
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- B. On June 3, 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls released their Final Report Reclaiming Power and Place and 231 Calls for Justice. The 231 Calls for Justice states:
- i. Call to Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - ii. Call to Justice 5.2: We call upon the federal government to review and amend the Criminal Code to eliminate definitions of offences that minimize the culpability of the offender.
 - iii. Call to Justice 5.3: We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQIA people.
 - iv. Call to Justice 5.9: We call upon all governments to ensure that protection orders are available, accessible, promptly issued, and effectively serviced and resourced to protect the safety of Indigenous women, girls, and 2SLGBTQQIA+ people.
 - v. Call to Justice 5.16: We call upon federal, provincial, and territorial governments to provide community-based and Indigenous-specific options for sentencing.
- C. Many First Nations have community protection Laws, by-laws, and other laws where enforcement is contentious or non-existent. Many Assembly of Manitoba Chiefs (AMC) member First Nations execute Chief and Council Resolutions (“CCRs”, formerly known as Band Council Resolutions or BCRs), to banish violent and/or repeat offenders from First Nations.
- D. First Nations and leadership are left with no recourse as these community protection CCRs are routinely and openly defied, resulting in violent and repeat offenders returning to their respective First Nations.
- E. Current Canadian law does not empower the Royal Canadian Mounted Police (RCMP) to enforce trespassing charges with any means other than a nominal fine, and the violent and repeat offenders who are fined for trespassing often disregard the fines and openly defy the community protection orders.
- F. First Nations are communal people and have recognized the importance of the collective rights of the Nation and the priority of those collective rights over the rights of the individual.

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

1. Call on all levels of government to work with First Nations in seeking and enforcing communal protection orders for violent and repeat offenders and to work with First Nations in strengthening their legal institutions, including the enforcement of laws aimed at protecting their First Nations and First Nations citizens.
2. Direct the Assembly of First Nations (AFN) to seek resources to support working with First Nations to explore the creation or amendments to both federal and provincial legislation to define the scope and criteria for communal protection orders, as well as ensuring that such orders align with the cultural and legal frameworks of the respective First Nations.
3. Direct the AFN to collaborate with Justice Canada, Public Safety Canada, and Crown-Indigenous Relations and Northern Affairs to develop a clear process for seeking and enforcing communal protection orders against violent and repeat offenders.

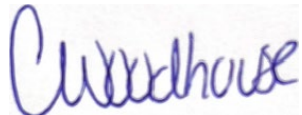
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4. First Nations have Modern Treaties that are nation-to-nation agreements recognized and affirmed under the *Constitution Act, 1982*, and nothing in this resolution is meant to or shall be interpreted so as to diminish, limit, impact, or supersede the ability of First Nations to exercise their inherent jurisdictions, to exercise and fulfill their rights and authorities under Modern Treaties, or to engage in their unique relationship with Canada.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.89/2023

TITLE: Call for Canada to Implement the National Inquiry's 231 Calls for Justice relating to MMIWG2S+ and First Nations Control of Funding

SUBJECT: MMIWG2S+

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

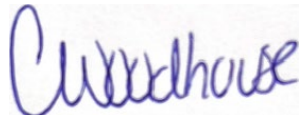
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

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- v. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Assembly of First Nations (AFN) has long acknowledged that First Nations' Chiefs and Councils are the recognized governing authorities for every aspect of governance, including social programs, housing programs, and budget processes.
 - C. In 2004, AFN passed Resolution 104/2004, *AFN Opposes Government of Canada's Pan-Aboriginal Approach*, where the Chiefs-in-Assembly called for the immediate cessation of the Government of Canada's pan-Aboriginal approach, which was to be replaced with a co-developed First Nations specific approach to identify and address First Nations issues.
 - D. In August 2016, the Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry). The National Inquiry released its Final Report entitled *Reclaiming Power and Place* (Final Report) on June 3, 2019.
 - E. The Final Report explores many intersectional issues contributing to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ peoples, and as such, details 231 Calls for Justice, which include:
 - i. Call for Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - ii. 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.
 - F. In response to the Final Report, the 2021 MMIWG2S+ National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People (National Action Plan) was released on June 3, 2021.
 - G. In 2021, AFN passed Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*, was approved by the AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of the implementation the National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQQIA+ peoples.
 - H. Since the implementation of the National Inquiry's Final Report, minimal progress has been made to support and implement the Calls for Justice for Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ peoples.

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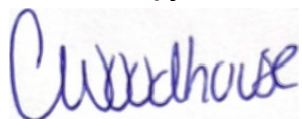
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- I. Despite federal commitments to “distinctions-based approaches” to legislative and policy initiatives, including issues related to MMIWG2S+, the Government continues to engage in pan-Indigenous approaches that fail in recognizing First Nations local leadership and prevents First Nations’ active participation and administration of funding and activities meant for their citizens.
- J. Any federal distinctions-based approach must underscore the significance of First Nations' authority over their citizens and does not recognize Crown-established "Aboriginal organizations" that purportedly represent First Nations citizens as legitimate entities.

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

1. Demand quantifiable action from the Government of Canada to implement the 231 Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ Peoples.
2. Demand that the Government of Canada ensure that all activities implemented under the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ Peoples are completed meaningfully and in collaboration with First Nations and MMIWG2S+ Survivors and family members.
3. Call on the Government of Canada to co-develop mechanisms with First Nations that ensure funding allocated to address the issues and challenges faced by MMIWG2S+ First Nations and their families is being streamed directly to First Nations or First Nations-mandated organizations.
4. Direct that the Assembly of First Nations (AFN) advocate to the Government of Canada that funds dispersed to First Nations relating to MMIWG2S+ are carried out in a way that upholds First Nations jurisdiction.
5. Direct the AFN to advocate for long-term sustainable funding that has First Nation-led processes to ensure funding is allocated in a transparent manner for First Nations and First Nations citizens.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.90/2023

TITLE: Demand for Continued, Sustainable, and Adequate Funding to Search for Children Who Died or Became Missing Persons while Attending Indian Residential Schools

SUBJECT: Indian Residential Schools

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

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 from another group.
- iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iv. 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.

B. On May 17, 2022, the federal government allocated an additional \$122 million in funding for the Residential School Missing Children's Community Support Funding program until 2025.

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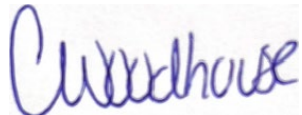
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- C. No new financial commitments have been announced to support ongoing efforts to recover, repatriate, document, or commemorate children who lost their lives at Indian Residential Schools past 2025, and the last date for funding applications ends on November 15, 2024.
- D. Searches and related work must continue well beyond 2025 due to the sensitive and comprehensive nature of the efforts to recover, repatriate, and/or commemorate children who lost their lives or went missing because of Residential Schools.
- E. Not all remains of children who lost their lives or went missing while attending Residential Schools have been identified, and searches are still ongoing across Canada.
- F. The Truth and Reconciliation Commission's Final Report estimates that missing children from Indian Residential Schools to be well over 5,000.
- G. There remains a need to complete existing searches of former Indian Residential School sites, respond to new searches, identify remains, investigate the cause of death, and repatriate and commemorate children. This has been hindered by a lack of resources and cooperation from churches and governments to provide access to records, documents, and grounds.
- H. First Nations have called for continued, predictable, sustainable, and adequate funding beyond 2025 for the ongoing work of recovering, identifying, investigating, and providing proper burials and commemoration for the children who perished or became missing persons while attending Indian Residential Schools.
- I. Article 91 (24) of the *Constitution Act* 1867 provides Canada with exclusive legislative authority to make laws for the peace, order, and good government of Canada in relation to subject classes including "Indians, and Lands reserved for Indians." Under Article 91 (24), Canada holds a constitutional legal obligation to the children .
- J. This constitutional legal obligation includes the creation of the 1876 Indian Act and the 1920 amendments that made it compulsory for every First Nations child between seven and sixteen years of age to attend Residential Schools. As a result, Canada holds an ongoing obligation to provide resources to recover, identify, repatriate, and commemorate children who lost their lives or became missing as a result of the Indian Residential School System. Children perished at these sites or became missing persons as a direct result of the issuance of federal Orders in Council by Parliament and amendments to the Indian Act which established and operated the Indian Residential School system.

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

1. Demand that the Government of Canada provide financial commitment beyond 2025 for continued, predictable, sustainable, and adequate funding for all current and future work related to the search and recovery of remains, identification, investigation, repatriation, and commemoration for the children who died or became missing persons while being forced to attend Indian Residential Schools.
2. Direct the Assembly of First Nations (AFN) to advocate to the federal government to immediately announce a commitment to provide continued, predictable, sustainable, and adequate funding to First Nations until the ongoing work related to the children who died or became missing persons is completed.

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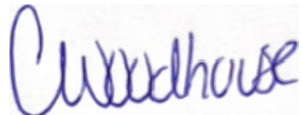


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3. Call on the Government of Canada to begin a co-development process with the AFN on a legal framework that addresses constitutional, legislative, regulatory, and policy changes that acknowledge and confirm Canada's obligations for children who died or went missing as a result of the Indian Residential School System, which also reaffirms the *United Nations Declaration on the Rights of Indigenous Peoples* Articles 7,8 and 10.

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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.91/2023

TITLE: Reform Exploitative Legal Fee Structures

SUBJECT: Justice, Discrimination

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashe Zaaging Anishinaabek First Nation, ON

DECISION Carried by Consensus

WHEREAS:

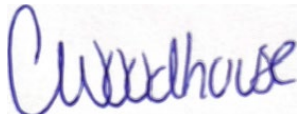
A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.

B. As First Nations litigation activities have increased over recent decades, certain law firms and lawyers have developed exploitative legal fee structures which allow them to receive exorbitant sums in exchange for legal work. These practices revictimize First Nations who are seeking justice and siphon off settlement funds which are intended to mitigate harm to Survivors, rather than overcompensate predatory lawyers.

C. Lawyers may use a number of fee arrangements in their work with First Nations, including highly inflated hourly rates and contingency fee agreements, wherein the lawyer's compensation is dependent on the successful completion of the matter for which they have been retained. Contingency fees can be particularly exploitative for First Nations who do not have the financial means to pay legal fees up front. Such fees have been subject to court scrutiny, where firms have charged up to 20 per cent of a settlement for legal services. They have been widely criticized for unfair outcomes, lack of transparency, and for resulting in legal fees which are out of proportion to typical market rates in other areas of law.

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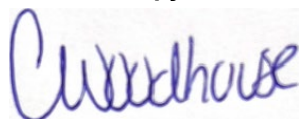
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- D. There are a number of noteworthy allegations of lawyer exploitation of First Nations, including the Merchant Law Group, which the federal government accused of inflating bills for the Indian Residential Schools class action. In 2021, the Alberta Court of Queen's Bench reviewed Rath & Company's contingency fee agreement with the Tallcree First Nation, which entitled the firm to 20 per cent of the Nation's \$57.5 million agricultural benefits settlement payment. The Court found that Rath & Company was entitled to \$3 million, rather than the \$11.5 million sum claimed. Maurice Law has also been subject to claims of unfairness, as the Saskatchewan Court of Appeal ruled in 2017 that the firm's retainer agreement with Sakimay First Nation was unfairly obtained.
- E. In response to increasing incidents of conflict between lawyers and First Nations over financial arrangements, the Indigenous Bar Association (IBA) has called for changes to the Federation of Law Societies of Canada's model code of professional conduct to prevent lawyers from exploiting Indigenous clients. The IBA has also advocated for caps on the percentage firms can charge for work on Indigenous claims and developing mandatory training for lawyers working on disputes between law firms and Indigenous clients.
- F. Despite these advocacy efforts, exploitative legal fee structures have persisted. Discriminatory practices target First Nations, enabling lawyers to capitalize on First Nations in vulnerable financial and social positions and utilize power imbalances for their own profit.

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

1. Direct the Assembly of First Nations to call on the Federation of Law Societies and the 14 provincial and territorial law societies to develop and implement, in coordination and collaboration with First Nations, distinctions-based rules of professional conduct to address fair and reasonable legal fees for First Nations clients.
2. Call on the Government of Canada to take a strong stance against law firms who prey upon First Nations and utilize exploitative legal fee structures against them.

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