
Assembly of First Nations

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 73/2019

TITLE:	Executive Committee Portfolios
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Dean Sayers, Ojibways of Batchewana First Nation, ON
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON
DECISION	Carried by Consensus

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chiefs' Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.
- C. In practice, portfolios are assigned to Regional Chiefs by the National Chief. Portfolio holders do not have a formal process for reporting, scope of duties, or other structure for their work.

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

1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 18, *The Executive Committee-Function and Powers*, provision 9, which currently reads: "In performing their duties or responsibilities, the Executive Committee may establish portfolios and deploy resources as deemed necessary, subject to the approval of the Confederacy of Nations and to the nature of the delegation granted by the First Nations-in-Assembly.", to read:

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- a. "9. The National Chief shall assign these portfolios in a collaborative process with the Executive Committee and/or re-assign portfolio topics to Regional Chiefs serving on the Executive Committee to lead specific topics of work as required. Upon assignment, the Regional Chief shall report quarterly to the Executive Committee and the First Nations-in-Assembly as well as to their own Regions. If the Regional Chief fails to report quarterly, the National Chief may consider re-assigning the portfolio.
- a. The portfolio holder shall be responsible for leading the work of the portfolio as directed by resolutions from the First Nations-in-Assembly;
 - b. The portfolio holder shall chair all Chief's Committee meetings that are associated with their portfolio and oversee the work of the Chief's Committee to ensure that all procedures and processes are being followed and maintained under the Terms of Reference, By-Laws and the AFN Charter."

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 74/2019

TITLE:	Chiefs' Committees
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Karen Batson, Pine Creek First Nation, MB
SECONDED BY:	Chief Betsy Kennedy, War Lake First Nation, MB
DECISION	Carried by Consensus

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chiefs' Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 7, *Function and Powers of the First Nations-in-Assembly*, to add a provision 3 as follows:
 - a. "3. 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.
 - a) 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.

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- b) The Chiefs' Committee shall draft a terms 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.
- c) 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.
- d) 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.
- e) 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."

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 75/2019

TITLE:	National Chief Oath of Office
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Roderick Gould Jr., Abegweit First Nation, PEI
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON
DECISION	Carried by Consensus

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chiefs' Committee to be uncontroversial, for ease of the amendment process, the Chief's Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

- 1. Direct the Assembly of First Nations (AFN) Charter be amended at Article 22, *Election and Term*, to read as follows:
 - a. "6. The National Chief shall swear an oath of office that contains the Role, Function, Authority and Accountability provisions contained in the AFN Charter. The Oath of Office swearing-in will include ceremony as guided by the Knowledge Keepers Council."

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 76/2019

TITLE:	Numerical Correction to Article 17 of AFN Charter
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Leah George-Wilson, Tsleil-Waututh (Burrard) First Nation, BC
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON
DECISION	Carried by Consensus

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chiefs' Committee to be uncontroversial, for ease of the amendment process, the Chiefs' Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.
- C. Article 17: The Executive Committee Composition contains a drafting error and has a provision that requires a number heading only.

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

1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 17, *The Executive Committee, Composition*, to include the provision number:
 - a. "4", to be inserted prior to the text that reads: "The AFN Regional Chiefs shall be elected for a three-year term and shall be eligible for re-election. The term of office may be terminated before the expiry date if the Chiefs of that Region so decide at a meeting called for the purpose."

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 77/2019

TITLE:	Regional Chief Oath of Office
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Leah George-Wilson, Tseil-Waututh (Burrard) First Nation, BC
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON
DECISION	Carried by Consensus

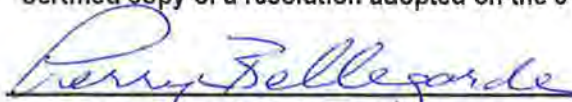
WHEREAS:

- A. The Chiefs' Committee on Charter Renewal met September 11, 2019 and reviewed the current Charter provisions clause by clause.
- B. There are provisions within the Charter that require amendments and are considered by the Chiefs' Committee to be uncontroversial, for ease of the amendment process, the Chiefs' Committee recommends that these amendments be adopted by the First Nations-in-Assembly by consensus.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 19, *The Executive Committee, Accountability*, to add:
 - a. "Each Region shall formally adopt rules, policy and procedures for the operation of the Regional AFN offices."
 - b. "Regional Chiefs, upon election, shall swear an oath of office that contains the role, function, authority and accountability provisions contained in the AFN Charter. The Oath of Office swearing-in will include ceremony as guided by Knowledge Keepers from the Region."

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 78/2019

TITLE:	Endorsement of the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021
SUBJECT:	Water
MOVED BY:	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, B.C.
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON
DECISION	Carried by Consensus

WHEREAS:

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

- i. Article 18: Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
- ii. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them.
- iii. Article 25: Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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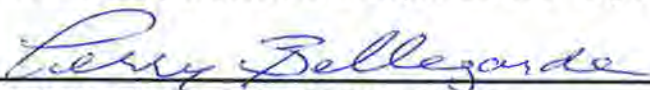


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- B. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls has identified the First Nations water and housing crisis as a source of violence against First Nations women and girls.
- C. Call for Justice 4.1 identifies the appropriate response to these crises as follows:
 - i. We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.
- D. The federal government has committed to eliminating all long-term drinking water advisories on public systems on-reserve by March of 2020.
- E. The federal government dedicated in Budget 2016 "... to provide \$1.8 billion over five years to address health and safety needs, to ensure proper facility operation and maintenance, and to end long-term boil water advisories on First Nations reserves within five years."
- F. The Assembly of First Nations (AFN) was recently informed that a 'holdback' was put on the last year of federal government delivery costs associated with the resources dedicated in Budget 2016, intended to fund First Nations water and wastewater infrastructure in Budget 2016; and that these monies will only be released when Indigenous Services Canada tables a 'long-term strategy for First Nations water and wastewater' to the federal cabinet in March 2020.
- G. The AFN sought feedback from the Chiefs' Committee on Housing and Infrastructure on a response to the 'holdback' situation and the requirement that Indigenous Services Canada table the 'long-term strategy for First Nations water and wastewater' in March of 2020 to the new federal cabinet.
- H. The AFN utilized the feedback from the Chiefs' Committee on Housing and Infrastructure and commenced a preliminary engagement with First Nations experts on water and wastewater issues across Canada to identify key topics for discussion that could inform the creation of a First Nations Long-Term Strategy for water and wastewater post-2021.
- I. The result of these preliminary meetings was 36 key topics outlined and annotated in a *Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021*.
- J. There has not be sufficient youth engagement on climate action and water protection, and the creation of a *First Nations Long-Term Water and Wastewater Strategy Post-2021*.

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

1. Declare that the federal government should proactively inform First Nations of financial matters relevant to the provision of water and wastewater infrastructure.
2. Hereby endorse the *Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021* as a working document to inform future engagement with First Nations across Canada.
3. Call on the Assembly of First Nations (AFN) to urge federal acknowledgment that any long-term strategy for First Nations regarding critical infrastructure must be developed by First Nations themselves in a process that conforms to our own governance processes.
4. Direct the AFN to seek sufficient resources to support engagement with First Nations throughout Canada in 2020 to develop a preliminary First Nations Long-Term Water and Wastewater Strategy.
5. Direct the AFN to seek sufficient resources to support this engagement process with First Nations.
6. Direct the AFN to return to the 2020 AFN Annual General Assembly to present the preliminary First Nations Long-Term Water and Wastewater Strategy to the Chiefs-in-Assembly.
7. Direct the AFN to allocate resources to support the implementation of a National Indigenous Youth Water Collective that would provide funding for capacity-building, training, and projects that strengthen youth leaders to ensure environmental protection for future generations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 79/2019

TITLE:	Action Plan for First Nations Homelessness On and Off-Reserve
SUBJECT:	First Nations Homelessness
MOVED BY:	Guy Louie, proxy, Ahousaht First Nation, BC
SECONDED BY:	Judith Sayers, proxy, Toquaht Nation, BC
DECISION	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
 - 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.
 - 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.

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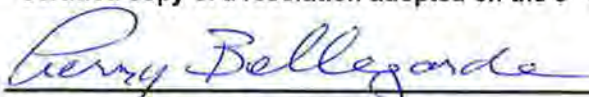
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- B. There is an urgent need to address homelessness for First Nations both on and off reserve.
- C. In 2014 Statistics Canada reported that 18% of homeless people were Indigenous- more than twice the rate of non-Indigenous peoples.
- D. The number of First Nations people becoming homeless is increasing every year.
- E. First Nations who are homeless face significant barriers in finding adequate and affordable homes and accessing the proper medical and mental health care they need due to a lack of housing on-reserve and affordable housing off-reserve.
- F. Government programs and policies have failed to provide sustainable long-term positive housing outcomes and have led to persistent substandard living conditions with negative impacts on health, education, economic development, and child welfare, etc. These substandard living conditions are felt more deeply by First Nations women and girls, seniors, youth, the homeless, people with disabilities and First Nations people in the north.
- G. First Nations have the right to freely pursue our social development, including the urgent need to address homelessness of our citizens, put in place measures and institutions to help our people without homes and provide them with the means of subsistence or development.
- H. The federal government, provinces and municipalities must ensure adequate housing is available to deal with the homelessness crisis facing First Nations.
- I. In 2018, the Assembly of First Nations (AFN) in partnership with Canada, finalized a *National First Nations Housing and Related Infrastructure Strategy*. The Strategy seeks to ensure First Nations are able to care, control and manage their housing and infrastructure.
- J. The AFN *Ten Year National First Nations Housing and Related Infrastructure Strategy* aims to address one cause amongst many that results in homelessness on and off-reserves and in the north.
- K. The Strategy also seeks to coordinate housing governance delivery systems across all jurisdictions to better serve First Nations members living away from their community in urban, rural and northern settings.

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

1. Call upon the Assembly of First Nations (AFN) to identify resources to do research, with external partners where possible, to:
 - a. gather data to determine the number of First Nations people experiencing homelessness, and

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- b. analyze the data to determine the causes and the gaps in services, including the shortage of housing on-reserve that contributes to members leaving their communities and the reasons that prevent the homeless from accessing adequate shelter on and off-reserve.
 - c. Develop a mechanism to allow First Nations to access data collected for their own future utilization.
2. Direct the AFN to seek resources to develop a draft national First Nations Homelessness Strategy that is in alignment with the *National First Nations Housing and Related Infrastructure Strategy*. This strategy will identify comprehensive, multi-partner, short, medium and long-term solutions, and an advocacy plan for presentation to Chiefs-in-Assembly for their input, approval, and occasional updating as required.
 3. Call upon the AFN to advocate for a multi-partner solution to address First Nations homelessness and its related causes.
 4. Urge the federal government to immediately develop with First Nations, the Chiefs' Committee on Housing and Infrastructure, and the AFN measures to improve the delivery of federal government homelessness programs into the transition to First Nations care, control and management of First Nations housing and infrastructure.
 5. Urge the federal government to work with First Nations and the AFN on immediately improving social programs and fiscal mechanisms to address homelessness.

Urge Employment and Social Development Canada to amend criteria to access the rural budget component to enable First Nations to build shelters and group homes on-reserve.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 80/2019

TITLE:	Federal Consultation & Transparency in First Nations Housing Program & Funding Changes
SUBJECT:	First Nations Housing and Related Infrastructure
MOVED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
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 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 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. On June 12, 2017 the Rt. Hon. Justin Trudeau, Prime Minister of Canada declared, "I am committed to a renewed relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership."
- C. The Prime Minister further committed that key cabinet ministers will have the opportunity to discuss with First Nations leaders how Canada and the Assembly of First Nations (AFN) can work together to advance shared priorities, co-develop policy and promote lasting and meaningful reconciliation.

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- D. The process is near completion in which the AFN and Canada are jointly working on a transformative federal First Nations housing policy that will support the transition to First Nations care, control and management of housing and full federal funding to close the gap in First Nations housing.
- E. Through AFN Resolution 57/2018, *National First Nations Housing and Related Infrastructure Strategy*, Chiefs-in-Assembly urged the Federal Government "...to immediately co-develop with the Chiefs' Committee on Housing and Infrastructure and the AFN measures to remove barriers and otherwise improve the delivery of federal government housing and related infrastructure programs and fiscal tools in the interim of the transition to First Nations care, control and management of First Nations housing and infrastructure".
- F. The Federal Government;
 - a. ignored AFN Resolution 57/2018 by unilaterally establishing in early 2019 an internal government review called the "Deep Dive on First Nations Housing On-Reserves" (Deep Dive), a process intended to improve the delivery of federal government housing and infrastructure programs, and
 - b. ignored its commitment to partnership and collaboration by not inviting the AFN to co-manage the Deep Dive process and by informing the AFN six months after the process was initiated.
- G. The Canada Mortgage and Housing Corporation (CMHC) made unilateral funding allocation decisions that reduced the Residential Rehabilitation Assistance Program (RRAP) funds available to First Nations. First Nations became aware of the reduced amount only in the mid-2019/20 fiscal year.
- H. The Prime Minister provides written mandates to his ministers that stress the need for the Government's decisions and actions to be fully transparent in order to build and maintain public trust.
- I. Neither the AFN nor any First Nation begrudges the success of other First Nations that sign agreements with the Federal Government as a result of emergencies declared due to factors that include housing.
- J. The Federal Government is not fully transparent on the program source of emergency housing funds committed and whether those funds effectively diminish the budgets of existing Federal Government First Nations housing programs or whether they are from other sources.
- K. Media reports confirm that the lack of adequate or suitable First Nations housing was raised often with candidates of all political parties in many ridings across the country and by the AFN during the 2019 federal election campaign.

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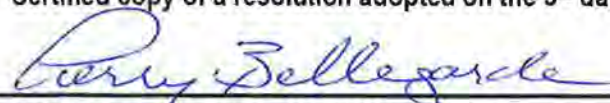


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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Urge the Minister of Indigenous Services and his Canada Mortgage and Housing Corporation (CMHC) counterpart, in the spirit of partnership and collaboration, to adopt and implement without delay the principle that there shall be no Federal Government housing or related infrastructure legislative, regulatory, policy, program, service, formula or regional funding allocation changes affecting First Nations without prior First Nations consultation and consent.
2. Urge the Federal Government, once again, to immediately co-develop with the Assembly of First Nations (AFN) Chiefs' Committee on Housing and Infrastructure measures to remove barriers and otherwise improve the delivery of Federal Government housing and related infrastructure programs, fiscal tools and initiatives in the interim of the transition to First Nations care, control and management of First Nations housing and related infrastructure.
3. Urge the Minister of Indigenous Services and the Minister Responsible for the CMHC to have their respective department and agency become fully transparent by advising in writing to all First Nations, the AFN and regional First Nations organizations of all changes or new initiatives contemplated at the outset of such consideration regarding the Federal Government's First Nations housing or related infrastructure legislation, regulations, policy, programs, services, budgets, formulas and regional funding allocations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 81/2019

TITLE:	Dene Nation Control of Housing in Northwest Territories
SUBJECT:	Housing
MOVED BY:	Chief April Martel, K'atl'Odeeché First Nation, NT
SECONDED BY:	Chief Wanda Pascal, Tet'it Gwich'in Council, NT
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 or implementing legislative or administrative measures that may affect them.
 - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The commitment in Canada's National Housing Strategy that "by 2030, everyone in Canada has a home that they can afford and meets their needs" is consistent with the Crown's fiduciary obligation to provide quality housing to First Nations people wherever they live.
- C. Despite an incomplete database of housing conditions, the 27 Dene Nation communities in the Northwest Territories (NWT) face high heating and maintenance costs, inappropriate housing design, no local or regional housing management capacity, and a severe lack of affordable, adequate, appropriate, sustainable and quality housing. This results in massive overcrowding, the displacement of Elders to larger centres away from the support of their family and friends, and a negative effect on Dene people's health and well-being.

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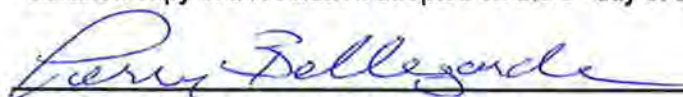
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- D. Dene families and communities are denied the same benefits of federal government investments in affordable housing made in the south. This colonial approach to the Dene Nation and communities, in respect to housing, causes them to be poorly served by the NWT Government, which has no obligation to ensure Dene communities receive an equitable share of federal funds intended for housing.
- E. This system of federal and territorial exclusive management of housing denies Dene control and oversight of these programs and results in a system that does not work for the Dene and delivers housing programs whose funding levels are not equitable to those received by First Nations in the provinces.
- F. Federal commitments to First Nations that a transformative change in federal housing policy leading to First Nations care, control and management of their own housing must occur, and the Dene people's assertion of their role and responsibility in determining their future vision for housing and infrastructure in a truly nation-to-nation relationship with Canada, must be supported by creating a Dene-specific approach to housing to be implemented in phases.
- G. There is a need for the Dene to build the human resource capacity necessary to manage their own housing so as to embrace the federal initiative to support First Nations in the transfer of housing services to entities accountable to and led by First Nations.

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

1. Support the Dene Nation in its efforts to develop a nation-to-nation relationship in housing and related infrastructure that respects Dene Nation rights and fulfills federal obligations to the Dene Nation and communities.
2. Support the Dene Nation in its efforts to obtain federal commitments from Indigenous Services Canada, the Canada Mortgage and Housing Corporation and other federal sources and multi-year funding, to enable and empower the Dene Nation to:
 - a. develop the Dene Nation and Dene communities' on-going capacity to manage their own housing and related infrastructure;
 - b. engage the Dene communities in the development of a Dene Nation multi-year housing and related infrastructure strategy and a phased implementation plan;
 - c. research federal and Northwest Territories (NWT) Governments' housing and related infrastructure program allocations to determine equity with their First Nation housing and related infrastructure program funding levels in the south;

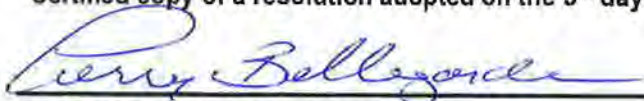
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- d. conduct on-going Dene controlled housing and related infrastructure data collection and develop Dene data storage and analysis capacity;
 - e. develop capacity to discuss with Canada the transfer of control of housing to the Dene Nation and communities; and
 - f. ensure that housing and infrastructure program funding for First Nations in NWT is provided directly to the First Nations and not managed by the Government of NWT.
3. Support the Dene Nation in its efforts with Canada and the NWT to ensure their full openness, cooperation and transparency in reaching the Dene Nation's housing and related infrastructure vision and goals.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 82/2019

TITLE:	Support for Continuing Development of Indigenous Services Canada Revised Operations and Maintenance Policy and Full Funding of First Nations Operations and Maintenance Needs
SUBJECT:	Infrastructure
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
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 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. This section provides the background information for the resolution.
- B.** The federal government only funds a portion of the estimated costs for the operations and maintenance (O&M) of on-reserve community infrastructure such as buildings, roads and bridges, etc.
- C.** The current funding formulas and cost indices as identified in Indigenous Services Canada (ISC) O&M Policy are outdated, inadequate and do not provide sufficient funding for First Nations to protect and prolong the life of their community assets.

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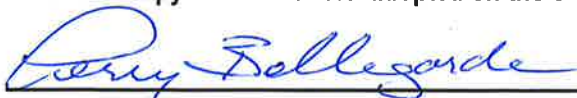


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- D. Assembly of First Nations (AFN) Resolution 80/2017, *Support for Review of Canada's Operations and Maintenance Policy*, supported the co-development of new Operations and Maintenance Policy Framework (O&M Policy Framework) with full involvement of First Nations and/or their organizations, the AFN and the Chiefs' Committee on Housing and Infrastructure.
- E. The AFN supports First Nations full involvement in the development of a new O&M Policy working in collaboration of ISC's Community Infrastructure Branch (CIB).
- F. An O&M Experts Meeting was held in Ottawa in March 2018, which recommended First Nations move to an Asset Management Plan (AMP) strategy for determining O&M funding requirements and that Asset Management Pilots be carried out in each region to determine the gap between current funding and fully funded O&M funding.
- G. The AFN has developed a draft Asset Management Policy which was presented at ten regional O&M engagement sessions during May and June of 2019. These engagement sessions were attended by Leadership, public works and capital management staff, tribal council and regional organizations staff, and water and wastewater operators. These engagement sessions further informed the development of the draft Asset Management Policy.
- H. The AFN also funded Asset Management Pilots in each region to determine the gap between current funding and fully funded O&M funding. The pilots have demonstrated that O&M funding formulas ISC uses to determine funding levels are inaccurate and inadequate and that there is a significant backlog of O&M projects awaiting funding.
- I. Further collaboration with ISC's CIB and engagement with First Nations will need to occur to arrive at a mutually acceptable final new O&M Policy.
- J. The results of the Asset Management Pilots will serve to inform Canada that substantial increases in O&M funding will be required to support full operations and maintenance funding today and for the future.
- K. The First Nations and Inuit Health Branch (FNIHB) has been formally transferred from Health Canada to ISC.
- L. FNIHB funds or delivers community-based health promotion and disease prevention programs, primary, home and community care services, health-related emergency management, and programs to control communicable diseases, address environmental health issues and provide non-insured health benefits to supplement those provided by provinces, territories and private insurers.

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

1. Direct the Assembly of First Nations (AFN) to urge the Federal Government to support and provide resources to fund the continuing development of a new Operations & Maintenance Policy in collaboration with Indigenous Services Canada and with the full involvement of First Nations and First Nation organizations.
2. Direct the AFN to ensure that all aspects of Operations & Maintenance funding reform specifically include the services provided by First Nations Inuit Health Branch.
3. Direct the AFN to urge the Federal Government to begin to fully fund First Nations to develop fully costed Asset Management Plans using industry standards to include awareness, capacity building and implementation of Asset Management Plans.
4. Direct the AFN to urge the Federal Government to provide resources to First Nations to support their fully costed Asset Management plans now and into the future.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 83/2019

TITLE: First Nations Control of Emergency Management

SUBJECT: Emergency Management

MOVED BY: Stacey Doore, proxy, Siksika Nation, AB

SECONDED BY: Chief Roy Fox, Blood First Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 29 (1): Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination."
- B. Public Safety Canada defines emergency management as "the management of emergencies concerning all hazards, including all activities and risk management measures related to prevention and mitigation, preparedness, response, and recovery."
- C. Canada reported that in 2018 and 2019 more than 10,000 First Nations people were displaced because of emergencies.
- D. In 2013, the Office of the Auditor General reported that Indigenous Service Canada (ISC)'s Emergency Management Program, which supports First Nations' emergency mitigation, preparedness, response, and recovery, is insufficiently funded.

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- E. ISC has been directed to negotiate tripartite agreements for the provision of emergency services between First Nations, Canada, and provinces and territories.
- F. First Nations continue to be inadequately consulted during the negotiation of these agreements, and, even with such agreements in place, receive inadequate emergency response and preparedness support.
- G. Assembly of First Nations (AFN) Resolution 03/2015, *First Nation Involvement in Emergency Preparedness*, further identified that issues persist, particularly the response of federal, provincial and territorial governments, and the Canadian Red Cross.
- H. First Nations, such as the Siksika Nation in Treaty No. 7, are establishing their own emergency management entities to provide these services directly to their citizens in a culturally-informed and appropriate manner. They do not receive direct investments from Canada to provide these emergency services comparable to the provinces and territories.
- I. In 2018, the House of Commons Standing Committee on Indigenous and Northern Affairs made several recommendations to further First Nations jurisdiction and authority, including:
 - i. "Recommendation 1: That [ISC], recognizing First Nations as equal partners, work with them and provinces and territories through trilateral agreements to clarify the various roles and responsibilities regarding emergency management in First Nation communities."
 - ii. "Recommendation 2: That [ISC], in cooperation with First Nations, review its Emergency Management Assistance Program to ensure that funding provided addresses the actual needs of First Nations; that in so doing, the department also ensure that sufficient funding is allocated for emergency preparedness activities, such as developing, updating and implementing emergency response plans."
- J. With the proper tools, funding, and expertise, First Nations can assume jurisdiction to mitigate against, prepare for, respond to, and recover from emergencies and natural disasters in their communities.
- K. First Nations exercising jurisdiction over emergency management may be able to assist and empower other First Nations in building their capacity to develop emergency management regimes and departments, as well as their emergency response functional areas in preparedness plans processes, and policies.

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

- 1. Call on the Assembly of First Nations (AFN) to advocate to the Minister of Indigenous Services Canada and the Minister of Public Safety to initiate an immediate review of the Emergency Management Assistance Program, in collaboration with First Nations, to ensure that First Nations receive adequate funds for the entirety of the emergency management continuum (mitigation and prevention, preparedness, response, and recovery).

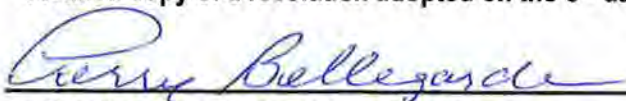
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2. Direct the AFN to seek resources to work with First Nations in developing a policy proposal that would provide clear recommendations to government for supporting First Nations control over emergency management and services. This proposal should include considerations for:
 - a. new funding mechanisms and policy changes for First Nations to establish emergency management departments in their communities, including positions for directors of emergency management;
 - b. new funding mechanisms for First Nations to build capacity and training in emergency management through culturally relevant, First Nations-led programs;
 - c. establishing a national First Nations Emergency Management Office that would support all Nations in creating departments of emergency management;
 - d. establishing clear jurisdiction over our peoples and our territories; and,
 - e. consulting with First Nations that have expertise and experience in this area and that they be included in any committee working on this proposal.
3. Direct that the policy proposal be presented to Chiefs-in-Assembly within two years of the passage of this resolution for discussion and approval.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 84/2019

TITLE:	Call for Emergency Operations Management Planning in First Nations
SUBJECT:	Emergency Management
MOVED BY:	Chief Franklin Paibomsai (Shining Turtle), Whitefish River First Nation, ON
SECONDED BY:	Kukpi7 Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION	Passed by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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. First Nations are facing increasing emergency situations, including fires, flooding, security threats, social and mental health crises, power outages, medical emergencies, communicable disease issues and food safety concerns.
- C. Despite being less than 4% of Canada's population, First Nations comprised nearly one-third of all evacuees and emergency evacuation events in the last decade. With growing frequency, Indigenous Peoples find themselves unprepared, ill-served and traumatized by evacuations, which most often is the only available immediate solution.
- D. Further, First Nations who have been evacuated are sent back to their home communities to wait for the next crisis.
- E. Assembly of First Nations (AFN) Chiefs-in-Assembly have repeatedly passed resolutions calling for an end to long standing "lack of emergency management" problems that plague First Nations.

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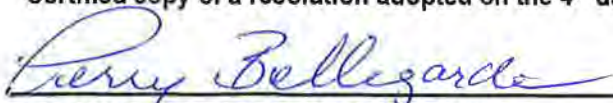
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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call upon the Assembly of First Nations (AFN) to engage with the Canadian Safety and Security Program (CSSP) and Indigenous Services Canada (ISC) to support the development of partnerships with First Nations to provide permanent, reliable, appropriate funding and resources to ensure coordinated responses to natural disaster emergency management issues affecting First Nations.
2. Direct the AFN to advocate for on-going permanent training programs in emergency operations management which would focus on; awareness, preparedness, response and recovery, with the full intent to be community-based, designed, developed, driven and managed and nationally and regionally coordinated across Canada.
3. Call upon federal, provincial, and municipal emergency management agencies to:
 - a. adequately and efficiently respond to opportunities to provide mutual aid for First Nations in a manner that will resolve issues pertaining to emergencies; and,
 - b. ensure that emergency management training programs are culturally and geographically appropriate for First Nations.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

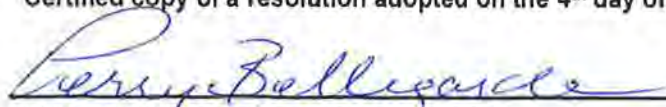
Resolution no. 85/2019

TITLE:	Support for A Proposed First Nations Training Institute on Emergency Management
SUBJECT:	Emergency Management
MOVED BY:	Chief Franklin Paibomsai (Shining Turtle), Whitefish River First Nation, ON
SECONDED BY:	Chief Craig Makinaw, Ermineskin First Nation, AB
DECISION	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:*
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions."
- B. A First Nations Training Institute on Emergency Management will provide pathways for emergency planning measures on First Nations to be developed.
- C. A First Nations Training Institute on Emergency Management will provide essential career and employment services to First Nations peoples in the field of Emergency Responders and Management when dealing with natural and man-made disasters.
- D. By creating this new training centre, the First Nations Training Institute on Emergency Management would aim to support First Nations, who may opt in or out to secure resources and training.

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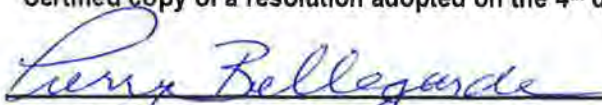
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- E. A First Nations Training Institute on Emergency Management could develop a new training centre that would include:
- i. a multi-purpose vocational training workshop, to prepare First Nations people for a career in emergency mitigation management;
 - ii. curriculum to support culturally-relevant content; and,
 - iii. special purpose space to support collaboration with other partners.
- F. The Government of Canada, through the Department of Indigenous Services Canada, affirms that economic prosperity is one of their five key priorities, stating that Canada will continue working with First Nations partners and organizations to advance community economic development.
- G. Funding announcements since Budget 2017 have targeted funding supports for First Nations economic development and skills and employment training specifics to urban and non-urban First Nations in areas such as capital and infrastructure.
- H. Supporting innovative Indigenous-led opportunities, including a First Nations Training Institute on Emergency Management, will further the Truth and Reconciliation Commission's Call to Action #7, which calls upon the Government to work with First Nations to eliminate educational and employment gaps between First Nations and non-First Nations peoples living in Canada.

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

1. Support the creation of a First Nations Training Institute on Emergency Management which will focus on preparing First Nations for natural and man-made disasters.
2. Direct the Assembly of First Nations to seek funding support from the Government of Canada to realize the creation of a First Nations Training Institute on Emergency Management that will benefit First Nations citizens and their communities and be Treaty/ Nations-based and community-driven.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 86/2019

TITLE:	Federal Legislation to Create a Framework for Implementation of the <i>United Nations Declaration on Rights of Indigenous Peoples</i>
SUBJECT:	United Nations Declaration on the Rights of Indigenous Peoples, Human Rights
MOVED BY:	Chief Ronald E. Ignace, Skeetchestn Indian Band, BC
SECONDED BY:	Kupki7 Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION	Carried by Consensus

WHEREAS:

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

- i. Preamble paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.
- ii. 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.
- iii. 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.
- iv. 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.

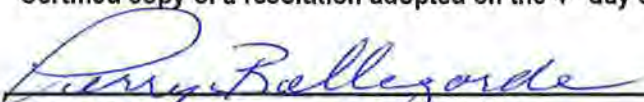
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- v. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
 - ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.
- C.** On December 7, 2017, Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 97/2017, *Support for Bill C-262, "An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples"*. Resolution 97/2017 called upon all Canadian federal parliamentarians to support Bill C-262, which represented a principled human rights legislative framework to advance reconciliation.
- D.** Bill C-262 included the following critical elements:
- i. repudiation of colonial laws, policies and doctrines;
 - ii. a commitment to work collaboratively with Indigenous Peoples in every aspect of implementation of the UN Declaration;
 - iii. a process to reform federal laws, to ensure they meet or exceed the minimum standards set out in the UN Declaration;
 - iv. a commitment to develop a national action plan for collaborative implementation of the UN Declaration's provisions; and
 - v. a requirement for regular reporting to Parliament to ensure transparency and accountability for progress made.
- E.** The Liberal Party of Canada, the Green Party of Canada and Canada's New Democratic Party committed to introduce a government bill, supported by First Nations, to implement the UN Declaration that is at least as strong as Bill C-262, if elected.

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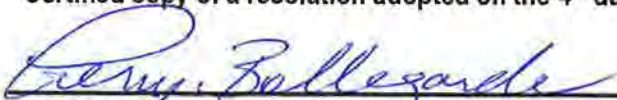

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- F. On November 28, 2019, the province of British Columbia passed Bill 41, *Declaration on the Rights of Indigenous Peoples Act*, to enshrine the *UN Declaration* into provincial law.

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

1. Seek a collaborative process with the federal government, consistent with the Liberal Party of Canada's commitment during the 43rd federal election whereby they promised that they "...will move forward with introducing co-developed legislation to implement the Declaration as government legislation by the end of 2020. In this work, we will ensure that this legislation fully respects the intent of the Declaration, and establishes Bill C-262 as the floor, rather than the ceiling, when it comes to drafting this new legislation."
2. Call upon the Government of Canada to develop with First Nations a national action plan to implement the *UN Declaration*, mindful that there are other United Nations instruments upholding Indigenous rights, such as the *Universal Declaration of Human Rights* and international human rights law, as well as the Organization of American States' (OAS) *American Declaration on the Rights of Indigenous Peoples*.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 87/2019

TITLE: Support A Process for Implementation of International Treaties

SUBJECT: International Treaty Implementation

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

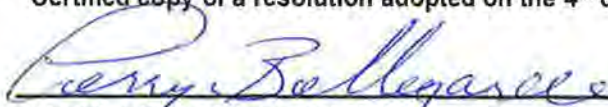
SECONDED BY: Okimaw Henry Lewis, Onion Lake First Nation, SK

DECISION Carried; 1 abstention

WHEREAS:

- A. The inherent rights and governance structures of the Original Nations and tribes of Turtle Island have existed since time immemorial. The inherent right to self-determination pre-exists contact with foreign colonial governments, including the Canadian Constitution. The international right of self-determination is confirmed in Article 1(1) of the *International Covenant on Civil and Political Rights* and is confirmed by the UN Charter.
- B. Treaties concluded with European powers or their successors are international Treaties of Peace and Friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments. The relationship between First Nations and the Crown has been and must continue to be governed by international law, of which Treaties are a part.
- C. Taking into account, the Vienna Convention on the Laws of Treaties.
- D. The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples. Non-Treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
- E. Current federal policy and legislation fails to recognize the diversity of Treaties across Turtle Island and instead is based solely on the modern treaty process designed by the Government of Canada.

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- F. The modern treaty process is being used as a basis of negotiation for all First Nations. Through this process, the federal government is pushing First Nations towards:
- i. taxation on reserve;
 - ii. replacing the fiduciary responsibility of the federal government with own source revenue;
 - iii. elimination of First Nations land rights and jurisdiction over traditional territory;
 - iv. domestication of International Treaties; and
 - v. municipalization of First Nations through the creation of 4th level "Indigenous Governments."
- G. The Assembly of First Nations (AFN) is mandated to advocate for all member First Nations, but there is currently no space within the AFN system for those Nations that are seeking to implement their International Treaties.
- H. The Government of Canada does not have the power to legislate in regard to First Nations inherent rights, but should establish the Crown's responsibilities, commitments, and legal obligations within their own law.

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

1. Direct the Government of Canada to meet with a coalition of Nations, as identified by Historic and Numbered Treaty First Nations, to establish principles for negotiation and to implement their international Treaties.
2. Direct the Government of Canada to engage with models of negotiation that do not necessitate the loss of Indigenous rights or the domestication of International Treaty.
3. Direct the Government of Canada to take whatever steps necessary to meet their Treaty obligations.
4. Direct the Government of Canada to establish a mechanism for the Governor General to uphold their original role to guarantee that no legislation is passed unless it supports Canada's international Treaty obligations with First Nations.
5. Direct the Government of Canada to support First Nations in developing their own nation-building processes.
6. A letter will be sent by the mover and seconder of this resolution to the Government of Canada to secure a meeting to discuss the Crown's treaty obligations and implementation of international treaties.
7. A letter will be sent to each of the treaty areas by the mover and seconder to establish a coalition of Nations and identify representatives to prepare for future meetings with the Government of Canada.
8. Direct the AFN to lobby and coordinate as requested to ensure that no Treaty group is left out.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON


Resolution no. 88/2019

TITLE:	Re-affirming First Nation Regional Implementation Priorities for <i>An Act Respecting First Nations, Inuit and Métis children, youth and families</i>
SUBJECT:	Child Welfare
MOVED BY:	Chief Reginald Bellerose, Muskowekwan First Nation, SK
SECONDED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
DECISION	Carried; 1 absention

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 22 (2): States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Truth and Reconciliation Commission of Canada Calls to Action #1 through #5 calls on federal, provincial and territorial governments to take actions to improve child welfare.
- C. The overrepresentation of First Nations children and youth in the child welfare system has created a humanitarian crisis requiring immediate legislative, policy and human rights action, including compensation to the victims of discrimination, to respond to this crisis.

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- D. The Canadian Human Rights Tribunal's 2016 (CHRT 2) decision and subsequent rulings ordered the Government of Canada (Canada) to fund First Nations Child and Family Services based on the principles of substantive equality, best interests of the child, and the First Nations child's needs, culture and language to distinct circumstances.
- E. *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) affirms the inherent right of First Nations to enact laws in relation to child and family services and that such inherent rights are protected under Section 35 of the *Constitution Act, 1982*.
- F. On June 21, 2019, the Act received Royal Assent. On January 1, 2020, the Act will come into force, whereby federal legal principles will apply across Canada.
- G. Canada has yet to set out a process for transition or funding for regional implementation of the Act, inclusive of principles of substantive equality, best interests of the child, needs-based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services.
- H. Assembly of First Nations (AFN) Resolution 16/2019, *An Act respecting First Nations, Inuit and Metis children, youth and families- Transition and Implementation Planning*, Resolution 30/2019, *An Act respecting First Nations, Inuit and Metis children, youth and families - Support for a British Columbia specific approach to transition and implementation planning*, and Resolution 31/2019, *Ontario Specific Process to Bill C- 92, An Act Respecting First Nations, Inuit, and Metis Children, Youth, and Families*, call for Canada to immediately support and fund a First Nations-led distinctions-based transition and implementation planning process for all stages of the comprehensive reform of child and family services, affirming the inherent rights and self-determination of each First Nation to decide what is most appropriate for their peoples, without interference by Canada or any other Chiefs' Committee or technical committee.

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


- 1. Call on Canada to immediately collaborate and fund discussions and negotiations directly to First Nations and regional bodies, as determined by rights holders (such as: regional organizations, tribal councils, treaty organizations and independent First Nations), and without the interference of provinces and territories, to establish a political pathway to implement *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), consistent with the principles set out in the Canadian Human Rights Tribunal's 2016 orders of substantive equality, best interests of the child, needs-based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services.

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2. Call on Canada to immediately support and fund a First Nations-led distinctions-based transition and implementation planning process, including the following regional process for Saskatchewan:
- a. Under the Federation of Sovereign Indigenous Nations (FSIN), a "Transition and Implementation Committee for Self-Determination in Children and Families" (TIC), comprised of representatives of Tribal Councils, Indian Child and Family Services Agencies, the FSIN Technical Advisory Group, and independent First Nations children, families, and First Nations. The TIC would provide direction on an effective and comprehensive Saskatchewan political pathway for implementation of *the Act*, based on acknowledging and respecting the proper rights holders and the task of rebuilding First Nations. The work of the TIC, the FSIN, the Technical Advisory Group, and the Chiefs' Political Task Force on Child Welfare, must include a strategic advocacy effort for all Saskatchewan First Nations to identify and develop options in relation to the following critical items:
 - i) a foundational document setting out the distinct legal and political roles of First Nations as right holders, Tribal Councils, FSIN and Indian Child and Family Services Agencies in relation to the exercise of inherent jurisdiction, administration and dispute resolution on the subject of First Nations children, youth and families – focusing on them as rights holders;
 - ii) clear authority to ground the work at the provincial and regional levels that supports Saskatchewan Treaty and First Nations in the assertion of sovereignty, self-determination and respect for the decisions of First Nations and Tribal Councils as governing bodies for their peoples;
 - iii) an approach that clearly identifies where or how regional bodies may be helpful for advocacy or technical support at the regional and provincial levels and how those mandates should be created by and accountable to Chiefs of Saskatchewan, without entrenching the approaches that involve delegated provincial authority and the status quo;
 - iv) ensure the human rights and Treaty rights of Saskatchewan First Nations children and families are at the forefront of decision-making, there is no distinction between on and off-reserve systems, and when necessary, that Saskatchewan First Nations can do family unifications work anywhere in Canada where their children reside (dealing with clear mandates for interprovincial agreements); and
 - v) ensure that the federal and provincial response implementing *the Act* is developed based on priorities and authority resting with the Chiefs and Tribal Councils in Saskatchewan, recognized and affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples*.

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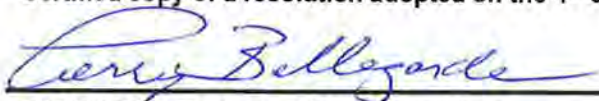

PERRY BELLEGARDE, NATIONAL CHIEF

**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 88/2019

3. Call on Canada to immediately support and provide long-term, sustainable, statutory funding and resources to First Nations rights holders, including capital and infrastructure, to those First Nations who are ready to move forward on planning and/or implementation of *the Act* without delay or interference from regional or national processes or tables.
4. Call on Canada to commit to providing funding for implementing *the Act* in Federal Budget 2020.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 89/2019

TITLE:	Continuing First Nations Income Assistance Program Reform
SUBJECT:	Social
MOVED BY:	Chief David Monias, Pimicikamak, MB
SECONDED BY:	Chief Franklin Paibomsai (Shining Turtle), Whitefish River First Nation, ON
DECISION	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:*
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security
 - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The First Nations Income Assistance Program (IA Program) is a fundamental social service provided to on-reserve First Nations individuals across the country.
- C. There are longstanding gaps in data collected and published under the IA Program, as well as in services delivered through the IA Program. An example of such gaps includes the provision of the Case Management Services and Pre-Employment Supports, which fall under the IA Program and aim to improve client transitions to education and employment. Budget 2019 only enables 29% of First Nations outside of Ontario to access Case Management Services and Pre-Employment Supports.

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- D. Indigenous Services Canada (ISC) has completed engagement on making the IA Program more responsive to on-reserve needs but has not allocated funding in Budget 2019 to implement recommendations from this engagement or continue their work on IA Program reform.

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

1. Direct the Assembly of First Nations (AFN) to pursue funding to conduct a study on identifying data and service gaps under the Income Assistance Program (IA Program).
2. Direct the AFN to urge the federal government to financially invest in the reform of the IA Program, as well as funding for expanding Case Management and Pre-Employment Supports to all First Nations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 90/2019

TITLE:	Support for the Claims of the Survivor Class in <i>Day Scholars</i>
SUBJECT:	Residential Schools Class Action
MOVED BY:	Kukp7i Rosanne Casimir, Tk'emlúps te Secwépemc, BC
SECONDED BY:	Kukp7i Wayne Christian, Spallumcheen Indian Band (Splatshin First Nations), BC
DECISION	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for [...] any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- B. The Truth and Reconciliation Commission's Call to Action #29 states: We call upon the parties, and in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

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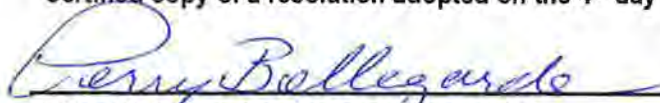
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- C. In 2006, Canada entered into the Indian Residential Schools Settlement Agreement (IRSSA), which entitled former students who lived at the schools to a Common Experience Payment in the amount of \$10,000 for the first school year and a further \$3,000 for each subsequent school year of residence.
- D. Day Scholars were students who attended a recognized Indian Residential School, but only during the day. They were subjected to the same abuse and racism as students who were residents. They started the *Day Scholars* case in 2010 because they had been left out of the IRSSA.
- E. Under the IRSSA, Day Scholars who attended the Mohawk Institute were compensated on the same basis as the students who lived at the residential schools, but Day Scholars at other residential schools were excluded.
- F. *Day Scholars* was certified as a class action in 2015, after being contested by Canada for over three years. The Federal Court certified 3 classes – the Survivor Class, the Descendant Class, and the Band Class.
- G. The Survivor Class comprises the Day Scholars who were excluded from the IRSSA.
- H. Canada has not yet settled the claims of the Survivor Class. Since the *Day Scholars* case started, Canada has settled cases involving the 60's scoop, the Newfoundland Residential Schools, and the Indian Day Schools. *Day Scholars* is the only case involving harms done to Indigenous children which Canada has refused to settle.
- I. The Survivor Class, many of whom are dying, continue to seek compensation in a partial settlement of the case under the same basis as former students who lived at the schools (the 10 + 3 formula).

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

1. Call upon the federal government to settle the claims of the Survivor Class of *Day Scholars* quickly, so that former Day Scholars may be compensated for the harms they suffered at Indian Residential Schools while they are still alive.
2. Call upon the federal government to provide former Day Scholars with a Common Experience Payment equal to that given to former residents of the schools under the Indian Residential Schools Settlement Agreement (the 10 + 3 formula).
3. Direct the Assembly of First Nations to engage with the Day Scholar Executive Council and the federal government and all appropriate bodies to advocate for the resolution of the *Day Scholars* case.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 91/2019

TITLE:	Support for the Claims of Descendant Class and Band Class in <i>Day Scholars</i>
SUBJECT:	Residential Schools Class Action
MOVED BY:	Kukp7i Rosanne Casimir, Tk'emlúps te Secwépemc, BC
SECONDED BY:	Kukp7i Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (1): Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for [...] any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
 - iii. Article 11 (1): Indigenous Peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - iv. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions, and customs.

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- v. Article 13 (1): Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - vi. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous Peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - vii. 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.
 - viii. Article 14 (3): States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language
- B. The Truth and Reconciliation Commission's Call to Action #29 states: We call upon the parties, and in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
- C. Day Scholars were students who attended a recognized Indian Residential Schools (IRS), but only during the day. They were subjected to the same abuse and racism as students who were residents. They started the *Day Scholars* case in 2010 because they had been left out of the Indian Residential Schools Settlement Agreement.
- D. *Day Scholars* was certified as a class action in 2015, after being contested by Canada for over three years. The Federal Court certified 3 classes – the Survivor Class, the Descendant Class, and the Band Class.
- E. The Descendant Class consists of the first generation of persons descended from Day Scholars or persons who were legally or traditionally adopted by a Day Scholar or their spouse. The Band Class includes 105 bands with members who were Day Scholars or in whose community an IRS was located. The Descendant and Band Classes seek compensation for the loss of culture and language that have resulted from the Day Scholars' forced attendance at IRS.
- F. In 2019, Canada passed *An Act respecting Indigenous Languages*, which recognized that:
- i. "Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land, world views and self-determination of Indigenous peoples;" and

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- ii. "a history of discriminatory government policies and practices, in respect of, among other things, assimilation, forced relocation and residential schools, were detrimental to Indigenous languages and contributed significantly to the erosion of those languages" (Preamble to *An Act respecting Indigenous Languages*).

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

1. Call upon the federal government to settle the claims of the Descendant Class in *Day Scholars* to compensate families for the cultural and linguistic losses they have suffered, as a result of the Indian Residential School policy.
2. Call upon the federal government to settle the claims of the Band Class in *Day Scholars* to allow bands to revitalize, protect, and maintain their cultures and languages that have been eroded as a result of the Indian Residential School policy.
3. Direct the Assembly of First Nations to engage with the Day Scholar Executive Council, federal government and all appropriate bodies to advocate for the resolution of the *Day Scholars* case.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 92/2019

TITLE:	Reaffirming Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. Al. plaintiffs
SUBJECT:	Residential Schools Survivors, Reconciliation
MOVED BY:	Chief Willie Blackwater, Gitsegukla Indian Band, BC
SECONDED BY:	Chief David Peter-Paul, Pabineau First Nation, NB
DECISION	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:*
- i. Article 7 (2): Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subject to any act of genocide or any other act of violence, including forcibly removing children of the group to any other group.
- B. The Benchmark historical Supreme Court of Canada decision *Blackwater et. al. vs Her Majesty the Queen in Right of Canada* and *The United Church of Canada* found the Government of Canada and the United Church of Canada were responsible for damages to Survivors of the Port Alberni Indian Residential School.
- C. The Indian Residential School Settlement Agreement and the Truth and Reconciliation Commission (TRC) had been established from the foundation of the Benchmark and Milestone *Blackwater et. al.* court case.
- D. On June 11, 2008, the Prime Minister of Canada made a national apology on behalf of the Government of Canada for the atrocities inflicted on Indigenous children while in Indian Residential Schools (IRS).

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- E. The Truth and Reconciliation Commission's Call to Action #80 calls upon the Federal Government, in collaboration with Aboriginal peoples, to establish a statutory holiday for Truth and Reconciliation to honour Indian Residential School Survivors, their families and communities; to ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.
- F. Orange Shirt Day is a legacy of the St. Joseph's Mission Indian Residential School Commemoration Project and the reunion that took place in May 2013. Phyllis Webster shared her story of St. Joseph's Mission Indian Residential School when she had her orange shirt, bought by her grandmother, taken from her as a six-year old girl.
- G. Orange Shirt Day is an opportunity to create meaningful discussion about the effects of IRS and the legacy they have left behind; a discussion all Canadians can tune into and create bridges with each other for reconciliation. Orange Shirt Day is a day of affirmation for Indian Residential School Survivors (IRSS) that they matter, as do those who have been affected.
- H. The Assembly of First Nations (AFN) has passed several resolutions regarding a national holiday for the commemoration of IRSS. AFN Resolution 18/2014, *Orange Shirt Day*, directs the AFN to declare September 30 as Orange Shirt Day annually.
- I. In September 2018, the AFN Executive Committee passed a motion to advocate for Orange Shirt Day to become a Statutory Holiday for reconciliation.
- J. Chiefs-in-Assembly passed AFN Resolution 72/2018, *Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. Plaintiffs*, calling for September 30 as a national statutory holiday to honour Indian Residential School Survivors, their families and communities.
- K. Resolution 72/2018 also directed the AFN to call upon the federal government to host a national honouring and recognition ceremony for the Blackwater et al. plaintiffs on Orange Shirt Day 2019.
- L. The AFN advocated for the passing of Bill C-369, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Day Code (National Day for Truth and Reconciliation)* which would have created a federal holiday called the National Day for Truth and Reconciliation. The 42nd Parliament rose before the Bill could be passed into law.
- M. The Blackwater et. al. Plaintiffs had not been invited to participate on June 11, 2008 with the Prime Minister's apology; and had not been invited to participate in the 7 National Indian Residential School events of the Truth and Reconciliation Commission.

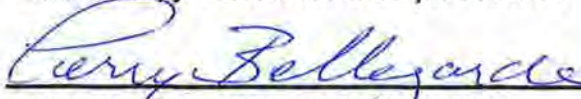
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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Reaffirm support for Assembly of First Nations (AFN) Resolution 72/2018, *Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. Plaintiffs.*
2. Support the recognition and honouring of the Blackwater et. al. plaintiffs for their bravery, courage and sacrifice in their benchmark battle for Indian Residential School Survivors (IRSS), intergenerational survivors and their families.
3. Direct the AFN National Chief and AFN Regional Chiefs to call upon the federal government to ensure that public commemoration of the history and legacy of Indian Residential Schools remains a vital component of the reconciliation process.
4. Direct the AFN National Chief to call upon the federal government to introduce a government bill declaring September 30th as a national statutory holiday to honour IRSS, intergenerational Survivors, their families and their communities.
5. Direct the AFN National Chief and AFN Regional Chiefs to call upon the federal government to work collaboratively and collectively with Assembly of First Nations and BC Assembly of First Nations to host a National and Recognition Ceremony for the Blackwater et. al. Plaintiffs on Orange Shirt Day, September 30, 2020, in Vancouver, British Columbia.
6. Direct the AFN National Chief and AFN Regional Chiefs to call on Prime Minister Justin Trudeau and his opposition leaders to reaffirm the National Apology committed on June 11, 2008 at the honouring and recognition of the Blackwater et. al. Plaintiffs on September 30, 2020.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 93/2019

TITLE:	National Gathering on Substance Use with Emphasis on Opioids and Crystal Methamphetamine
SUBJECT:	Health
MOVED BY:	Margaret Swan, proxy, Pinaymootang First Nation, MB
SECONDED BY:	Chief Franklin Paibomsai (Shining Turtle), Whitefish River First Nation, ON
DECISION	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:*
- i. Article 15 (2): States shall take effective measures, in consultation and cooperation with the Indigenous Peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all other segments of society.
 - ii. Article 18: Indigenous Peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
 - iii. Article 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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- v. 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.
 - vi. 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.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action (18): We call 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.
 - ii. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C.** First Nations recognize the severe opioid, crystal methamphetamine and other substances addiction problem that has been steadily growing within our nations, and acknowledge the devastating, ongoing impacts on First Nations citizens, health systems, Child and Family Services cases, policing, housing and justice.
- D.** First Nation-specific opioid, crystal methamphetamine and problematic substance use data and culturally appropriate treatment services are severely lacking within our nations.
- E.** On September 5, 2017 the Dakota Ojibway Tribal Council (DOTC) declared a state of emergency to combat the growing concerns related to opioid and substance use. A four-point strategy for their respective seven-member First Nation is under development. This includes: education and prevention strategies; treatment options; advocacy and support and enforcement.
- F.** The crisis of opioid, crystal methamphetamine and other problematic substance use is not limited to the DOTC region but is an emerging crisis affecting all First Nations without a coordinated and comprehensive response.
- G.** *The Health Status of and Access to Healthcare by Registered First Nations Peoples in Manitoba* Report states that First Nation people were twice as likely to be prescribed a single dose of opioids as other Manitobans. Other opioid specific statistics in the report include:
- i. twice as many opioid prescriptions were dispensed to First Nations people than all other Manitobans;

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- ii. First Nations were 4 times more likely to have multiple prescriptions than all other Manitobans; and
 - iii. the rates of drug and substance use disorder among First Nations are 3 times higher than the rates among all other Manitobans.
- H. The prevalence of problematic substance use is a direct result of colonization, systemic racism and multi-generational trauma. To reduce the incidence of prescription and illicit drug use faced by First Nations people - community-driven, multi-levelled government support and holistic approaches must be the focus of preceding efforts.
- I. Manitoba First Nations have not been engaged in response planning or participatory in external government tables to address this crisis.

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

1. Direct the Assembly of First Nations (AFN) to call-upon Indigenous Services Canada including the First Nations Inuit Health Branch (FNIHB) to support a National Gathering on Opioid, Crystal Methamphetamine and Other Substance Use hosted and administered by the centrally located First Nations Health and Social Secretariat of Manitoba. The National Gathering will elevate existing culturally responsive, land-based treatment services that have been developed by First Nations and others will have the opportunity to replicate this work in their respective nations.
2. Direct the AFN to advocate and learn how to secure resources for all First Nations- including Manitoba First Nations, to develop their own respective Opioid and Crystal Methamphetamine Strategy implementing recommendations brought forward from the national gathering.
3. Direct the AFN to advocate and secure community-based human and financial resources for the implementation of each nations' strategy.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 94/2019

TITLE:	International Union for Conservation of Nature (IUCN)
SUBJECT:	Environment
MOVED BY:	Chief Abram Benedict, Mohawk Council of Akwesasne, ON
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 25: Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 31 (1): Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
 - iii. Article 31 (2): In conjunction with Indigenous Peoples, States shall take effective measures to recognize and protect the exercise of these rights.

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- B. The International Union for Conservation of Nature (IUCN) is a global authority on the status of the natural world. The IUCN is comprised of members from both government and civil society who strive to influence, encourage and assist societies to conserve the integrity and diversity of nature and ensure that any use of natural resources is equitable and ecologically sustainable.
- C. The Canadian Committee for the International Union for Conservation of Nature (CC-IUCN) is Canada's National Committee responsible for supporting Canada's domestic and international efforts in the following four areas; convening and mobilizing civil society and governments, engaging Indigenous Peoples and youth, building awareness of the importance of nature, and, strengthening organizational governance.
- D. The IUCN recently voted to create a new membership category specifically for Indigenous Peoples' Organizations (IPO) in an effort to strengthen the recognition of Indigenous rights, participation and overall role of Indigenous Peoples in the IUCN.
- E. Canada's conservation efforts are driven by its commitments internationally under the Convention on Biological Diversity (CBD), including the establishment and implementation of the federal Species at Risk Act (SARA), and more recently, its efforts to achieve conservation targets under the Pathway to Canada Target 1 as referenced in Assembly of First Nations Resolution 03/2019 *Convention on Biological Diversity*.
- F. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in its May 6, 2019 Global Assessment Report concluded that nature is declining globally at rates unprecedented in human history, with some one million species now threatened with extinction. The Report recognized the important role of Indigenous Peoples and natural solutions in combating the growing global biodiversity crisis.
- G. First Nations have a profound relationship with the land and all of creation that has existed since time immemorial. This relationship is expressed as a cultural responsibility to care for and protect the land.
- H. First Nations traditional territories are under unprecedented pressure from the impacts of climate change, including biodiversity loss. This requires urgent action with adequate financial and technical capacity to ensure that any and all decision-making and associated policy, legislative and program development meets the needs, desires and aspirations of our Nations.
- I. First Nations are responsible for ensuring our traditional knowledge systems and practices are appropriately acknowledged, respected, considered and incorporated in all related decision-making.
- J. There is a growing recognition domestically and internationally of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation outcomes. Examples include efforts related to species/habitat protection, recovery, conservation and management as well as the establishment of Indigenous Protected and Conserved Areas (IPCAs).

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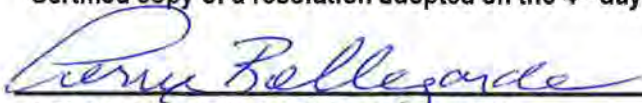


PERRY BELLEGARDE, NATIONAL CHIEF

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

1. Direct the Assembly of First Nations (AFN) to explore formal membership opportunities with the International Union for Conservation of Nature (IUCN) and the Canadian Committee for the International Union for Conservation of Nature (CC-IUCN) in support of on-going advocacy efforts to prioritize the recognition and protection of First Nations inherent, Treaty, and constitutionally-protected rights in all conservation-related activities.
2. Direct the AFN Environment Sector to report back to Chiefs-in-Assembly or the AFN Executive Committee (as appropriate) via the Advisory Committee on Climate Action and the Environment (ACE) on proposed options for formal membership with the IUCN and CC-IUCN respectively.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 95/2019

TITLE:	First Nations Full Partnership in the Implementation of the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada
SUBJECT:	Environment
MOVED BY:	Keith Matthew, proxy, Cayoose Creek First Nation, BC
SECONDED BY:	Joan Phillip, proxy, Osoyoos Indian Band, BC
DECISION	Carried by Consensus

WHEREAS:

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

- i. Article 31 (1): Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- ii. Article 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iii. Article 31 (2): In conjunction with Indigenous Peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- iv. Article 32 (2): States shall consult and cooperate in good faith with Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

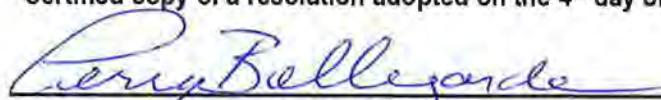
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- v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Canada's conservation efforts are driven by its commitments internationally under the Convention on Biological Diversity (CBD), including the establishment and implementation of the federal Species at Risk Act (SARA).
- C. The United Nations Convention on Biological Diversity (CBD) states:
 - i. Article 8 (j): Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.
 - ii. Article 10 (c): Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- D. Assembly of First Nations (AFN) Resolution 120/2016, *Establish a First Nations Specific Committee under the Species at Risk Act*, mandated the creation of the First Nations Advisory Committee on Species at Risk (FNACSAR), a technical advisory committee to the Minister of Environment and Climate Change on the application and implementation of the SARA.
- E. First Nations traditional lands and territories are under unprecedented pressure from the impacts of climate change and development, including biodiversity loss. This requires urgent action with adequate financial and technical capacity to ensure that any and all decision-making and associated policy, legislative and program development meets the needs, desires and aspirations of our Nations.
- F. There is a growing recognition domestically and internationally of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation and biodiversity outcomes.
- G. In June 2018, the Federal Government introduced the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada (Pan-Canadian Approach), signaling a shift to multi-species, ecosystems-based approaches to species at risk protection, conservation and management and a renewed commitment to the principles contained within the National Accord for the Protection of Species at Risk, including efforts to strengthen collaboration with Indigenous Peoples.

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- H. Given the diverse nature of First Nations experiences and relationships with federal, provincial and territorial governments regarding SARA implementation, the FNACSAR can provide a leadership function in support of AFN's efforts to advocate for the recognition of First Nations inherent and constitutionally protected Rights, Title and jurisdiction, as well the meaningful inclusion of First Nations interests, priorities and concerns within the Pan-Canadian Approach.

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

1. Direct the Assembly of First Nations (AFN), with the support of the Advisory Committee on Climate Action and the Environment (ACE) and the First Nations Advisory Committee on Species at Risk (FNACSAR), to advocate for the full partnership and meaningful inclusion of First Nations in the implementation of the Pan-Canadian Approach on Transforming Species at Risk Conservation in Canada (Pan-Canadian Approach).
2. Direct the AFN to ensure the Pan-Canadian Approach appropriately reflects and considers regional First Nations differences and concerns through the establishment of coordinated regional engagement opportunities for First Nations.
3. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) to provide adequate financial capacity to support First Nations, regions, provincial and territorial organizations, women, Elders and youth to participate in these activities and to maintain their important role as stewards of the environment and leaders in conservation action.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 96/2019

TITLE: Support for the Implementation of *Ahousaht et al* (2009) Court Decision

SUBJECT: Fisheries, Rights

MOVED BY: Guy Louie, proxy, Ahousaht First Nation, BC

SECONDED BY: Chief Scott McLeod, Nipissing First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- ii. Article 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iii. Article 26 (1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iv. Article 26 (2): Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- v. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.

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- B. In a 2009 court case (*Ahousaht et Al. v. Canada*), five First Nations, Ahousaht, Ehattesaht, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht (Five Nations), had their rights affirmed in the B.C. Supreme Court, which recognized their right to fish for any species - in their traditional territories and to sell that fish into the commercial marketplace.
- C. In 2018, commercial and recreational industry groups successfully intervened in a trial concerning justifications for Canada's infringement on the rights of the Five Nations to fish. These groups supported Canada's efforts to narrow the proven right to fish by removing certain species from it.
- D. The Assembly of First Nations Resolution 34/2018, *Support for Intervention in Ahousaht Nation v. Canada*, calls upon the Chiefs-in-Assembly to fully support the five First Nations in their appeal of the justification decision in *Ahousaht v. Canada*.
- E. The Five Nations have negotiated with the Government of Canada for the past 10 years to develop multi-species fisheries in line with their proven rights and to increase opportunities for their membership to participate in the fishing economy.
- F. After years of negotiations, the five Nations found the accommodations by the Government of Canada to be insufficient with no meaningful effort made to implement rights-based multi-species fisheries. As such, Canada has not honourably implemented the *Ahousaht et al v. Canada* 2009 decision in good faith.
- G. A letter was sent to the Prime Minister from the Five Nations on November 4, 2019 calling for implementation of the *Ahousaht et. al v. Canada* 2009 decision.

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

- 1. Call upon the Assembly of First Nations (AFN) to urge the federal government to immediately implement Aboriginal fishing rights, including the five First Nations of Ahousaht, Ehattesaht, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht (Five Nations), as directed by the courts through the following actions:
 - a. Direct the AFN to advocate to the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Crown-Indigenous Relations for the implementation of existing court decisions related to First Nations' fisheries, including *Ahousaht et al.* (2009).
 - b. Call upon the AFN to send a letter to the Prime Minister echoing the requests of the Five Nations in a November 4, 2019 letter that included the following:

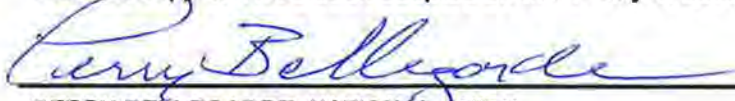
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- i. The Prime Minister direct his Ministers and their staff (Crown-Indigenous Relations and Northern Affairs and Fisheries and Oceans) to conclude a reconciliation agreement with the Five Nations by March of 2020 so that the Five Nations can begin to implement their expanded community fisheries in the 2020 fishing season.
- ii. The Prime Minister direct the Ministers of Crown-Indigenous Relations and Northern Affairs and the Department of Fisheries and Oceans to meet with representatives of the Five Nations as soon as possible, so they can brief the Ministers directly and from their perspective on the steps remaining to conclude an agreement with Canada.
- iii. The Prime Minister recognize that regardless of whether an agreement is reached, the Five Nations require and are entitled to meaningful, economically viable fishing opportunities.
- iv. The Prime Minister direct the Minister of Fisheries and Oceans to revise specific policies and regulations to foster rather than impede the community-based fisheries of the Five Nations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 97/2019

TITLE:	Protection of the Inherent Right of First Nations to Use and Possess Eagles Feathers and Parts for Social, Cultural and Ceremonial Purposes
SUBJECT:	Culture
MOVED BY:	Chief Ralph Leon, Sts'ailes Nation, BC
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 11 (1): Indigenous Peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
 - iii. Article 12 (1): Indigenous Peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

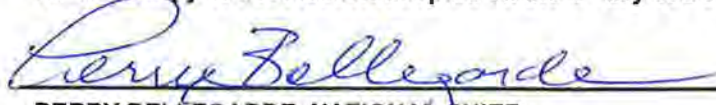
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- iv. Article 25: Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - 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.
 - vi. Article 34: Indigenous Peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards
- B.** First Nations use eagles for feathers and other parts for social, cultural and ceremonial purposes in a holistic and respectful manner.
- C.** First Nations have the inherent Aboriginal right to use animals and animal parts – including eagles – for social, cultural and ceremonial purposes such as: traditions, cultural protocols and practices, self-determination, and inter-generational transmission of traditional knowledge and livelihoods.
- D.** First Nations have the jurisdiction and the responsibility to protect and conserve Mother Earth and all animals, in particular eagles, within their respective territories.
- E.** The Convention on International Trade in Endangered Species and Wild Fauna and Flora (CITES) is an international agreement that regulates the trade of animals and plants for their protection. Under Memorandum D19-7-1: Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Indigenous Peoples crossing the United States (U.S.)-Canada Border are exempted from CITES permit requirements whereas:
- i. "Travelers who transport eagle parts and feathers as personal accompanied baggage for religious or ceremonial purposes are exempted from CITES permit requirements for importation into Canada."
- F.** Reported violations to First Nations' right to use, possess, and transport eagle feathers and parts include: Conservation Agents trespassing onto reserve lands, privacy violations, defamatory media circulation, concealment and fabrication of evidence, and permit requirements.
- G.** First Nations experience wrongful convictions and penalties for the use, possession, and transport of eagle feathers and parts, demonstrating a need for greater support for – and the proper implementation of – restorative justice processes to address these rights violations.

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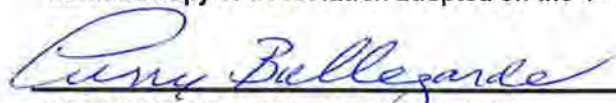


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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on the Assembly of First Nations (AFN) to urge federal, provincial and territorial governments to establish a process to address issues related to the discriminatory practices involving charging First Nations, for their rightful use, possession, and transport of eagle feathers and parts.
2. Call on the AFN to immediately call on federal, provincial and territorial governments to work with the appropriate Indigenous restorative justice process for First Nations' wrongly convicted and/or charged for their rightful use, possession, and transport of eagle feathers and parts.
3. Call on the AFN to urge federal, provincial and territorial agents to provide redress – including restitution, repatriation, and the reversal for convictions – for violations to First Nations' right to use, possess, and transport eagle feathers and parts.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 98/2019

TITLE: Poverty Reduction for All First Nations in Canada

SUBJECT: Social, Economic Development

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Canada has committed to implementing the United Nations' 2030 Agenda for Sustainable Development's Sustainable Development Goals (SDGs), including:
- i. SDG 1: No Poverty: End poverty in all its forms everywhere.
 - ii. SDG 10: Reduced Inequalities: Reduce inequality within and among countries.
- C. Canada released their first national Poverty Reduction Strategy (PRS) in December of 2018 but did not announce funding for the PRS in Budget 2019.

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- D. Legislation supporting the PRS, Bill C-87, the *Poverty Reduction Act*, died on the order paper in June of 2019, when Parliament dissolved. Canada has not indicated whether they will reintroduce the legislation in the upcoming Parliamentary session.
- E. Canada did not provide funding for the Assembly of First Nations' (AFN) Technical Working Group on Social Development (TWGSD) to address the PRS, despite AFN Resolution 47/2018, *First Nations Oversight of Canada's National Poverty Reduction Strategy*, mandating the TWGSD to work with Employment and Social Development Canada (ESDC) on the PRS implementation.
- F. Current poverty reduction indicators and measures, like the Market Basket Measure (MBM), exclude many First Nations experiencing unique circumstances, such as remoteness. A study is necessary to produce indicators and measures of poverty which are appropriate for First Nations to use.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to provide long-term and sustainable funding for Canada's Poverty Reduction Strategy (PRS).
2. Direct the AFN to seek funding for the Technical Working Group on Social Development (TWGSD) to investigate the applicability of the PRS to First Nations and to provide recommendations on how to address poverty.
3. Direct the AFN to seek funding to conduct a study on First Nation-specific indicators and measures of poverty.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 99/2019

TITLE: Sustainable Development and Financial Assurance

SUBJECT: Economic Development, Environment

MOVED BY: Robert Phillips, proxy, Nak'azdli Whut'en, BC

SECONDED BY: Chief Dan George, Burns Lake First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

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

- i. Article 29 (1): Indigenous Peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination.
- ii. Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples without their free, prior and informed consent.
- iii. Article 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. The Assembly of First Nations (AFN) is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, economic priorities, stewardship, and protection of the environment.
- C. The mining sector is an important contributor to First Nations employment and business activity, however, environmental harm from non-remediated mines and from the risk of mining disasters can affect the ecosystems that First Nations people rely on for sustenance and cultural uses. Also, it can harm the spiritual connections First Nations have to the local land, water, and wildlife.
- D. The implementation of the UN Declaration will require that the Government of Canada and provincial and territorial governments address First Nations' calls for change in a way that advances reconciliation and that recognizes First Nations governance and values.
- E. First Nations affirm the right and ability to pursue strong, up-front, financial assurance to ensure full mine remediation and protect against mine disasters through impact benefit agreements (IBAs). It is important that First Nations require these protections, particularly where the federal, provincial and territorial governments fail to establish full financial assurance mechanisms to protect against the risk of mine non-remediation or disasters.
- F. The implementation of financial assurance requirements will ensure that when and where necessary, funds are allocated promptly and fully to ensure mine remediation and disaster clean up. Exploring the development of tiered tools which allow for risk-differentiation, including firm level bonding, insurance requirements, and an industry or public fund can ensure access to adequate resources to protect First Nations lands and territories while also fostering responsible mine development.
- G. Legislative and policy options are needed to ensure that there is financial assurance in-full and up-front from mining companies so that mining companies bear the cost of cleanup for development on First Nations lands and territories.

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

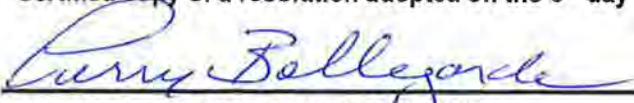
1. Direct the Assembly of First Nations (AFN), through the Chiefs' Committee on Economic Development (CCED), to support and facilitate First Nations' ability to manage mineral resource development that will protect and sustain the environment while enhancing the social, cultural, economic and political well-being of First Nations.
2. Call on the federal, provincial and territorial governments of Canada, guided by *the United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), to develop, in partnership with First Nations, legislative and regulatory measures that will:

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- a. improve environmental sustainability; and
 - b. limit risk by requiring full, hard, up-front financial assurance from mining companies to ensure mine remediation and to protect against the risk of mining disasters.
3. Call on the Federal Government to bring together First Nations and provincial and territorial governments to explore the development of tools and processes that will ensure the reclamation and remediation of First Nations lands and territories, based on the full respect of the UN Declaration.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 100/2019

TITLE: New Investments for First Nations Involvement in the Economy

SUBJECT: Economic Development

MOVED BY: Keith Matthew, proxy, Cayoose Creek, First Nation, BC

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

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous Peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iv. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

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- B. There are a number of Assembly of First Nations (AFN) resolutions calling on the AFN, with guidance of the Chiefs' Committee on Economic Development (CCED), to advocate for new investments for First Nations economic development programs, services and incentives, new trade supports, equipping our labour force and human resources development, involvement in energy and resource projects, improved federal procurement program and support, and a clearer strategy to involve other sectors such as agriculture, connectivity, cannabis, tourism and other parts of the economy.
- C. Federal programs for First Nations economic development and businesses have been under-funded since the 1990's, while increasingly, First Nations are pursuing economic opportunities that require access to financing as well as improved economic development programs.
- D. The Government of Canada has committed to closing the socio-economic gap that exists between Indigenous Peoples and Canadians through joint work on creating new fiscal relationships between Canada and First Nations.
- E. The Government of Canada, through Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs is planning to review the Federal Framework for Aboriginal Economic Development, the current federal approach to Indigenous participation in the economy.
- F. A coordinated First Nations approach that includes options to improve investments and federal economic strategy supports for First Nations economic involvement and business development locally, regionally, nationally and internationally is required.

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

- 1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada for much needed federal investments into a new economic strategy and framework that prioritizes funding directly to First Nations.
- 2. Direct the AFN to work jointly with the Government of Canada through Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs to collect information, undertake research and conduct an analysis of funding needs, to develop the elements of a First Nations coordinated policy approach for new investments for First Nations' involvement in the economy.
- 3. Direct the AFN, with the guidance of the Chiefs' Committee on Economic Development (CCED), to:
 - a. develop a First Nations policy approach and business case for new investments for First Nations involvement in the economy; and
 - b. establish an interim technical committee.

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**SPECIAL CHIEFS ASSEMBLY
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Resolution no. 100/2019

4. Call upon the Government of Canada to provide resources for the CCED and AFN to conduct work with First Nations on new investments required for First Nations economic programs, services and incentives, which identifies equity, major project funding and capacity supports for First Nations participation in all aspects of the economy.
5. Direct the CCED to provide an update to the Chiefs-in-Assembly at the July 2020 Annual General Assembly.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 101/2019

TITLE: Assembly of First Nations Priorities on Cannabis and Legislative Amendments to Bill C-45, the *Cannabis Act*

SUBJECT: Cannabis, Legal, Economic Development

MOVED BY: Chief Scott McLeod, Nipissing First Nation, ON

SECONDED BY: Keith Mathews, proxy, Cayoose Creek First Nation, BC

DECISION: Carried; 1 Opposition

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 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
 - 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.
- B. On October 17, 2018, the federal government passed legislation Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code, and other Acts*, to legalize the sale of cannabis. There was little to no consultation by the federal government and there are still no provisions within Bill C-45, which recognizes First Nation regulation and law-making of cannabis within their unique circumstances and territories.

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Resolution no. 101/2019

- C. Due to the lack of consultation, consideration and respect of First Nation jurisdiction by the federal government by passing Bill C-45,; First Nations have been isolated and left out of economic opportunities, not given sufficient support for health and safety programs, and must deal with the potential negative legal or illicit impacts of cannabis.
- D. With the federal government isolating First Nations from cannabis discussions and opportunities, it has created circumstances that will aggravate First Nation conflict with the law, potentially increase incarceration rates, perpetuate poverty, and dysfunction within First Nation communities.
- E. Assembly (AFN) Resolution 02/2018, *Federal Recognition of First Nations Jurisdiction over Recreational and Medicinal Cannabis*, calls upon Canada to amend Bill C-45 to recognize that First Nations jurisdiction supersedes provincial legislation and regulation on cannabis.
- F. Further onto First Nation jurisdiction, under the *First Nation Lands Management Framework Agreement*, the Government of Canada committed to implementing the UN Declaration and enacting the First Nations right to manage their own lands and the activities conducted on those lands, etc.
- G. AFN Resolution 54/2019, *Support for First Nations Self-Determined Right to Govern the Cultivation, Processing and Retail of Cannabis*, requests that the Government of Canada work with First Nations, in the spirit of reconciliation, to establish a framework for participation that respects First Nations autonomy and sovereignty.
- H. The federal government must recognize First Nation jurisdiction and any regulatory systems within their territories on cannabis, as they have in such instances as *the First Nations Lands Management Act*, that include, but not limited to, production, processing, growing, distribution, sale, health and safety, law-making, etc.
- I. The Ministers of Health, Public Safety Canada, Finance, Indigenous Services Canada, and Border Security and Organized Crime Reduction have committed to work and engage with First Nations governments, organizations and communities to implement the shared goals of protecting public health and the safety of all Canadians.

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

1. Direct the Assembly of First Nations (AFN) National Chief to make First Nation jurisdiction over cannabis a top priority.
2. Direct the AFN Chiefs' Committee on Cannabis (CCC) to develop a First Nations federal framework with Canada for a regulatory commission on cannabis that focuses on, but is not limited to, production, processing, growing, distribution, sale, health and safety, law-making, etc. on cannabis by April 1, 2020.

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3. Direct the CCC to work with Canada on legislative amendments to the following:
 - a. to respect and recognize the jurisdiction of First Nations governments to make laws to regulate cannabis within their territories;
 - b. *the Cannabis Act*;
 - c. *the Excise Tax Act*;
 - d. *the Criminal Code of Canada*;
 - e. *the Canada Health Act*;
 - f. *the Access to Cannabis for Medical Purposes Regulations*; and,
 - g. any other Acts or regulations where appropriate.
4. Direct the AFN National Chief to call upon Canada to amend Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code, and other Acts* on the following:
 - a. to recognize parallel First Nation processes in regard to, but not limited to, regulation of cannabis, law-making authority on cannabis with First Nation territories, etc.;
 - b. the development of a cannabis commission developed through the CCC that will reflect the regulation of cannabis, law-making authority on cannabis with First Nation territories, etc.; and,
 - c. to allow for Federal Excise Tax revenue sharing agreements to be made with First Nations, similar to the current Coordinated Cannabis Taxation Agreements made with provincial and territorial governments.
5. Call on Canada to provide funding to First Nation governments and First Nation organizations at the national, regional and local levels to address their interests relating to the legalization of cannabis.
6. Direct the AFN to develop communication materials related to First Nations jurisdiction, economic development, and public health which can be distributed to First Nations broadly.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 102/2019

TITLE:	Support for the Complete Reclamation, Remediation and Restoration of all Closed and Abandoned Oil and Gas Extraction Sites, Inclusive of all Related Infrastructure
SUBJECT:	Infrastructure, Environment
MOVED BY:	Chief Irvin Bull, Louis Bull First Nation, AB
SECONDED BY:	Chief Leonard Standingontheroad, Montana First Nation, AB
DECISION:	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 25: Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.
- B. The United Nations General Assembly on March 1, 2019 declared a new UN Decade on Ecosystem Restoration 2021-2030.

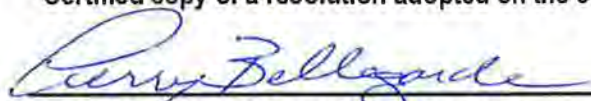
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- C. Under the Alberta Energy Regulator (AER), the Environmental Protection and Enhancement Act (EPEA), and the Conservation and Reclamation Regulations, companies have a duty to:
- i. reduce land disturbance;
 - ii. clean up contamination (known as remediation); and
 - iii. salvage, store, and replace soil; and revegetate the area.
- D. The requirements, process and criteria for pipeline reclamation are the same as the requirements for upstream oil and gas reclamation. To apply for a reclamation certificate, companies are required to clean up subsurface contamination, return the land to how it looked and was used, or similarly, before development, ensure that it returns to the "original state".
- E. Reclamation certificates are approved when the company can demonstrate that the site is functioning similarly to how it did before it was disturbed and no longer needs intervention. Only companies with a reclamation certificate—which shows that all reclamation requirements have been met—can close their projects and end their surface leases.
- F. Indian Oil and Gas Canada (IOGC), under the *Indian Oil and Gas Act* and the *Indian Oil and Gas Regulations*, is a special operating agency charged with the responsibility to manage oil and gas on First Nations reserve lands. Under its authority, it can issue reclamation certificates on First Nations Reserves.
- G. When exploration work under an exploration licence is no longer being carried out, whether or not the licence has ended, the licence holder must ensure that all the lands on which the work was carried out are remediated and reclaimed.
- H. Indian Oil and Gas Regulations, 1995 - SOR/94-753 (Section 29) states:
- i. Where the IOGC Executive Director determines that surface rights in respect of all or a part of the area of a surface lease or right-of-way are no longer required for the extraction, transportation or treatment of oil or gas, the IOGC Executive Director may, with the approval of the band council, terminate the surface lease or right-of-way in respect of that area by notice in writing to the contract holder and may direct the contract holder to conduct reclamation and abandonment operations in respect of any well or surface facility within that area.
- I. If a landowner is not satisfied that the land has been properly reclaimed, the individual can file a regulatory appeal.

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

1. Call on Indian Oil and Gas Canada (IOGC) to enact a rigorous reclamation and remediation process that:
 - a. reduces land disturbance;
 - b. ensures contamination clean up (known as reclamation and remediation), inclusive of in-ground pipe and associated infrastructure;
 - c. includes salvage, storage, and replacement of soil; and
 - d. leads to the revegetation of an area.
2. Direct the Assembly of First Nations (AFN) to advocate for fulsome reclamation, remediation and restoration processes to ensure the protection of First Nations inherent, Treaty, and constitutionally-protected rights and aligns with putting the land back as close to its "original state" prior to it first being disturbed.
3. Call on the IOGC to:
 - a. approve reclamation and remediation certificates only after the company has shown that all reclamation requirements have been met, including the determination by the IOGC Executive Director;
 - b. approve a reclamation and remediation certificate before a company can close its projects and end surface leases; and,
 - c. ensure that companies meet stringent timelines and other conditions agreed to by affected First Nations to avoid any abandonment issues.
4. Call on IOGC to withhold approval or provide a reclamation certificate to any company until such company can demonstrate to a respective First Nation that the site is functioning similarly to how it did before it was disturbed and requires no further intervention.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 103/2019

TITLE: Ending Reliance on Diesel Power in Rural and Remote First Nations

SUBJECT: Climate Change, Renewable Energy

MOVED BY: Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YK

SECONDED BY: Chief Chad Eneas, Penticton Indian Band, BC

DECISION: Carried by Consensus

WHEREAS:

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

- i. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- ii. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- iv. Article 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

B. The Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*, declaring a global climate emergency and resolving to utilize our local, national, and international forums and partnerships to keep global warming below 1.5 degrees Celsius.

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- C. Many rural and remote First Nations rely on diesel fuel for electricity generation and heat, resulting in many environmental, social and economic disadvantages, including contributing to rising greenhouse gas (GHG) emissions.
- D. Renewable energy sources such as wind, solar, hydro, geothermal, hydrogen and biomass can make use of locally available resources while reducing environmental and health impacts and create opportunities for First Nations' economic development.
- E. First Nations reliant on diesel power are taking responsibility into their own hands. For example, the Vuntut Gwitchin First Nation (VGFN) in Old Crow, Yukon consumes approximately 1.5 million litres of fossil fuels (diesel, gasoline and aviation fuel) each year to provide electricity, heat and transportation, while simultaneously generating GHG emissions and contributing to the climate crisis. Citizens of the VGFN passed a resolution by consensus at their 2019 General Assembly, directing the VGFN to lead by example and make Old Crow carbon neutral by 2030.
- F. Prime Minister Justin Trudeau announced on October 8, 2019 in Iqaluit, Nunavut that, if reelected, his government will "ensure that Indigenous communities that currently rely on diesel are powered by clean, reliable energy by 2030".

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

1. Call on the Assembly of First Nations (AFN) to ensure plans and measures supporting the transition of rural and remote First Nations reliant on diesel power to renewable energy sources are included in the First Nation-led climate strategy being developed by the AFN.
2. Call on the Federal Government to immediately begin to consult and partner directly with rural and remote First Nations reliant on diesel power in order to jointly develop and implement plans and measures, including the required human and financial resources, to end the reliance on diesel power by no later than 2030.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 104/2019

TITLE:	Support for the Penticton Indian Band in its efforts to obtain Justice for its valid South Okanagan Commonage Specific Claims
SUBJECT:	Specific Claims
MOVED BY:	Chief Harvey McLeod, Upper Nicola Indian Band, BC
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC
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.
 - ii. 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 then 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.
 - iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- B. Specific claims address past wrongs against Indigenous Nations. Claims are made by Indigenous Nations against the Government of Canada in relation to the administration of Indigenous land and other assets. BC specific claims are made without prejudice to the comprehensive claims process.

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- C. The Penticton Indian Band entered into the specific claims process in December 2011 to seek justice and resolution of the Colony's and later Canada's failure to preserve and protect its South Okanagan Commonage adjacent to Okanagan Lake, and:
- i. on February 18, 2015, Canada accepted the specific claim for negotiation.
 - ii. on July 27, 2016, Canada agreed to withdraw their requirement that the Penticton Indian Band agree to the cap the settlement of the negotiation at \$150 million; and,
 - iii. on June 18, 2019, the Penticton Indian Band and Canada signed a Negotiations Protocol to come to a mutual agreement to find a solution to this claim.
- D. In December 2018, Canada renewed its commitment to honour its obligations to Indigenous Peoples, right past wrongs, renew its relationship with Indigenous Peoples, and work collaboratively to settle outstanding claims as a key to advancing reconciliation with Indigenous Peoples. To date, Canada has settled 522 specific claims through negotiated settlements with First Nations across the country.
- E. The Assembly of First Nations (AFN) has been mandated by numerous resolutions to fulfill its role to advocate for the just resolution of First Nation specific claims. The AFN Chiefs' Committee on Lands, Territories and Resources is a body established in the early 1990s that continues to provide the political oversight for this work.
- F. BCAFN Chiefs-in-Assembly unanimously supported BCAFN Resolution 20/2019, *Support for the Penticton Indian Band in its efforts to obtain justice for its valid South Okanagan Commonage Specific Claims*, at the BCAFN on September 18-20, 2019, at Musqueam Community Centre, Xʷməθkʷəy̓əm, Vancouver, BC.
- G. The federal government has a policy that purports to commit to provide loan funding to Indigenous Nation claimants to enable them to participate in a specific claims negotiation process at levels equitable with the federal government. In 2016, the Auditor General of Canada recommended that the federal government develop a new methodology for funding Indigenous Nations participation. The AFN has been working with the federal government to improve this process.
- H. In February 2019, in response to national hearings, the House of Commons Standing Committee on Indigenous and Northern Affairs released its final report, *Indigenous Land Rights: Toward Respect and Implementation*, which concluded that the current system of providing Indigenous Nations with negotiation loan funding results in significant power imbalances in the negotiation of claims. The Report recommended to Parliament that Canada "work in partnership with First Nations to reform the funding model for the specific claims process to convert the current structure of repayable loans to one of non-repayable grants." Despite its commitment to implement this recommendation, Canada has since backed away from this promise.

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PERRY BELLEGARDE, NATIONAL CHIEF

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

1. Fully support the Penticton Band in its pursuit of a collaborative cabinet mandate to reach a fair, just, and timely resolution of its South Okanagan commonage specific claim, incorporating the recommendations as identified in the Auditor General report of 2016.
2. Advocate that the federal government immediately move away from their current policy on issuing loans to Indigenous Nations to participate in the negotiations of accepted specific claims. Indigenous Nations should not have to pay for the resolution of claims against the Federal Crown which have been accepted for negotiations nor should they be required to increase their financial debt while negotiating specific claims. Funding must be sufficient to fairly and expeditiously negotiate the resolution of these historic specific claims.
3. Call on Canada to take immediate steps to develop, with the full participation of Indigenous Nations, a truly independent specific claims process that creates equal space for the inclusion of Indigenous legal orders and ensure it is consistent with the United Nations Declaration on the Rights of Indigenous Peoples and other international human rights mechanisms to which Canada is a party.

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PERRY BELLEGARDE, NATIONAL CHIEF

Assembly of First Nations

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 105/2019

TITLE: Support for the Completion of the Ghotelnene K'odtineh Dene and the Athabasca Denesuline land claim agreements

SUBJECT: Land Claims

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

SECONDED BY: Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC

DECISION: Carried by Consensus

WHEREAS:

- A. Sayisi Dene First Nation and Northlands Denesuline First Nation (collectively referred to as Ghotelnene K'odtineh Dene) initiated litigation (*Samuel/Thorassie v. Canada et al.*, T-703-93) in 1993 asserting their Aboriginal and treaty rights North of 60.
- B. Black Lake First Nation, Fond du Lac First Nation and Hatchet Lake First Nation (collectively referred to as the Athabasca Denesuline) initiated litigation (*Benoanie et. al. v. Canada et al.*, T-3201-91) in 1991 asserting their Aboriginal and treaty rights North of 60;
- C. In 1999, the Athabasca Denesuline and Ghotelnene K'odtineh Dene agreed to negotiate a resolution of their respective claims with the Government of Canada.
- D. In early 2019, after twenty years of negotiations, the Athabasca Denesuline and Ghotelnene K'odtineh Dene were on the verge of initialing land claim agreements, recognizing their rights North of 60. Initialing the agreements would begin the process of community and government ratification.
- E. On June 12, 2019, without warning or any prior discussions, the Minister of Crown-Indigenous Relations and Northern Affairs, Carolyn Bennett deferred indefinitely the initialing of the draft final Athabasca Denesuline Agreement and the draft final Ghotelnene K'odtineh Dene Agreement. Subsequently, the federal negotiator unilaterally shut down all further negotiations.

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- F. Minister Bennett's decision forced the Athabasca Denesuline and Ghotelnene K'odtineh Dene to initiate a court-managed mediation process and a judicial review of the June 12, 2019 decision.
- G. To date, the federal negotiators have advised they have no instructions from Minister Bennett to resume negotiations of the land claim agreements.

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

1. Support the immediate completion of the land claims agreements for the Athabasca Denesuline and Ghotelnene K'odtineh Dene.
2. Direct the Assembly of First Nations to write a letter to Minister Bennett advocating for the immediate completion of the land claims agreements for the Athabasca Denesuline and Ghotelnene K'odtineh Dene.
3. Call on Canada to immediately resume negotiations with the Athabasca Denesuline and Ghotelnene K'odtineh Dene and to immediately take the necessary actions to complete the land claims agreements.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 106/2019

TITLE:	Support for First Nations Tax Immunity
SUBJECT:	Fiscal/ Environment
MOVED BY:	Chief Gerry Duquette Jr., Dokis First Nation, ON
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. *The United Nations Declaration of 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.
- B. Indigenous Peoples in Canada have unextinguished inherent rights and obligations to protect the environment.
- C. Canada has assumed, without authority, a mandate to protect the environment and has failed in that assertion of unlawful jurisdiction.
- D. First Nations assert tax immunity in relation to taxes imposed by the federal and provincial governments.
- E. On June 21, 2018, the Federal Government of Canada adopted the *Greenhouse Gas Pollution Pricing Act* (GGPPA).
- F. Beginning April 1, 2019, Canada began to impose federal fuel charges on listed provinces that amounts to a tax on First Nations.
- G. While First Nations support the reduction of greenhouse gas emissions to sustain and protect our environment for future generations, it should not be implemented in a manner that breaches First Nations tax immunity.

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- H. First Nations are leaders in carbon reduction through their protection of forestry and natural landscapes that act as carbon sinks.
- I. First Nations have the most at stake in relation to climate change and are often the most vulnerable, having to deal with impacts of climate change and now the added climate charges associated to daily living expenses.
- J. The GGPPA includes provisions which impact s. 35 rights in the area of use of First Nations natural resources to generate energy resulting in the creation of greenhouse gases.
- K. The natural resources in the form of oil and natural gas were mostly extracted from s.35 lands which are the collective property of First Nations through either treaty or Aboriginal title;
- L. Section 36 of the GGPPA provides for exemption certificates for farmers and fishermen and s. 89 (1) of the *Indian Act* prohibits "charges" to be assessed against First Nations or First Nations people property situated on a reserve.

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

1. Reject the imposition of any tax that breaches First Nations tax immunity.
2. Call on the Assembly of First Nations (AFN) to support negotiations between the Chiefs of Ontario (COO) and the Government of Canada to secure exemptions for First Nations individuals and bands in from all forms of carbon charge on reserve.
3. Call on the AFN to provide a venue for COO to report on the outcomes and recommendations from the negotiations at the next COO Assembly.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 107/2019

TITLE: First Nations Inclusion in Fiscal Stabilization Discussions

SUBJECT: Fiscal Relations

MOVED BY: Chief Michael LeBourdais, Whispering Pines/Clinton IB, BC

SECONDED BY: Chief Greg Desjarlais, Frog Lake First Nation, AB

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of 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.
- B. On December 2, 2019, Canada's premiers jointly called on the federal government to work with all Ministers of Finance to work with them to review the Fiscal Stabilization Program (i.e. equalization).
- C. First Nations have been negatively affected by the Government of Canada's fiscal policies, including the Fiscal Stabilization Program. First Nations have been provided no opportunity to influence these policies.
- D. First Nations have effectively been excluded from these discussions but support those provinces that have committed to working with them to reduce poverty, provide support for a better education, and work with Indigenous communities to close the gaps in the socioeconomic outcomes faced by First Nations.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 107/2019

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

1. Call on the Government of Canada to include First Nations in any dialogue with the provinces or territories regarding changes to the Fiscal Stabilization Program.
2. Call on Canada to include issues regarding Canada's fiscal equalization structures, laws, policies, and programs in any First Ministers Conference involving First Nations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 108/2019

TITLE: Support of the Unvalidated Day School Society of Canada

SUBJECT: Day School Survivors

MOVED BY: Margaret Swan, proxy, Pinaymootang First Nation, MB

SECONDED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of 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 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 8 (1): Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for (...) any action in which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- B. The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action 29: We call upon the parties, and in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

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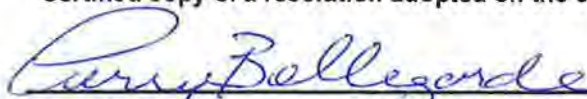
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- C. In 2006, Canada entered into the Indian Residential Schools Settlement Agreement (IRSSA), which entitled former students who lived at the schools to a Common Experience Payment in the amount of \$10,000.00 for the first school year and a further \$3000.00 for each subsequent school year of residence.
- D. There are two separate class actions regarding Day School Survivors. The McLean Class Action covers students who attended day schools on reserve that were established, funded, managed and controlled by Canada. Further, the Gottfriedson Class Action covers students who attended a recognized Indian Residential School, but only during the day. Day School students were subjected to the same abuse and racism as students who were residents. The McLean Class Action was filed in 2009 because they have been left out of the IRSSA. The class action was certified, and a settlement was signed in 2019.
- E. Mr. George Munroe, Mr. Abraham Paranteau and Mr. Ron H. Richard formed the Unvalidated Day School Society of Canada, with Ray Mason as advisor/spokesperson. Approximately 264,000 – 665,000 people were left out of IRSSA School and the Federal Indian Day School Class Action Settlement agreements, due to the Federal Government's position that approximately 620(+) schools do not qualify as they were not fully responsible for those schools and did not own and operate the schools. These schools included all provincially-owned and operated schools across Canada, all Church-owned and operated schools across Canada, and all Sanatoriums and Hostels across Canada.

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

- 1. Direct the Assembly of First Nations (AFN) National Chief and AFN Regional Chiefs to call upon the Federal Government to:
 - a. accept their fiduciary responsibility for the above-noted 620(+) schools in order that the 264,000 – 665,000 Indigenous Peoples receive their justice and financial compensation as was granted in the previous agreements; and,
 - b. create an agreement to address all of the above-mentioned schools and provide the necessary funding.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 109/2019

TITLE: First Nations' Healing Approaches to the Opioid Crisis

SUBJECT: Health

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions;
 - ii. Article 24: 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.
- B. Call to Action #23 of the Truth and Reconciliation Commission of Canada (TRC) calls upon the Federal, Provincial, Territorial and Aboriginal governments to:
- i. increase the number of Aboriginal professionals working in the health-care field; and,
 - ii. ensure the retention of Aboriginal health-care providers in Aboriginal communities.
- C. The opioid crisis continues to plague our communities and destroy families and the First Nations way of life.

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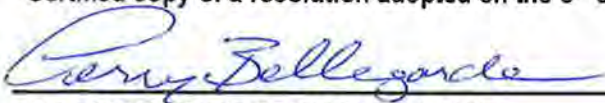
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- D. With the wholistic healing approach of integrating essential medical services with culture-based healing, First Nations hope to truly make a positive impact on the individuals, families and communities that have been devastated by the opioid crisis.

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

1. Call on Indigenous Services Canada and Health Canada to fulfill their fiduciary obligation to fully support and finance First Nation's wholistic approaches to healing to address the opioid crisis.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 110/2019

TITLE: Funding for First Nations-Specific Programs, Services and Supports for Adults with Disabilities in First Nations

SUBJECT: Disabilities

MOVED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

SECONDED BY: Chief Karen Batson, Pine Creek First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

A. The *United Nations Declaration of 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 the effective measure and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and person with disabilities.

B. The Convention on the Rights of Persons with Disabilities states:

- i. Article 21 (b): Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

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- ii. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.
 - iii. Article 30 (4): Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
- C. In Manitoba, estimates reveal that, at a minimum, 1,070 First Nation adults live with disabilities in their First Nations. After many years of advocacy, First Nations with disabilities still do not have the supports they require to live independently in their First Nations with dignity, respect and inclusion.
- D. The supports required for First Nations with disabilities include but are not limited to: supported living/housing, supported employment, land-based cultural programs, self-managed care, homecare, adult education and day programming, adult foster care, universal design accommodations/retrofitting and new accessible design.
- E. The Government of Canada provides funding and services for the implementation of Jordan's Principle, as ordered by the Canadian Human Rights Tribunal, to provide access to services and supports for First Nations children up to the age of 18. However, coverage under Jordan's Principle ends at the age of 18, and little to no supports exists for those over the age of majority.
- F. First Nations with disabilities are falling through jurisdictional gaps as both the Federal Government of Canada and provincial governments do not provide adequate services and funding to First Nations with disabilities.
- G. The lack of services for adults with disabilities results in: homelessness, drug and alcohol abuse, forced relocation to neighbouring communities and cities, accidents, sickness and early death, unnecessary placement in senior care homes, poor quality of life, and unrealistic responsibilities to caregivers with no support.
- H. The Assembly of First Nations has passed several resolutions calling for policy and funding frameworks for disability on and off-reserve, including: Resolution 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*; Resolution 55/2016, *First Nation Federal Accessibility Legislation*; Resolution 48/2014, *Support for Persons with Disabilities*; Resolution 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*; Resolution 55/2018, *First Nations Disabilities Program On-Reserve*; Resolution 98/2017, *Distinct First Nations Accessibility Legislation*; and Resolution 19/2019, *Developing a Seven Generations Continuum of Care for First Nations, by First Nations Health, Economic and Social Services*.

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

1. Recognize and affirm the rights of First Nations adults and youth with disabilities to access programs, services and supports, including sports, within their First Nations across Canada.
2. Direct the Assembly of First Nations (AFN) National Chief to call upon the Government of Canada, including Employment and Social Development Canada and Indigenous Services Canada, to provide equitable funding to First Nations for the necessary programs, services and supports to enable First Nations adults with disabilities to live in their First Nations with dignity, choice and independence.
3. Direct the AFN Chiefs' Committee on Human Resources Development and the Chiefs' Committee on Health to urge the Government of Canada to work with First Nations to develop a First Nations-specific policy and funding framework that guarantees the right to access prenatal and birth-to-death continuum of First Nations-based supports and services for all First Nations living with disabilities, regardless of age, gender, sexual orientation, socio-economic status, and/or residency, and ensure this policy and funding framework is resourced and operationalized.
4. Direct the AFN to report to Chiefs-In-Assembly at the 2020 Annual General Assembly on progress towards implementation of the numerous resolutions calling for improved programs, services, and funding for First Nations with disabilities.
5. Direct the AFN Economic Sector Secretariat to immediately establish a national First Nations sub-working group on adults with disabilities, with a mandate to address improved programs, services, and funding for First Nations with disabilities.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 111/2019

TITLE:	Support for the Nechi Institute
SUBJECT:	Health
MOVED BY:	Chief Craig Makinaw, Ermineskin First Nation, AB
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23 (1): 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.
 - iii. 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.
 - iv. 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.

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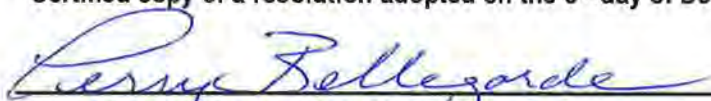
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- B. Since 1974, the accredited Nechi Institute, has trained professional addictions and therapeutic counsellors from all across Canada, who are recognized as experts in their field and who take their expertise back to their communities to fight addictions in all stages.
- C. The Nechi Institute provides a critical link to the healing of all Indigenous Peoples in all communities and all walks of life who reach out for help in fighting addictions.
- D. The Government of Alberta upon being elected in April 2019, declared that they would work on reconciliation with Treaty First Nations in Alberta.
- E. The Government of Alberta has invoked an unexpected notice of eviction upon the Nechi Institute. First Nations view the eviction of the Nechi Institute as the opposite of any genuine reconciliation process.

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

1. Direct the Assembly of First Nations (AFN) to recognize that organizations, like Nechi Institute, are vital to the healing of our people, and provide advocacy for organizations when they face unilateral and targeted violations.
2. Direct the AFN National Chief and the AFN Executive committee to prioritize and continue to support mental health and addictions, and work with organizations that support training, education, and capacity-building, such as the Nechi Institute.
3. Direct the AFN to work with organizations, like the Nechi Institute, to establish a national Indigenous healing strategy to combat addictions.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 112/2019

TITLE: Urgent Action by Heritage Canada to Implement TRC Call to Action #81

SUBJECT: Indian Residential Schools National Monument

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

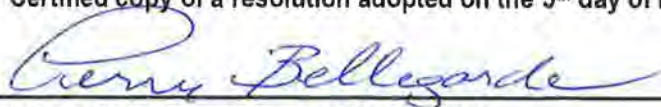
SECONDED BY: Chief Charles Football, Wekwee'ti Council (Dechi Laot'l Council), NT

DECISION: Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
 - ii. Article 8 (1): Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- B. For more than a century, Canada removed Indigenous children from their families and cultures under the Indian Residential Schools policy, with a stated intention of assimilation.
- C. The Assembly of First Nations (AFN) participated in a significant class action court case, seeking reparations for harm caused by Indian Residential Schools (IRS), leading to the Indian Residential Schools Settlement Agreement (IRSSA) and the creation of the Truth and Reconciliation Commission (TRC).
- D. AFN Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action* calls upon the Federal, Provincial, Territorial and Municipal Governments to take immediate steps to fully implement all of the Calls to Action contained within the summary of the Final Report of the TRC, released on June 2, 2015.

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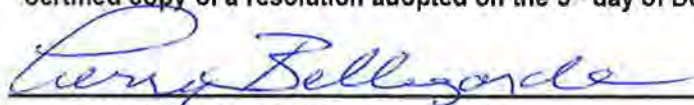
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- E. TRC Call to Action #81 calls upon Canada “to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities”.
- F. AFN Resolution 66/2010, *Commemorative Markers (Monuments) for all Indian Residential Schools in which First Nations Children were Placed*, directs the AFN to seek financial support for IRS monuments.
- G. Heritage Canada recently hosted a workshop with IRS survivors, inter-generational survivors, former TRC Commissioners and TRC Honorary Witnesses, who together affirmed their vision for a national monument and the importance that it be considered a world class sacred site of remembrance, spiritual healing, ongoing education, and international inspiration.
- H. Survivors acknowledge the rapid loss of fellow Survivors since the TRC Calls to Action were issued five years ago, and the desire to have Heritage Canada expedite its normal processes so that a Residential Schools National Monument be erected urgently, “so that we might actually get to see it.”

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to allocate all necessary resources to ensure a world-class monument of a scale and impact adequate to reflecting the duration and severity of harms caused to seven generations of Indigenous children on Canadian soil because of government's own policies and to further urge the federal government to consider additional, creative funding initiatives, as may be necessary, to ensure the realization of a monument of magnitude and impact to inspire the country and the world.
2. Direct the AFN to request the federal government prioritize efforts towards the early commissioning and installation of a world class, highly prominent National Monument for Residential Schools, in fulfillment of the Truth and Reconciliation Commission's Call to Action #81 “to honour Survivors and all the children who were lost to their families and communities” and to honour the memory of thousands of children who died at Canadian Residential Schools including the “unknown children” whose remains may never be found, and to commemorate the resiliency of thousands of others, the Survivors, who fought for their lived experiences to be known.

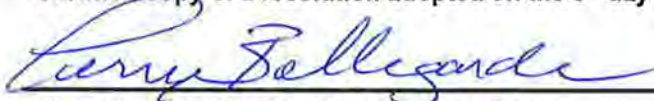
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3. Direct the AFN to urge the federal government to encourage the consultative process now underway through the Department of Canadian Heritage, to ensure Survivors, intergenerational Survivors and their families' involvement in the steps leading to the selection of a monument project including its creative development, implementation and formal consecration as a sacred site, in keeping with the TRC's stated Principles of Reconciliation, now also endorsed and adopted by the United Nations Human Rights Council.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 113/2019

TITLE:	Immediate Commitment of Federal Resources to Re-establish Fish Passage on Fraser River within a 60-day Timeline
SUBJECT:	Fisheries
MOVED BY:	Robert Phillips, proxy, Nak'azdli Indian Band BC
SECONDED BY:	Ray Harris, proxy, Yale First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of 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 Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iv. Article 29: Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands and territories and resources.
 - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.

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- B. The Assembly of First Nations (AFN) passed Resolutions 52/2019, *Fraser River Salmon State of Emergency*, and 92/2016, *Mismanagement of Fraser River Spring Chinook Salmon Fisheries*.
- C. For millennia First Nations across Canada have upheld sacred relationships with the fish, fish habitat and aquatic resources that co-exist within their territories through the exercise of inherent jurisdictions, laws, titles, rights, obligations, and knowledge systems.
- D. First Nations along the Fraser River have fished for Fraser River salmon since time immemorial, and the ability to continue this practice remains fundamental to who they are as Indigenous Peoples.
- E. There has been a general decline of Pacific salmon populations in the past several years, which has severely impacted First Nations ability to meet their food, social, and ceremonial (FSC) needs for Fraser River salmon.
- F. In late June 2019, a massive rockslide was discovered in a narrow portion of the Fraser River near Big Bar, British Columbia, which narrowed the river from 100 meters to 40 meters, creating a 5-meter-high barrier.
- G. Despite the coordinated efforts by First Nations, the Province of British Columbia, and the Federal Government on response operations over the summer, the obstruction was not cleared successfully.
- H. The Department of Fisheries and Oceans Canada (DFO) and the Province of British Columbia continued to allow recreational and commercial fishing of Fraser River Salmon at the expense of First Nations FSC fisheries. Many First Nations regarded this poor management decision as an infringement of their Aboriginal right to fish for FSC purposes, which the Supreme Court of Canada Sparrow Decision (1990) has determined takes priority, after conservation, over the interests of other user groups.
- I. The Federal Government, through the DFO, has a legal responsibility to conserve and protect fish and fish habitat under the recently-restored fish and fish habitat protection provisions of the *Fisheries Act*. Specifically, Section 34.3 outlines ministerial powers to ensure the free passage of fish or the protection of fish or fish habitat with respect to existing obstructions.
- J. Without the immediate provision of resources to clear this barrier before the winter season, there is a serious risk of extinction to Fraser River salmon stocks such as Early Stuart Sockeye and Early Chinook, as well as significant risk to the food security, culture, and traditions of First Nations on the Fraser River.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada and Government of British Columbia to immediately declare a state of emergency and demand the swift prioritization of resources to remove the physical obstruction on the Fraser River within the next 60 days to ensure the safe passage of all salmon returning next season.
2. Direct the AFN to call upon the Government of Canada to identify and fund a collaborative working group consisting of the impacted First Nations and federal and provincial government representatives to continue to monitor ongoing response efforts and develop contingency plans in preparation for the next season.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 114/2019

TITLE: Calling on Chief Paul-Émile Ottawa to Withdraw his Legal Challenge to the McLean Federal Indian Day Schools Settlement

SUBJECT: Indian Day Schools

MOVED BY: Chief Karen Batson, Pine Creek First Nation, MB

SECONDED BY: Margaret Swan, proxy, Pinaymootang First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The tens of thousands of Indigenous students that attended Federal Indian Day schools suffered the same type of physical, sexual, and psychological abuse and were subjected to the same policies of assimilation as Indian Residential School Survivors.
- B. Indian Day School Survivors were excluded from the Indian Residential Schools Settlement.
- C. Assembly of First Nations (AFN) Chiefs-in-Assembly passed by consensus Resolution 66/2016, *Support Garry McLean and Spirit Wind Indian Day Schools Class Action* and Resolution 82/2018, *Support for the National Indian Day Schools Class Action- McLean v Canada*, affirming their support for the Plaintiffs – Garry McLean, Regional Chief Roger Augustine, Mariette Buckshot, Claudette Commanda, Angel Sampson, and Margaret Swan – and calling on Canada to achieve a just and meaningful resolution for the Survivors and their families.
- D. In March 2019, the Plaintiffs reached a settlement with Canada to resolve the McLean Federal Indian Day Schools Class Action,
- E. Garry McLean passed away in February 2019 and did not live to see the settlement.
- F. The settlement will provide compensation to over 120,000 Survivors, as well as much needed funding for healing, wellness, language, and culture programs.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 114/2019

- G. The settlement was approved by the Federal Court in August 2019.
- H. The compensation process was scheduled to open on December 19, 2019.
- I. The only person to bring a legal challenge against this settlement is Chief Paul-Émile Ottawa from Conseil des Atikamekw de Manawan.
- J. Many Survivors are sick or elderly, with approximately 150 passing away each month,
- K. Survivors cannot apply for compensation until Chief Ottawa's challenge against the settlement is resolved.

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

1. Respectfully call on Chief Ottawa to immediately withdraw his challenge to the settlement so that Survivors and their families may see justice and begin their healing journey.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 115/2019

TITLE: Full Implementation of the Supreme Court of Canada Marshall Decision

SUBJECT: Fisheries

MOVED BY: Chief Michael Sack, Sipekne'katik First Nation, NS

SECONDED BY: Clifford Atleo, proxy, Stone Indian Band, BC

DECISION: Passed by Consensus

WHEREAS:

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

- i. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment in their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- ii. Article 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iii. Article 26 (1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iv. Article 26 (2): Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquitted.
- v. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.

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- B. The Assembly of First Nations (AFN) passed Resolution 70/2019, *To Provide Mi'gmaq and Wolastoqiyik First Nations Access to the Atlantic Snow Crab Fishery*, Resolution 65/2019, *Recognition of the Marshall Decision*, and Resolution 76/2017, *Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions Regarding Fisheries*.
- C. In 1999, the Supreme Court of Canada (SCC) confirmed in *R. v. Marshall* that the Mi'kmaq, have an inherent and Treaty Right under the Treaties of 1760-61 to hunt, fish and gather and to sell such products commercially towards earning a livelihood.
- D. In the 20 years since the SCC Marshall Decision, Canada has not accommodated this commercial right to trade by making necessary changes and arrangements to allow for an inherent and Treaty-based livelihood fishery. Consequently, Canada has failed to uphold the Honour of the Crown by not implementing the SCC Marshall Decision ruling that recognizes the inherent and Treaty Rights of First Nations to fish for a moderate livelihood that is recognized and affirmed in *Section 35* of the Canadian Constitution.
- E. Sipekne'katik, after extensive engagement and consultation with its members, has drafted its own Rights Implementation and Fishery Management Plan, and other First Nations and organizations have expressed interest in Treaty implementation of the SCC Marshall decision.
- F. A letter was sent to the Minister of Fisheries and Oceans Canada (DFO), dated October 1, 2019, informing the DFO Minister that the Sipeknae'katik Chief and Council, accompanied by other members of Sipekne'katik First Nation, of the intent to exercise its 1760-61 inherent and Treaty Right to Trade by harvesting lobster, with due regard to conservation. Canada took no action against Sipekne'katik.
- G. Subsequently, numerous First Nations from Nova Scotia have written DFO indicating their support for the Sipekne'katik First Nation and the implementation of an inherent and Treaty-based livelihood fishery under the Treaties of 1760-61.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for the recognition and implementation of the 1999 Supreme Court of Canada ruling respecting the constitutional recognition of an inherent and Treaty Right to a moderate livelihood fishery.

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2. Call upon Canada to immediately recognize and implement the Supreme Court of Canada Marshall Decision, 1999 that honours and upholds the spirit and intent of the original signatories of the Treaties by upholding the Honour of the Crown and the principles of reconciliation.
3. Call upon the Prime Minister to direct all departments and ministers to revise or develop all necessary laws, regulations and steps to accommodate and implement the 1760-61 inherent and Treaty Right to a moderate livelihood fishery that is affirmed and protected in Section 35 of the *Constitution*.
4. Call upon the Prime Minister to acknowledge and recognize that First Nation signatories to the 1760-61 Treaty are entitled to exercise their constitutional right that was recognized by the Supreme Court of Canada, so that First Nation members can provide for themselves and family members.
5. Call upon the Minister of Fisheries, Oceans and the Canadian Coast Guard, and the Minister of Crown-Indigenous Relations to immediately implement the 1999 SCC Marshall Decision.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 116/2019

TITLE:	Degradation of Mi'gmaq Land Base by Rising Sea Levels
SUBJECT:	Environment, Emergency Management, Lands, Territories and Resources
MOVED BY:	Chief Rebecca Knockwood, Fort Folly First Nation, NB
SECONDED BY:	Chief John Martin, Micmacs of Gesgapegiag Band Council, QC
DECISION:	Passed by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26 (1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 29 (1): Indigenous Peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.
- B. The Assembly of First Nations (AFN) passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*, recognizing and declaring that the global climate crisis constitutes a state of emergency for First Nations lands, waters, animals and peoples.
- C. First Nations along the Atlantic Ocean have fished in the waters and exercised jurisdiction over their lands and waters since time immemorial and the ability to continue doing so remains fundamental to who they are as Indigenous Peoples and to the exercise of their rights.

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116/2019
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- D. Climate change has resulted in significant impacts to First Nations lands, waters, territories and rights and First Nations in Eastern Canada are especially concerned about the serious effects of rising sea levels on their land base.
- E. One Atlantic First Nation has built a \$13 million seawall to protect community infrastructure, while another has had to build a 15-foot berm around the community to protect it from flooding.
- F. Recent expert reports from national consulting firms indicate that many communities will be forced to relocate to new and higher land within 75 years and significant resources will be required to relocate Mi'gmaq communities and to protect Mi'gmaq rights.
- G. The Mi'gmaq assert that historical events have shaped their nation-to-nation relationship with the Crown and continue to shape this relationship. Notably, following the Covenant Chain Treaties (Peace and Friendship Treaties) in the 1700's, the Crown's exercise of discretionary control over First Nation lands in Mi'gma'qui gave rise to a fiduciary duty to protect First Nations' interests in lands and resources.
- H. The Mi'gmaq assert they have never surrendered title to Mi'gma'qi.

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

1. Call on the Assembly of First Nations to support Mi'gmawe'l Tplu'taqnn member communities (Mi'gmaq First Nations) to demand that the Government of Canada immediately:
 - a. work in full participation with the Mi'gmawe'l Tplu'taqnn and Mi'gmaq First Nations;
 - b. provide resources and support to protect the community;
 - c. develop a plan to respond to the effects of climate change on the Mi'gmaq First Nation communities, including the eventual relocation, replacement and/or expansion of reserve lands and the impact on their commercial fishing rights and other rights and interests;
 - d. work in full participation with the Mi'gmawe'l Tplu'taqnn and Mi'gmaq First Nations to explore potential funding proposals to Indigenous Services Canada's Emergency Management Assistance Program to prevent, prepare for, respond to and recover from emergencies;
 - e. work in full participation with the Mi'gmawe'l Tplu'taqnn and Mi'gmaq First Nations to explore potential funding proposals to the First Nations Adapt Program funding for First Nations communities located below the 60th parallel to assess and respond to climate change impacts on community infrastructure and emergency management; and,

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- f. work in full participation with the Mi'gmawe'l Tplu'taqnn and Mi'gmaq First Nations to explore potential funding proposals to Infrastructure Canada's Disaster Mitigation and Adaptation Fund for weather-related events and disasters triggered by natural hazards such as floods, wildland fires and droughts.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 117/2019

TITLE:	Support for a First Nations Social Innovation and Social Finance Strategy
SUBJECT:	Economic Sector
MOVED BY:	Grand Chief Abram Benedict, Mohawk Council of Akwesasne, ON
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment in their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - ii. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
 - iv. Article 23: Indigenous Peoples have the right to develop 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.

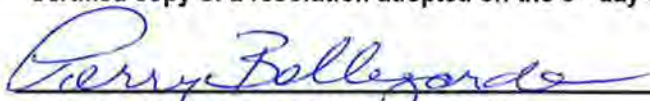
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- B. The Organization of American States (OAS) General Assembly adopted the *American Declaration on the Rights of Indigenous Peoples* in June 2016, and declares:
- i. Article XXIX (1). Indigenous Peoples have the right to maintain and determine their own priorities with respect to their political, economic, social, and cultural development in conformity with their own cosmovision. They also have the right to be guaranteed the enjoyment of their own means of subsistence and development, and to engage freely in all their economic activities.
 - ii. Article XXIX (2) This right includes the development of policies, plans, programs, and strategies in the exercise of their right to development and to implement them in accordance with their political and social organization, norms and procedures, own cosmovisions, and institutions.
 - iii. Article XXIX (3). Indigenous Peoples have the right to be actively involved in developing and determining development programs that affect them and, to the extent possible, to administer such programs through their own institutions.
- C. The Assembly of First Nations (AFN) Resolution 06/2015, *Support for Social Innovation/Financing to Enhance Funding for First Nation Socio-Economic Development*, and Resolution 92/2018, *Social Innovation/Social Finance Framework – Leaving No One Behind*, set the groundwork to identify, how Social Innovation/Social Finance (SI/SF) could address the unmet needs of First Nations and what resources would be required to ensure sustained long term benefits for First Nations-led initiatives on SI/SF.
- D. AFN Resolution 19/2019, *Developing a Seven Generations Continuum of Care for First Nations, by First Nations, Health, Economic and Social Services*, directs the AFN to call upon federal departments to coordinate cross-sectoral work related to a Seven Generations Continuum of Care to address increasing inequities and gaps in services and in aligning with the United Nations Sustainable Development Goals (SDGs) to 'Leave No One Behind.'
- E. *Transforming our World: the 2030 Agenda for Sustainable Development* (2030 Agenda) is a United Nations Resolution unanimously adopted by the General Assembly in 2015 and affirmed over 40 times.
- F. The 2030 Agenda and the SDGs are plans for the eradication of poverty for the well-being of people and the planet by the year 2030. The SDGs are a set of 17 global goals measured by progress against 169 targets covering social issues like poverty, hunger, health, education, climate action, gender equality, and social justice. The SDGs core objective is to "leave no one behind".
- G. The United Nations Permanent Forum on Indigenous Issues (UNPFII) has recommended that the UN Declaration be fully respected and incorporated into the normative framework of the SDGs.

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- H. The *American Declaration on the Rights of Indigenous Peoples* (American Declaration) was adopted in a plenary session of the Organization American States on June 22, 2017. The American Declaration addresses some issues not addressed by the UN Declaration and has a more regional focus on matters relevant to Indigenous peoples in the Americas. In order to align the 2030 Agenda and SDGs with First Nations inherent rights, treaties and jurisdiction, Canada should view the SDGs via the lens of the UN Declaration and the American Declaration, which has a greater focus on Indigenous women, youth and persons with disabilities.
- I. Read together, the 2030 Agenda, the SDGs, the UN Declaration and the American Declaration could serve as a powerful policy framework for developing the First Nations SI/SF Strategy, imbued with First Nations teachings and based on our stories and legal traditions.
- J. In 2017, the Government of Canada committed to the development of a SI/SF Strategy to inject and foster much-needed support and funding to help communities tackle persistent socio-economic and environmental challenges and to meet Canada's obligations to Agenda 2030, and the SDGs.
- K. Leveraging social innovation, social finance and social procurement can advance the 2030 Agenda and the SDGs. However, there is a lack of First Nations' data collected in Canada for the SDG indicators.
- L. There is a need to reassert AFN Resolution 42/2018, *Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*, and OCAP principles and apply these principles for the collection of First Nations' data for a distinct First Nations SI/SF Strategy.
- M. In 2017, the Government of Canada appointed a Co-Creation Steering Group, which included Indigenous representation, to guide the development of a SI/SF Strategy.
- N. In 2018, the Steering Group released a report outlining 12 recommendations and the potential "to give meaningful effect to the Government's commitments to reconciliation and a renewed relationship with Indigenous Peoples".
- O. In November 2018, the Government of Canada unveiled a Social Finance Fund of \$755 million over 10 years, and \$150 million for an Investment Readiness Program for 2 years.
- P. As directed by the Chiefs-in-Assembly, the AFN developed a policy paper on SI/SF with proposed actions. Actions included advocating for access to funding, services and supports for First Nations-led solutions to aid in addressing the increasing economic and income gaps facing First Nations vulnerable populations.

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PERRY BELLEGARDE, NATIONAL CHIEF

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

1. Direct the Assembly of First Nations (AFN) to work with Employment and Social Development Canada to ensure that Canada's Social Innovation and Social Finance (SI/SF) Strategy fully incorporates the unfunded and unmet needs of First Nations.
2. Direct the AFN to urge the Federal Government to deliver \$150 million interim funding for 3 years from the federal Social Innovation and Social Finance Fund to ensure sustainable benefits for First Nations-led SI/SF initiatives to be followed by appropriate funding for a 10-year strategy.
3. Call upon the AFN to advocate for the creation of working group, titled a "First Nations Circle of Social Innovation" to work towards a distinct First Nations SI/SF Strategy imbued with First Nation's legal traditions and worldviews, including the Seven Generations Principle.
4. Direct the AFN to continue to work with Canada to expand and empower the collection of specific First Nations SI/SF data, consistent with Ownership, Control, Access and Possession principles for conducting research.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 118/2019

TITLE: Support a World Indigenous Treaty Summit 2020

SUBJECT: Treaties

MOVED BY: Larron Northwest, proxy, Samson Cree First Nation, AB

SECONDED BY: Chief Jacques Tremblay, Conseil de la Première Nation Malecite de Viger, QC

DECISION: Passed by Consensus

WHEREAS:

- A.** The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 36 (1): Indigenous Peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - ii. Article 37 (1): Indigenous Peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B.** The Government of Canada is working to advance reconciliation with Indigenous Peoples and honours the Nation-to-Nation relationships created with the British Crown;
- C.** It is important for Treaty Nations and all beneficiaries to the Treaty relationship to respect and support each other when advancing public education of the Treaty relationships, that are a key to reconciliation.
- D.** The Assembly of First Nations, Federation of Sovereign Indigenous Nations, and Treaty #6 1889 Adhesion Committee will entertain hosting a World Indigenous Treaty Summit in 2020.

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- E. The topics that will be addressed at the World Indigenous Treaty Summit 2020 includes issues related to Indigenous Treaty Rights on a global scale, international work of the United Nations as it relates to Treaty Rights, and Treaty Reconciliation.

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

1. Support the Assembly of First Nations (AFN) and the Federation of Sovereign Indigenous Nations and their partners led by the Treaty #6 1889 Adhesion Committee in the hosting of a World Indigenous Treaty Summit on August 14, 15 and 16, 2020, in Saskatoon, Saskatchewan.
2. Direct the AFN to call upon the Federal Government of Canada to advance reconciliation of breached Treaties and honour the Nation-to-Nation relationship by participating in and providing funding for the World Indigenous Treaty Summit 2020.
3. Call on the AFN to support the establishment of a Global Indigenous Treaty Reconciliation Fund to support Indigenous Peoples around the world in advancing their respective Treaty reconciliation efforts.

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON**

Resolution no. 119/2019

TITLE: Healing Programs for MMIWG2S Families

SUBJECT: MMIWG

MOVED BY: Todd McGregor, proxy, Whitefish River, ON

SECONDED BY: Chief Peter Collins, Fort William First Nation, ON

DECISION: Passed by Consensus

WHEREAS:

- A. The *United Nations Declaration of the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (1): Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - iv. Article 22 (2): States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
- i. Call for Justice 1.8: We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA people's organization.
 - ii. Call for Justice 1.9: We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.
 - iii. Call for Justice 1.10: We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.
 - iv. Call for Justice 1.11: We call upon the federal government – specifically, Library and Archives Canada and the Privy Council Office – to maintain and to make easily accessible the National Inquiry's public record and website.
 - v. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- C.** On June 3, 2019, the National Inquiry into Murdered and Missing Indigenous Women and Girls (MMIWG) released its Final Report with 231 Calls for Justice - legal imperatives to reduce, prevent and stop violence against Indigenous Women, Girls, Survivors and Two-Spirited and Gender Diverse People (2S).
- D.** The healing and prevention programs must be Indigenous-led, rooted in Indigenous knowledge, culture and ceremony and must include families of Murdered and Missing Indigenous Women, Girls, Survivors, Two-Spirited and Gender Diverse People and communities, also known as the family first philosophy.

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

1. Call upon all agencies, institutions, and all levels of government to ensure that healing and prevention programs for families of Murdered and Missing Indigenous Women, Girls, Two-Spirited (MMIWG2S) and gender diverse people, survivors, and communities are a priority.
2. Direct the Assembly of First Nations to advocate for core, long-term and sustainable funding for healing and prevention programs for families of the MMIWG2S and Indigenous communities that is Indigenous-led and rooted in Indigenous knowledge, culture and ceremony.
3. Urge all agencies, institutions and all levels of government to follow the family first philosophy in all aspects of designing and delivering healing and prevention programs and services.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 3 – 5, 2019, OTTAWA, ON

Resolution no. 120/2019

TITLE:	Treaty Based Funding Arrangement– A First Nations Sovereign Approach to Family Law and Child Welfare
SUBJECT:	Treaty Rights
MOVED BY:	Okimaw Henry Lewis, Onion Lake First Nation, SK
SECONDED BY:	Okimaw Vernon Watchmaker, Kehewin Cree Nation, AB
DECISION:	Carried; 1 abstention

WHEREAS:

- A. Chiefs-in-Assembly never agreed to a Pan-Indigenous (First Nations/Métis/Inuit) approach to child welfare legislation, but supported a process based on inherent rights, Treaties, self-determination and international human rights standards.
- B. First Nations have a sacred responsibility for the well-being of their children, youth, and families, and First Nations exercise this sacred responsibility through their inherent rights and jurisdictions that pre-exist Canada.
- C. The Government of Canada (Canada) has imposed a process of co-developing, pan-Indigenous policy and legislation that will negatively impact the Treaty and Inherent rights of First Nations on Turtle Island.
- D. Existing co-development processes have been inadequate, as:
 - i. there were no standards or set of principles for co-developing legislation and policy with Canada;
 - ii. the Department of Justice has been solely responsible for drafting legislation;
 - iii. the Senate and House committee process has proven to be a failed mechanism for ensuring First Nations Treaty and Inherent rights are respected;
 - iv. First Nations priorities are consistently left out of the final versions of legislation and policy; and
 - v. Canada is not required to consult with First Nations before any bill receives Royal Assent.

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- E. Negotiations impacting the Treaty and Inherent rights of First Nations must be undertaken directly with rights and title holders, with the only acceptable standard being free, prior, and informed consent.
- F. Federal legislation is not required for long-term and sustainable funding.
- G. In January 2020, *An Act respecting First Nations, Inuit and Metis children, youth and families* (the Act) will be in full effect according to the Crown in Right of Canada.
- H. Sovereign First Nations who mandate a Treaty-Based Funding Arrangement – A First Nations Sovereign Approach to Family Law and Child Welfare must be supported and further, direct that it is their choice as sovereign First Nations to move forward in a response that is solely led by them, and that the ultimate decision-making rests with them as Nations as the rights holders.

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

1. Affirm that the honour of the Crown requires Canada to act with honour, integrity, good faith and fairness in its dealings with First Nations Peoples and Nations.
2. Recognize the unique relationship that First Nations have with the Crown as the Original Peoples of Turtle Island represents a nation-to-nation relationship.
3. Fully support sovereign First Nations inherent jurisdiction over their First Nations families, children and communities, and that no provincial government has such jurisdiction.
4. Affirm their support to advance First Nations who may choose or have chosen an approach to First Nations jurisdiction on children and families, separate from the pan-Indigenous federal legislation, Bill C-92, *An Act respecting First Nations, Inuit and Métis Children, Youth and Families* (the Act).
5. Support First Nations strategies that include asserting inherent jurisdiction outside of the Act, which affirms First Nations' rights and responsibilities to the well-being of their children, youth, and families, who are the original peoples of the land.
6. Encourage all First Nations to prioritize the interests of families, children and youth in the development, implementation and replacement of all laws which negatively impacts First Nations inherent rights and are responsible for the loss of identities, land, language, kinship, culture and spirituality.

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7. Inform Canada that a sovereign First Nations-led response must be fully funded that develops their own holistic, and culturally relevant strategy and implementation plan, which includes and is not limited to the inclusion of Treaty-based funding arrangements funded federally through bilateral agreements with the Crown in Right of Canada that address the intergenerational transmission of trauma imposed by colonization (i.e. but not limited to Residential Schools, 60's, 70's scoop etc.).
8. Fully support any sovereign First Nation that exerts its inherent jurisdiction and puts any provincial government on notice that it must get out of the business of First Nations Child Welfare and calls on each provincial government to return back to each respected Nation all data and information pertaining to First Nations children and youth.
9. Direct that a notice be sent to Canada from the Chiefs-in-Assembly that it is solely up to First Nations rights and title holders to define long-term solutions and self-determination plans for their Nations.
10. Affirm that in the exercising of their inherent jurisdiction, sovereign First Nations have the right to develop standards and regulations, and that no national and/or provincial organization shall decide on the implementation pathway for them.
11. Call on the Government of Canada to provide all necessary infrastructure and resources to both children and adults returning to their communities as result of Canada unlawfully removing them from their families and communities.

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ASSEMBLY OF FIRST NATIONS
2019 SPECIAL CHIEFS ASSEMBLY – OTTAWA, ON
FINAL RESOLUTIONS

#	Title
73	Executive Committee Portfolios
74	Chief's Committee
75	National Chief Oath of Office
76	Numerical Correction to Article 17 of AFN Charter
77	Regional Chief Oath of Office
78	Endorsement of the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021
79	Action Plan for First Nations homelessness on and off reserve
80	Federal Consultation & Transparency in First Nations Housing Program & Funding Changes
81	Dene Nation Control of Housing in Northwest Territories
82	Support for continuing development of Indigenous Services Canada (ISC) revised Operations and Maintenance Policy and full funding of First Nations operations and maintenance needs
83	First Nations Control of Emergency Management
84	Call for Emergency Operations Management Planning in First Nations
85	Support for a Proposed Training Institute on Emergency Management
86	Federal legislation to create a framework for implementation of the United Nations Declaration on Rights of Indigenous Peoples
87	New Process for Negotiation and Implementation of International Treaties
88	Re-affirming First Nation Regional Implementation Priorities for <i>An Act Respecting First Nations, Inuit and Métis children, youth and families</i>
89	Continuing First Nations Income Assistance Program Reform
90	Support for the claims of the Survivor Class in Day Scholars
91	Support for the claims of Descendant Class and Band Class in Day Scholars
92	Reaffirming Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. Al. plaintiffs
93	National Gathering on Substance Use with Emphasis on Opioids and Crystal Methamphetamine
94	International Union for Conservation of Nature (IUCN)
95	First Nations full partnership in the implementation of the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada
96	Support for the implementation of Aghousht et al (2009) Court Ruling
97	Protection of the Inherent Right of First Nations to use and possess Eagles Feathers and parts for social, cultural and ceremonial purposes
98	Poverty Reduction for All First Nations in Canada
99	Sustainable Development and Financial Assurance
100	New Investments for First Nations involvement in the economy
101	Assembly of First Nations Priorities on Cannabis and Legislative Amendments to Bill C-45, the Cannabis Act

#	Title
102	Support for the complete reclamation and remediation of all closed and abandoned oil and gas extraction sites, inclusive of all related infrastructure
103	Ending Reliance on Diesel Power in Rural and Remote First Nations
104	Support for the Penticton Indian Band in its Efforts to obtain justice for its valid South Okanagan Commonage Specific Claims
105	Support for the Completion of the Ghotelnene K'odtineh Dene and the Athabasca Denesuline land claim agreements
106	First Nations Tax Immunity
107	First Nations Inclusion in Fiscal Stabilization Discussions
108	Support of the Unvalidated Dayschool Society of Canada
109	First Nations Healing Approaches to the Opioid Crisis.
110	Call for Funding for First Nations to Provide Services and Supports for Adults with Disabilities in First Nations throughout Canada
111	Support for the Nechi Institute
112	Motion calling for encouragement and urgent action by Heritage Canada to implement TRC Call to Action #81
113	Declaration of a Federal state of emergency for the Fraser River with a 60-day timeline to find a solution
114	Resolution Calling on Chief Paul Emilie Ottawa to withdraw his legal challenge to the McLean Federal Indian Day Schools Settlement
115	1760/61 Treaty Rights to Fish
116	Degradation of Mi'gmaq Land Base by Rising Sea Levels
117	Support for a First Nations Social Innovation and Social Finance Strategy
118	World Indigenous Treaty Summit 2020
119	Healing Programs for MMIWG2S Families
120	Treaty-Based Funding Arrangements A First Nations Sovereign Approach to Family Law and Child Welfare