



**ASSEMBLY OF FIRST NATIONS**  
**2018 SPECIAL CHIEFS ASSEMBLY – OTTAWA, ON**  
**FINAL RESOLUTIONS**

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93	Federal Government Procurement Programs for First Nations
94	Reject Canada's Approach to Additions to Reserve Legislation
95	Inherent and Treaty Based Funding Agreements
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97	Support for compensation for past flooding and meaningful consultation and accommodation of affected First Nations on Manitoba's proposed Lake Manitoba and Lake St. Martin Outlet Channels Project
98	Health Canada 1,4-Dioxane Guideline Consultation

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**TITLE:** United Nations International Decade of Indigenous Languages

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**SUBJECT:** Languages

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**MOVED BY:** Chief Valerie Richer, Atikameksheng Anishnawbek, ON

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**SECONDED BY:** Chief Nelson Toulouse, Sagamok Anishnawbek First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  - ii.** Article 14 (1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- B.** The Final Report of the Truth and Reconciliation Commission and its 94 Calls to Action include specific Calls (13, 14, 15, 16, 17, 84 & 85) about Indigenous peoples' language revitalization and was fully supported by the Chiefs-in-Assembly through Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*.
- C.** In 1998, a state of emergency on First Nations languages was declared by the Chiefs-in-Assembly, Resolution 35/1998, *First Nation Languages* which states:
- i.** "That the Government of Canada act immediately to recognize, officially and legally, the First Nations languages of Canada, and to make a commitment to provide the resources necessary to reverse First Nations languages loss and to prevent the extinction of our languages..."

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- D. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reports that three-quarters of Indigenous languages in Canada are “definitely”, “severely” or “critically” endangered.
- E. UNESCO participates in the celebration of International Years and Decades, as proclaimed by the General Assembly of the United Nations. The year 2019 has been declared the International Year of Indigenous Languages by UNESCO.
- F. Proposals for international decades are typically advanced by one or more Member States of the United Nations. Proposals are submitted to the United Nations Economic and Social Council (ECOSOC), which recommends their adoption by the General Assembly. There is usually a two-year interval between the submission of a proposal and the declaration of a decade. The declaration itself can be made either by the General Assembly or a specialized agency of the United Nations, e.g. UNESCO.

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

1. Call upon the General Assembly of the United Nations to make a timely declaration of an International Decade of Indigenous Languages.
2. Call upon the federal government to propose, advocate, and support a timely United Nations declaration of an International Decade of Indigenous Languages.
3. Direct the Assembly of First Nations to engage with the United Nations, the federal government, and all appropriate bodies, organizations and governments to advocate for an International Decade of Indigenous Languages.

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<b>TITLE:</b>	<b>First Nations Oversight of Canada's National Poverty Reduction Strategy</b>
<b>SUBJECT:</b>	Economic Development, Social Development
<b>MOVED BY:</b>	Chief Bernice Martial, Cold Lake First Nation, AB
<b>SECONDED BY:</b>	Chief Nelson Toulouse, Sagamok Anishnawbek First Nation, ON
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

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

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

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

- i. 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.

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- ii. Article 28 (1): States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
- C. The United Nations 2030 Agenda for Sustainable Development's Goals (SDGs) are a collection of seventeen global goals meant to address social and economic development issues related to poverty, hunger, health, education, climate change, gender equality and social justice. Goal #1 of the Agenda is to 'end poverty in all its forms everywhere'.
- D. First Nations have been actively working to address poverty and its numerous effects, often with little support and limited resources, and often face legal challenges from the federal and/or provincial governments. First Nations in Canada have innovative solutions to address their socio-economic conditions, and are seeking an opportunity to establish a comprehensive and long-term strategy that will provide them with the resources to address poverty in their communities and Nations, while also respecting their cultural, geographic, political and legal differences.
- E. Both the Assembly of First Nations (AFN) Social Development Sector and the Economic Sector have long standing mandates to oversee and provide advice and recommendations relating to socio-economic policies, programs, and legislation affecting First Nations.
- F. Employment and Social Development Canada (ESDC) released its Poverty Reduction Strategy (PRS) in late Summer 2018. It contains Canada's official strategy to reduce poverty in Canada, including the development and establishment of federal legislation, official poverty reduction targets, official poverty lines (regionally specific), expanded funding regimes, expanded programming and services, data recording mechanisms, an online dashboard to view the PRS's progress, and the establishment of a National Advisory Council on Poverty.
- G. The Minister of ESDC introduced Bill C-87, *An Act respecting the reduction of Poverty*, to the House of Commons in early November 2018. The *Poverty Reduction Act* states the Minister of ESDC will appoint between 8-10 members to the National Advisory Council on Poverty. A First Nations representative has yet to be identified or appointed to the National Advisory Council on Poverty.
- H. ESDC also stated that before the PRS is to be implemented in First Nations, Canada will consult with First Nations regarding their perspectives on poverty, their main priorities and concerns with respect to poverty and its larger impacts, as well as the systematic gaps and barriers that produce poverty in their communities and Nations.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal government to ensure the National Advisory Council on Poverty includes First Nations representation to ensure the unique needs and rights of First Nations are recognized and respected as Canada implements its Poverty Reduction Strategy.
2. Direct the Chiefs Committee on Economic Development, the Technical Working Group on Social Development, and the First Nations Technical Working Group on Human Resource Development to work together in identifying a First Nations candidate to be recommended as the representative to the National Advisory Council on Poverty.
3. Direct the Technical Working Group on Social Development and the Technical Working Group on Labour Force Development, to work with Employment and Social Development Canada (ESDC) officials on the implementation of its Poverty Reduction Strategy in First Nations.

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**TITLE:** First Nations Post-Secondary Education Policy Proposal

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**SUBJECT:** Post-Secondary Education

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**MOVED BY:** Chief Leroy Denny, Eskasoni First Nation, NS

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**SECONDED BY:** Tyrone McNeil, Proxy, Kwaw Kwaw Apilt First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14 (1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

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- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
- C. Strong, effective and inclusive post-secondary education systems provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.
- D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolution 36/2016, *Inherent and Treaty Right to Post-Secondary Education* and Resolution 40/2016, *Call on Canada to address the backlog of eligible First Nation post-secondary students*, that both affirm and uphold this autonomy.
- E. The Government of Canada is obliged to uphold and honour its Budget 2016 commitment to lift the two percent cap, in place since 1996, on funding for First Nations programs. Significant increased investments are required to take into account inflation, population growth and improving Grade 12 graduation results.
- F. In accordance with AFN Resolution 14/2017, *Post-Secondary Education Federal Review*, the Chiefs Committee on Education (CCOE), the National Indian Education Council (NIEC), nationally-representative post-secondary education (PSE) technicians and First Nations established institutions, produced the *First Nations Post-Secondary Education Review 2018 Interim Report* and AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*.
- G. Resolution 29/2018 accepted the *First Nations Post-Secondary Education Review 2018 Interim Report* and provided direction for co-development of a policy proposal. In response to the direction given, the AFN, CCOE and NIEC have worked in partnership with Indigenous Services Canada (ISC) to develop a new First Nations PSE policy proposal.
- H. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by ISC or other federal departments or agencies.
- I. The Minister of ISC will return to Cabinet with a Memorandum to Cabinet, related to Indigenous Post-Secondary Education, following the December 2018 Special Chiefs Assembly. The First Nations PSE policy proposal will be implemented following and based on Cabinet decisions.

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- J.** The AFN estimates there are nearly 9,000 First Nations students currently enrolled in post-secondary education who are not receiving funding through the Post-Secondary Student Support Program. There are approximately 78,000 First Nations graduates needed to close the gap in post-secondary education.
- K.** Eliminating the educational attainment gap by 2031 will boost Aboriginal employment by 90,000 workers and the Aboriginal contribution to Gross Domestic Product (GDP) by as much as \$28.3 billion.
- L.** The First Nations PSE policy proposal highlights the outstanding need for post-secondary education to move First Nations priorities forward and that these funds have not been secured. Any new investments will come with the release of Federal Budget 2019.
- M.** The recommended First Nations PSE policy proposal, as represented in Policy Proposal (v8), is the only First Nations submission. Any investments released from Federal Budget 2019 differing from the First Nations PSE policy proposal have not obtained consent from First Nations.
- N.** The First Nations PSE policy proposal is based on initial costing analysis .Adequate funding will be determined by First Nations through Treaty-based, regional-based, and self-government processes.

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

- 1.** Reaffirm First Nations inherent and Treaty Rights to post-secondary education (PSE).
- 2.** Reaffirm that jurisdiction over First Nations education remains with each First Nation.
- 3.** Affirm that the process concerning the First Nations PSE policy proposal is not intended to detract or hinder First Nations from advancing their PSE processes.
- 4.** Support the recommended First Nations PSE policy proposal, as represented in Policy Proposal (v8) to be presented to Cabinet as the First Nations submission through Indigenous Services Canada's Memorandum to Cabinet. The policy proposal outlines the following:
  - a.** Calls on the federal government to provide immediate investments to address the backlog of First Nations PSE students, support First Nations established institutes, and provide transitional funding for upgrading and completion in order to pursue PSE.
  - b.** Seeks long-sought after changes to current PSE programs, Post-Secondary Student Support Programs (PSSSP).
  - c.** Restructuring of Post-Secondary Partnership Program (PSPP) to align with the changes expressed in the policy proposal.

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- d. Proposes Treaty-based, self-government based and/or regionally determined process for First Nations to develop PSE models.
  - e. Proposes a right to self-determination approaches.
- 5. Urge the Government of Canada to present the First Nations PSE policy proposal, jointly developed by First Nations and Indigenous Services Canada, to the Cabinet of Canada with an Assembly of First Nations member of the Chiefs Committee on Education.

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**TITLE:** Indspire Investments

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**SUBJECT:** Post-Secondary Education

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**MOVED BY:** Chief Leroy Denny, Eskasoni First Nation, NS

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**SECONDED BY:** Chief Tony Alexis, Alexis Nakota Sioux Nation, AB

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**DECISION:** Carried by Consensus

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**WHEREAS:**

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14 (1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

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- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
- C. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education. The Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolution 36/2016, *Inherent and Treaty Right to Post-Secondary Education* and Resolution 40/2016, *Call on Canada to address the backlog of eligible First Nation post-secondary students* that both affirm and uphold this autonomy.
- D. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by Indigenous Services Canada or other federal departments or agencies. The Government of Canada does not have unilateral decision making power to designate First Nations funds to non-First Nations entities. First Nations funding is for First Nations.
- E. Principle 10 of the Government of Canada's *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* states: A distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.
- F. The Prime Minister has outlined in his mandate letters to Ministers Philpott and Bennett to engage in a renewed Nation-to-Nation relationship with First Nations.
- G. Strong, effective and inclusive post-secondary education systems provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.
- H. Indspire is a national charity that does not represent First Nations and is not accountable to First Nations.
- I. The 2017 Federal Budget announced \$25 million over five years for post-secondary scholarships from Indspire without consent from First Nations.

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

1. Reaffirm First Nations' inherent and Treaty Rights to post-secondary education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Affirm that Indspire does not represent First Nations nor have consent from First Nations to receive federal funding for First Nations education.
4. Call on the Assembly of First Nations to urge the Government of Canada to cease and desist all federal investments to Indspire relating to First Nations education beginning in fiscal year 2019-2020 and that any remaining funds be redirected to First Nations.

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**TITLE:** Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser Salmon Management Agreement

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**SUBJECT:** Fisheries

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

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

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**DECISION:** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- iii. 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.
- iv. Article 31: Indigenous peoples have a 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.

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- v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  - vi. 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.
  - vii. 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 Fraser Salmon Management Council (FSMC) became a politically mandated organization, now with a membership of 75 First Nations from the headwaters of the Fraser River to the northern tip of Vancouver Island, through consensus adoption of its Constitution and Bylaws on March 25, 2014.
- C.** The FSMC is directed by its membership, through Council Resolution, to negotiate a Fraser Salmon Management Agreement with the Department of Fisheries and Oceans (DFO).
- D.** On August 30, 2016, The FSMC and DFO Regional Director-General approved and signed *Nesika Oakut* (“*Our Own Way*”), *A Framework Agreement to Guide the Negotiations for Managing Fraser River Salmon*.
- E.** In January 2018, the FSMC tabled a proposed Fraser Salmon Management Agreement that provides for Nation-to-Nation collaborative (joint) management of Fraser Salmon, and also provides a meaningful step forward in the necessary reconciliation process between the DFO and British Columbia (BC) First Nations regarding the fisheries resources to which those First Nations have priority rights.
- F.** The negotiation process between the DFO and BC First Nations has been unduly challenged by the Pacific Region of DFO, whose staff already has full time duties and responsibilities apart from this negotiation process and who struggle to envision and operationalize meaningful change in Nation-to-Nation decision-making, related to fisheries resources.

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

1. Direct the Assembly of First Nations (AFN) to call on the Minister of Fisheries and Oceans to address that the opportunity to enter into a significant and critically important reconciliation agreement, with an unprecedented aggregation of British Columbia (BC) First Nations in a timely manner, is in jeopardy.

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2. Direct the AFN to urge the Minister of Fisheries and Oceans to make available the financial and human resources (with mandates) that will enable the Department of Fisheries and Oceans and BC First Nations negotiation table to expedite the negotiation process in order to come to a historic Nation-to-Nation agreement, which will provide a model for First Nations meaningful participation in fisheries management decision-making processes.

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**TITLE:** Engagement with Canadian Council of Fisheries and Aquaculture Ministers and (CCFAM) and six Technical CCFAM Task groups

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**SUBJECT:** Fisheries

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

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

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**DECISION:** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 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 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.
- iv. 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.

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- B.** The Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) is comprised of federal, provincial and territorial ministers of fisheries and aquaculture who meet annually to provide advice on priorities to the CCFAM chair, the Minister of Fisheries and Oceans (DFO).
- C.** The CCFAM oversees technical subgroups on Aquaculture, Fisheries Act Review, Oceans and Marine Protected Areas, Aquatic Invasive Species, and Market Access groups that provide advice to the Minister of DFO on a path forward.
- D.** On June 27, 2017, the CCFAM met in Whitehorse, Yukon. A representative of the National Fisheries Committee (NFC) attended with Assembly of First Nations (AFN) staff; however there remains no formal role for First Nations.
- E.** At the CCFAM meeting, the AFN highlighted the need for regional resources and capacity to engage in future co-development of regulations, policies and programs that impact coastal fisheries, inland, northern fisheries and aquaculture initiatives.
- F.** The CCFAM has invited AFN leadership on December 4, 2018, to highlight national priorities and begin discussions on “Understanding Indigenous Knowledge Systems in the context of Indigenous Fisheries”. The AFN is seeking advice on how governments should respect and implement Indigenous Knowledge through future legislation, regulations and policies at various political levels.
- G.** The CCFAM are discussing the establishment of a sixth Task Group focused on an Inland Working Group with no specific reference to inclusive engagement with Indigenous peoples.
- H.** The AFN NFC has discussed the need for a multi-agency dialogue table that brings together all levels of government to address cross-cutting and overlapping issues through a coordinated multi-jurisdictional process with First Nations on fisheries, oceans and aquatic resource management and governance.

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

- 1.** Direct the Assembly of First Nations (AFN) to secure a commitment to continue building regional and national relationships with the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) and Indigenous leadership to identify ongoing priorities annually and periodically throughout the year.
- 2.** Direct the AFN Executive Committee to establish regional relationships and processes linked to the CCFAM and all related Task Groups that is inclusive of First Nations rights, decision-making processes and interests.
- 3.** Direct the AFN to call on the CCFAM to:
  - a.** Incorporate the standards outlined in the *United Nations Declaration on Rights of Indigenous Peoples*.

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**TITLE:** First Nations Inclusion in Canada's Oceans Protection Plan

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**SUBJECT:** Fisheries

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

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**SECONDED BY:** Sky Metallic, Proxy, Listuguj Mig'maq Government, QC

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**DECISION:** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard
- 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.
- v. 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.

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- B.** The Assembly of First Nations (AFN) passed Resolutions 93/2016, *Marine Emergency Information Management Protocol*, 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas* and 06/2018, *Engaging First Nations on Marine Vessels and Salvage Operations* that address issues of First Nations roles in marine safety, and responsible protection and management of oceans and waterways.
- C.** In November 2016, the Prime Minister launched a \$1.5 billion national Oceans Protection Plan (OPP). It is the largest investment ever made to protect Canada's coasts and waterways, improve marine safety and responsible shipping, protect Canada's marine environment and offer new possibilities for Indigenous and coastal communities.
- D.** First Nations have inherent rights to govern and manage ocean resources related to fisheries, navigation, energy, protection, monitoring, transportation, economics and transboundary issues, including international law of the sea.
- E.** While First Nations have inherent jurisdiction, their marine plans and role in marine safety has not been respected and properly integrated in the rollout of the OPP.
- F.** The national strategy includes 58 initiatives aimed at creating a world-leading marine safety system that provides economic opportunities for Canadians, while protecting coastlines for generations to come. The national OPP strategy is presented as a close collaboration with Indigenous peoples, local stakeholders, and coastal communities.
- G.** In October 2018, the federal government introduced the *Budget Implementation Act*, which includes proposed legislative changes to the *Canada Shipping Act, 2001* and the *Marine Liability Act*. These changes are related to commitments made under the OPP to enable the federal government to respond to marine pollution incidents faster and more effectively, and to better protect marine ecosystems and habitats.
- H.** The Minister of Transport, Marc Garneau, stated "These proposed changes to legislation will strengthen marine environmental protection and marine safety for generations to come. As we mark the second anniversary of the launch of the OPP, we renew our commitment to meaningful action to safeguard Canada's coasts and waterways."
- I.** Transport Canada is expected to announce the release of funds available to First Nations on a marine project basis; this is an unprecedented opportunity for First Nations.

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

1. Direct the Assembly of First Nations (AFN) to work collaboratively with Transport Canada, the Department of Fisheries and Oceans and the Canadian Coast Guard, in addressing long term capacity funding for First Nations in areas involving the relevant initiatives under the Ocean's Protection Plan (OPP).
2. Call on the AFN to advocate that any legislative, regulatory, policy, and program reform related to the OPP must respect First Nations inherent rights, Treaties, title and jurisdiction, and must recognize First Nations inherent and everlasting responsibilities to their traditional territories.
3. Direct the AFN to work with Transport Canada and the Department of Fisheries, Oceans, and the Canadian Coast Guard, in securing core and capacity funding for First Nations and regional work associated with the OPP as it relates to First Nations.

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<b>TITLE:</b>	<b>Federal Legislation on First Nation Child Welfare Jurisdiction</b>
<b>SUBJECT:</b>	Child Welfare
<b>MOVED BY:</b>	Chief Daryl Watson, Mistawasis Cree Nation Treaty Six, SK
<b>SECONDED BY:</b>	Chief Walter Spence, Fox Lake Cree Nation, MB
<b>DECISION</b>	Carried by Consensus; 1 objection

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**WHEREAS:**

- A. The overrepresentation of First Nations children and youth in care and in the child welfare system is a humanitarian crisis. This crisis requires immediate and urgent legislative policy and human rights action and compensation to address this crisis.
- B. The harmful legacies of residential schools, the disproportionate number of First Nations children in care, the consequences of involvement in child welfare systems, and the related loss of language and denial of culture and human rights has led to this humanitarian crisis.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration)* is the framework for reconciliation and transformation of child welfare law. The UN Declaration must be an integral aspect of any legislation or policy to respond to the child welfare crisis in Canada for First Nations children and youth, and First Nations governments, including the clear recognition of the right to self-determination.
- D. The *United Nations Convention on the Rights of the Child* and all relevant international human rights instruments should inform federal child welfare legislation.
- E. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 calls upon the federal government to enact child welfare legislation.

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- F. *The Assembly of First Nations and the First Nations Child and Family Caring Society of Canada v. Attorney General of Canada* decision of the Canadian Human Rights Tribunal's 2016 (CHRT 2), and subsequent compliance rulings, found systemic discrimination due to longstanding and proven inequities in the federally-funded on-reserve First Nations Child and Family Services Program. The shortfalls in funding and lack of substantive equality for First Nations children, youth and families, were acknowledged by Canada.
- G. A Legislative Working Group (LWG), composed of Chiefs and technicians, provides advice to the National Chief, the Executive Committee of the Assembly of First Nations (AFN), and Chiefs-in-Assembly. The LWG provided direction for the option presented on First Nations child welfare to Canada.
- H. First Nations governments have consistently put forward a position that they want to exercise authority in relation to child welfare so that children can be connected to their family, culture, language and territory.
- I. The AFN has passed five resolutions directly related to child welfare reform: Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action*; Resolution 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*; Resolution 83/2016, *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy*; Resolution 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders*; and Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*.
- J. In January 2018, the federal government convened a National Emergency Meeting to discuss Indigenous child welfare with representatives of First Nations, Métis and Inuit. The outcome was to proceed with a national engagement on legislative reform and that it should be undertaken by Canada in an open, transparent and collaborative manner.
- K. The Minister of Indigenous Services Canada, released a six-point action plan for children and families. This included new resources for children and the commitment for a national discussion process on legislation and policy reform to transform child and family services and child welfare. The engagement process took place between April 2018 and November 2018. Input was provided into the process. The consensus that emerged was for human rights-based child welfare legislation that would enable First Nations to pass their own laws, and to give these laws precedence over provincial and territorial laws, so that First Nations could re-establish their child and family systems and end the breakdown of families.

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- L. During the engagement process, Chiefs in all regions placed a priority on inherent rights-affirming legislation with bold support for children, youth and families, as a critical element required to rebuild their Nations, address the application of provincial and territorial laws applied to them without their approval or consent, and the importance of proper funding and technical support to occupy the field of child welfare. The Chiefs consistently emphasized that the First Nations inherent rights and title holders, Treaty rights holders and beneficiaries, are the authoritative level where decisions must be made on children, youth and families and any legislative initiative must place decision-making with rights holders and rights representatives and not national or regional political organizations. The Chiefs called for legislation that can affirm and enable the passage of their own laws based on inherent jurisdiction and for these laws to take effect with full force and credit at their own creation, pace and with support to transform child welfare in Canada.
- M. On November 30, 2018, Canada, the AFN, the Métis National Council and the Inuit Tapiriit Kanatami announced the official co-development of First Nations, Inuit and Métis Child, Youth and Family Wellness legislation, based on the recognition of self-determination, inherent rights and Treaties, and the rights of First Nations to operate systems for child welfare under their own laws, policies, and authorities.
- N. The specific fund created inside Indigenous Services Canada for the “Community Wellbeing and Jurisdiction Initiative” was inadequate at \$80 million for all First Nations. A proper funding principle needs to develop for “predictable, stable, sustainable and needs-based funding to secure long-term positive outcomes for First Nations, children, families and communities.”

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

1. Support the option for legislation prepared by the Assembly of First Nations (AFN) Child Welfare Legislative Working Group (LWG) based on inherent rights, Treaties, self-determination and international human rights standards, and confirm this is the best option Chiefs support for further co-development. The legislation must affirm inherent and Treaty rights and must also uphold the standards in the United Nations Declaration on the Rights of Indigenous Peoples and other international human rights instruments.
2. Call upon the Government of Canada to table the draft legislation before the House of Commons rises on or before December 14, 2018, and include First Nations throughout the legislative process.
3. Call upon all Members of Parliament and Senators to ensure the legislation receives royal assent in advance of October 2019.
4. Call upon Canada to ensure the legislation reflects the position that First Nations laws take precedence over the laws of a province or territory, or occupy other forms of jurisdiction, or reflects the choice of shared jurisdiction, based on the decision of that First Nation government exercising its self-determination authority.

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5. Call upon Canada to ensure a funding principle is included in any co-developed legislation based on substantive equality for First Nation children, children with disabilities, youth and families and provides for predictable, stable, sustainable and needs-based funding to secure long-term positive outcomes for First Nations, children, families and communities.
6. Demand, for greater clarity, adequate funding must be provided for the development, capacity-building, planning, operations, capital, transition and implementation of the co-developed legislation. Funding for actual costs of prevention, data management, legal costs and other areas covered as a result of the legal orders of the Canadian Human Rights Tribunal must be extended to all First Nations governments and peoples.
7. Request the AFN LWG develop materials for First Nations Chiefs and governments for a transition plan specific to First Nations based on clear distinctions between the First Nations, Métis and Inuit so that the distinct political and legal rights, cultures, languages, practices and laws of the First Nations peoples are reflected appropriately in the wording and implementation of legislation.
8. Support the development of political accords to guide transition and implementation of legislation co-developed with First Nations and Canada.
9. Reject any legislative proposal or drafting involving delegation models of authority from federal, provincial or territorial governments or any policy or approach based on denial or rights or requirements of extinguishment or limitation of the rights of the First Nations and Treaty First Nations or any other colonial imposed requirements inconsistent with self-determination.
10. Direct the AFN LWG ensure that co-developed legislation include a non-derogation clause to protect the inherent Aboriginal and Treaty rights of First Nations and the other rights and freedoms of First Nations from being abrogated diminished in any way.

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**TITLE:** **Support for Manitoba First Nations – Specific Federal Legislation *Bringing Our Children Home Act***

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**SUBJECT:** Child Welfare

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

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**SECONDED BY:** Chief Vera Mitchell, Poplar River First Nation, MB

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**DECISION** Carried; 1 abstention

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 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.
- iii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iv. Article 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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- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social development programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 focus on the importance of child welfare, with Call to Action #4 calling on the federal government to enact Aboriginal child welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases.
- C. Manitoba has been identified as possessing unique circumstances and is experiencing a humanitarian crisis in child welfare. Manitoba has the highest rate of First Nations child apprehensions in Canada, with over 11,000 children in care, ninety percent of which are First Nations children.
- D. First Nations in Manitoba, as the collective rights holder Nations, have passed thirty years of resolutions at the Assembly of Manitoba Chiefs (AMC) regarding child and family matters. This includes the re-assertion of First Nations jurisdiction as recommended from the Manitoba Aboriginal Justice Inquiry and to have First Nations child and family standards that are based in our ways of knowing, legal traditions, and cultures and languages.
- E. In December 2017, the AMC, on behalf its member First Nations, signed a Memorandum of Understanding (MOU) with Canada to address the child welfare crisis in Manitoba. Minister Philpott of Indigenous Services Canada (ISC) has since extended to the AMC the opportunity to draft Manitoba First Nations-specific federal legislation for Manitoba First Nations children and families. Subsequently, a funded work plan set out the steps Canada and Manitoba First Nations would carry out in order for First Nations to exercise full jurisdiction over child and family matters within the next five years in Manitoba.
- F. At the May 2018 Assembly of First Nations (AFN) Special Chiefs Assembly, Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*, was passed. Among other things, the AFN was to endorse a working group comprised of representation from Nations and the National Advisory Committee (NAC) on First Nations Child and Family Services Program Reform. To date, the Committee is working on legislation for First Nations, Métis and Inuit. The Regional Chief for Manitoba is involved in the development of such legislation.
- G. Manitoba First Nations-specific federal legislation called the *Bringing our Children Home Act* was drafted by the AMC and informed by visits with Manitoba First Nations through *Keewaywin: Closer to Home*. The engagement included visits to First Nations and involved Elders, Grandmothers, Women, Youth and Leadership, and also discussed traditional laws on children and families based on the five Nations / language groups in Manitoba. Throughout the drafting, Ceremonial, Elder and Grandmother guidance was provided in order to ensure spiritual guidance and support.

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- H. In October 2018, the AMC Chiefs-in-Assembly approved and endorsed the *Bringing our Children Home Act*.
- I. ISC addressed the AMC Chiefs-in-Assembly at their Emergency Meeting on *Bringing Our Children Home Act* on November 16, 2018, where the Minister clarified that the creation of an over-arching federal legislation for First Nations child and family matters can be worked on in the next number of months, simultaneously or sequentially, with Manitoba and ISC working together on a Manitoba-specific legislation piece as well.

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

1. Fully support the proposed draft Manitoba specific federal legislation, *Bringing our Children Home Act*, as created by Manitoba First Nations and endorsed by the Assembly of Manitoba Chiefs (AMC), and support that Canada work together with Manitoba First Nations to jointly draft a mutually agreeable draft Bill for Canada to introduce in the House of Commons in the very near future, after the federal enabling legislation has been passed.
2. Direct the Assembly of First Nations (AFN) National Chief to inform Canada of the Chiefs-in-Assembly's support for the *Bringing our Children Home Act* and remind Canada that the Crown cannot implement child welfare reform without the free, prior and informed consent of Manitoba First Nations rights-holders.
3. Acknowledge that Manitoba First Nations have the authority to exercise their self-determination and jurisdiction over child welfare and may develop, and draft with the federal government, legislation that is specific to Manitoba First Nations.
4. Further acknowledge that the AFN and the National Advisory Committee (NAC) on First Nations Child and Family Services Program Reform working with any other Indigenous organizations, committees or groups, support and cannot replace Manitoba First Nations in their approach to develop and pursue federal legislation that will lead to federal arrangements directly with Manitoba First Nations to support their own laws on children and families.
5. Direct the AFN, the Child Welfare Legislation Working Group, and the committee working on federal child welfare legislation for First Nations, Métis and Inuit to respect Manitoba First Nations and the *Bringing Our Children Home Act*, and advocate that the federal government's legislation not conflict with Manitoba's legislation.
6. Direct the AFN to inform the Government of Canada that the *Bringing Our Children Home Act*, developed by Manitoba First Nations as supported by Indigenous Services Canada, be jointly presented by the AMC Grand Chief to Cabinet.

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**TITLE:** First Nations Disabilities Program On-Reserve

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**SUBJECT:** Health, Social, Disabilities

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**MOVED BY:** Chief Elaine Johnston, Serpent River First Nation, ON

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**SECONDED BY:** Chief Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 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 person with disabilities.

**B.** The Convention on the Rights of Persons with Disabilities states that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- i. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

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- ii. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
  - iii. Provide these health services as close as possible to people's own First Nations, including in rural areas;
- C. Today, disability rates among First Nations are 20-50% greater than the general population.
- D. There is currently no disabilities program that exists on-reserve for First Nations, which results in First Nations having to temporarily or permanently leave their First Nation to receive the health and social programs and services they need. In some instances children are being apprehended by child welfare agencies in order to have children's' needs met.

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

1. Call on Canada to work directly with First Nations to determine the needs for an on-reserve disabilities program.
2. Call on Canada to provide long-term and sustainable funding for an on-reserve disabilities program for First Nations.
3. Call on Canada to encourage provincial/territorial governments to invest in on-reserve disabilities programs for First Nations.

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<b>TITLE:</b>	<b>First Nations Infrastructure Research</b>
<b>SUBJECT:</b>	Housing and Infrastructure
<b>MOVED BY:</b>	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
<b>SECONDED BY:</b>	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, BC
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.** In the context of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action, First Nations are developing their own controlled and managed institutions in a wide range of sectors including infrastructure.

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- C. The Assembly of First Nations (AFN) and the Chiefs Committee on Housing and Infrastructure (CCoHI) have completed work towards implementing AFN Resolutions: 98/2016, *Support the Development of a National Housing and Infrastructure Strategy* and 87/2017, *Support for a National Housing and Infrastructure Policy Reform Framework (PRF)*. The AFN is continuing its work on 27/2017, *Development of a First Nations National Housing and Infrastructure Strategy*.
- D. One of the draft strategy's main features is the development by regions of their own housing and infrastructure strategies, institutions and approaches that they will implement at their own pace. Some of the strategies are already in stages of implementation and/or in bilateral discussions with Canada.
- E. The AFN's affiliated regions have started the process of gathering data on housing-related infrastructure but that does not include other, non-housing related infrastructure where there is a gap in available data.
- F. Some regions' strategies and approaches seek to draw down all current federal spending authorities for First Nations housing and infrastructure, including housing related infrastructure and other infrastructure.
- G. In 2016, Canada announced *Investing in Canada*, a \$180 billion infrastructure plan with some components to be delivered directly by federal agencies to First Nations. Other components will be delivered to provinces and territories.
- H. In 2017, Canada created an arms-length Crown corporation called the Canada Infrastructure Bank (CIB) that will invest \$35 billion from the federal government's *Investing in Canada* infrastructure plan. The CIB invests in infrastructure projects through loans in five priority areas: (1) public transit, (2) green infrastructure projects, (3) social infrastructure projects, (4) trade and transportation and, (5) infrastructure in rural and northern communities.
- I. First Nations are eligible to apply to CIB for infrastructure loans, but their proposals will compete with proposals submitted by provincial and territorial governments, who may be in partnership with private interests. There is no First Nation set-aside for CIB infrastructure loans. Provincial and territorial governments are more often in competition for funds with First Nations rather than being their partners. They have greater resources than First Nations to develop high quality proposals.
- J. Infrastructure Canada has reached out to the AFN to develop a relationship and to start to become more aware of First Nations' infrastructure needs and barriers to access.
- K. The last review of First Nations housing and infrastructure needs commissioned by what was then Indigenous and Northern Affairs Canada in 2005 identified a \$15-25 billion need over 15 years.
- L. The federal government's recent infrastructure needs survey of First Nations showed only a 22 percent participation rate. This shows that the federal government's unilateral approach when working with First Nations is not successful.

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- M.** Housing-related infrastructure refers to the infrastructure associated with the construction of residences such as public utilities, road connections to new housing, connection to drinking water, sanitary sewer, storm sewer, and street lighting (excluding water and wastewater treatment facilities). There are, in general, 3 types of development in First Nations:
- i. Urban (with paving, curbstones and underground storm drainage network).
  - ii. Semi-urban (without street paving nor curbstones and with storm drainage ditches).
  - iii. Rural (individual installations of water supply and waste water treatment).
- N.** Other infrastructure, or non-housing related infrastructure, refers to any infrastructure that is not housing related, including roads (other than road connections to new housing), water and wastewater treatment facilities, internet, schools, administration offices, fire protection, clinics and other.
- O.** The new Minister of Infrastructure and Communities, François-Philippe Champagne, was mandated by the Prime Minister in August of 2018 to:
- i. continue to support the Minister of Indigenous Services to improve essential physical infrastructure for Indigenous communities including improving housing outcomes for Indigenous Peoples.
  - ii. continue to work with the Ministers of Status of Women, Indigenous Services, and Families, Children and Social Development to ensure that no one fleeing domestic violence is left without a place to turn to by growing and maintaining Canada's network of shelters and transition houses.

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

1. Call upon the federal government to partner with the Assembly of First Nations (AFN) and provide funds to allow the AFN to:
  - a. engage all First Nations in non-housing related infrastructure data gathering exercise to determine the non-housing related infrastructure gap.
  - b. explore the development of options for a mechanism(s) and a recommendation for direct federal government infrastructure funding exclusively to First Nations.
2. Affirm that this resolution is without prejudice to the regional approaches that seek the transfer or drawing down of federal funding authorities for all First Nations infrastructure, not just housing-related infrastructure.
3. Urge Canada to provide capital funds to construct long-term care facilities on First Nations.

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**TITLE:** National First Nations Housing and Related Infrastructure Strategy

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**SUBJECT:** Housing and Infrastructure

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**MOVED BY:** Chief Dan George (Ts'il Kaz Koh/Burns Lake Indian Band), B.C.

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**SECONDED BY:** Chief Lance Haymond, Kebaowek First Nation, QC

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.** The fiduciary obligations of the Crown cannot be delegated to other entities. In the history of First Nations housing and infrastructure, the numerous attempts to delegate, abrogate or otherwise diminish or avoid the Crown's obligations has caused untold suffering within First Nations including legacy issues that will persist for decades.

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- C. The Assembly of First Nations (AFN) and the Chiefs Committee on Housing and Infrastructure (CCoHI) have completed work towards implementing AFN Resolutions: 98/2016, *Support the Development of a National Housing and Infrastructure Strategy*, 27/2017, *Development of a First Nations National Housing and Infrastructure Strategy* and 87/2017, *Support for a National Housing and Infrastructure Policy Reform Framework*.
- D. Mindful of the inherent and Treaty right to shelter and guided regularly by the CCoHI, the AFN engaged First Nations in the development of National Housing and Related Infrastructure Strategy (the Strategy) through three national housing and infrastructure forums in 2016 (Winnipeg), 2017 (Montreal) and 2018 (Vancouver).
- E. The AFN led the development of the Strategy through a joint working group with participation of regional First Nations housing technicians and officials from Indigenous Services Canada and Canada Mortgage and Housing Corporation.
- F. One of the Strategy's main features is the development by regions of their own strategies and approaches that they will implement at their own pace. Some of the strategies are already in stages of implementation and/or in bilateral discussions with Canada.
- G. The next step, following the approval of the Strategy by Chiefs-in-Assembly, will be a First Nations-led co-development process with Canada on short, medium and long terms goals.
- H. The federal government's consistent underfunding of First Nations housing and infrastructure contributes to the apprehension of First Nations children and the unnecessary house fires leading to loss of life.

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

1. Approve the National Housing and Related Infrastructure Strategy that includes full funding of housing and infrastructure needs.
2. Re-affirm the continuation of First Nations bilateral discussions with the federal government on housing and infrastructure policy reform regardless of the result of the Assembly of First Nations (AFN)-federal process to develop a National Housing and Related Infrastructure Strategy.
3. Urge Canada to fulfill its fiduciary obligations to First Nations in housing and infrastructure, thereby ending the competition for insufficient resources between First Nations regarding these matters.
4. Urge 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 infrastructure programs and fiscal tools in the interim of the transition to First Nations care, control and management of First Nations housing and infrastructure.

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5. Ensure reform considers capital for child welfare.
6. Call on Canada to be accountable for the mismanagement of housing through both Indigenous and Northern Affairs Canada and the Canadian Housing and Mortgage Corporation processes(s). First Nations cannot inherit a broken and failed system as a result of a government housing policy and to substandard housing that has not improved the lives of our peoples.

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**TITLE:** First Nations Response to Chronic Wasting Disease

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**SUBJECT:** Environment, Health

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

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

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**DECISION:** Carried by Consensus

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**WHEREAS:**

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that affect them.
- iii. 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.
- iv. Article 29 (1). Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

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- B.** Chronic Wasting Disease (CWD) affects ungulates, such as deer, moose, elk and caribou, in a manner similar to Mad Cow Disease. It is an infectious disease that is always fatal and can remain present in soil for years. There is no known cure or treatment. The disease has been confirmed in ungulate populations in 24 American states and 3 Canadian provinces where it continues to spread. Transfer of CWD via plants has been demonstrated.
- C.** First Nations have a greater reliance on ungulates for food, social, and ceremonial purposes than the average Canadian, and will be greatly impacted by changes in wildlife populations.
- D.** Current provincial/territorial recommendations regarding CWD include the mandatory testing of carcasses prior to consumption in areas with known presence of CWD and the restriction of the movement of carcasses across provincial/territorial and international boundaries.
- E.** Trade and transport of harvested animals across provincial, territorial, and international borders is an everyday exercise of Treaty and Aboriginal rights.
- F.** International trade restrictions on Canadian agricultural products have already been established due to the impacts CWD might have on food supply chains.
- G.** New scientific evidence indicates that consuming infected deer, elk, moose, or caribou meat can potentially transmit CWD to humans. While no human cases have been reported to date, it is highly recommended that all harvested animals in affected areas be submitted for testing. The World Health Organization and Health Canada recommends that animals testing positive for CWD not be consumed or used for any purpose.
- H.** Only one percent of wildlife samples sent to the Canadian Cooperative Wildlife Health Centre for testing come from First Nations even though wildlife-human health interactions are the largest potential source of disease transfer.
- I.** First Nations' involvement in the development of regulations and policies surrounding CWD have been largely non-existent. Communications tools to inform First Nations about the presence of and threats from CWD do not exist. There is a severe lack of access to testing for CWD by First Nations hunters.
- J.** As directed by Assembly of First Nations (AFN) Resolutions 70/2010, *First Nations-Controlled Awareness, Training and Surveillance Programs for Chronic Wasting Disease (CWD)* and Resolution 13/2017, *Chronic Wasting Disease*, the AFN Health and Environment Sectors have initiated work on this issue. Advocacy efforts to date have focused on outreach to multiple federal departments. Outreach has resulted in the federal government's recognition for the need of broader consultation with First Nations and the need to review federal efforts regarding CWD.
- K.** The World Health Organization, the World Trade Organization, World Organization for Animal Health and Food and Agriculture Organization require vigilance and transparency in detecting, identifying, reporting and containing CWD.

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

1. Direct the Assembly of First Nations (AFN) to work collaboratively with all concerned First Nations, regional representative bodies, non-government organizations, industry, federal, provincial and territorial governments to:
  - a. advocate for the development of funding programs for First Nations to develop, maintain, and strengthen their own conservation, surveillance, wildlife health, and human health programs
  - b. promote on-going research to better understand the risks associated with the potential transmission to humans from the consumption of Chronic Wasting Disease (CWD) infected meat
2. Direct the AFN to work with the Government of Canada to develop the National Wildlife Disease Strategy.
3. Direct the AFN Environment and Health Sectors to seek membership through the Advisory Committee on Climate Action and the Environment and the Chiefs Committee on Health to establish a First Nations CWD working group with the mandate to:
  - a. develop a position paper outlining First Nations' concerns and recommend responses or solutions to dealing with the spread of CWD and the potential impacts it will have
  - b. develop and advocate for First Nations-specific communication tools and workshops to raise awareness about CWD
4. Direct the AFN to call on the relevant federal ministers and departments to provide the necessary funding to support the capacity of the AFN and First Nations to support a CWD working group and associated work products.
5. Direct the AFN to investigate advocacy opportunities regarding international standard setting through the World Health Organization, the World Organization for Animal Health, and the Food and Agriculture Organization as well as the United Nations mechanisms relating to rights of Indigenous Peoples, including the United Nations Permanent Forum on Indigenous Issues, the United Nations Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples.
6. Call on federal, provincial and territorial governments to take immediate steps to close all game farms in Canada, as a means of preventing the spread of CWD.

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<b>TITLE:</b>	<b>First Nations Early Learning and Child Care Regional Funding Allocation Approach</b>
<b>SUBJECT:</b>	Early Learning and Child Care (Health, Social, Education)
<b>MOVED BY:</b>	Chief David Crate, Fisher River Cree Nation, MB
<b>SECONDED BY:</b>	Chief George Cote, Cote First Nation, SK
<b>DECISION</b>	Carried; 2 abstentions

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**WHEREAS:**

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iii. Article 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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- B.** Assembly of First Nations (AFN) Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care*, established the National Expert Working Group on First Nations Early Learning and Child Care (ELCC) (Working Group).
- C.** The Working Group oversaw a community engagement process that identified and confirmed key principles, priorities and actions for First Nations ELCC. Based on this process, the Working Group produced the National First Nations ELCC Policy Framework in 2017, as part of the National Indigenous ELCC Framework.
- D.** AFN Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*, endorsed the framework created by the Working Group, and further mandated this group to support the implementation of both the broader National Indigenous ELCC Framework and the First Nations ELCC Framework. This resolution further called on the AFN to work with Canada to secure additional investments for ELCC.
- E.** Canada committed \$1.02 billion over 10 years for First Nations ELCC. The funding committed is broad and flexible, enabling First Nations determination of how the funds are spent. This includes determining the proportionate regional allocation of funding according to First Nations-determined priorities. For the first four fiscal years of the funding profile, 10% of the First Nations ELCC funding is dedicated to partnerships and governance, per the First Nations ELCC Frameworks capacity development provisions and strategic actions in all areas.
- F.** The AFN, at the direction of the Working Group, and in partnership with Indigenous Services Canada and Employment and Social Development Canada, has co-developed options for regional allocation of funding that are as fair and equitable as possible using existing data, and see all regions benefitting from the new investments. The Working Group has provisionally recommended that for the first two funding years (2018-19 and 2019-20), a per capita funding approach, based on the Modified Berger Formula using the Indian Registration System population counts of on and off-reserve children aged 0-6, weighted for remoteness, be taken in order to initially enable all regions to implement the National Indigenous, and First Nations ELCC Frameworks, and to support service delivery to all First Nations children.
- G.** Following the First Nations ELCC Frameworks funding of strategic actions at the structural level in the short term, the initial funding allocation for the first two funding years will be re-evaluated in 2019 to assess and implement a new allocation approach that accounts for factors that are not currently employed by existing data and approaches, including (but not limited to) remoteness, northern locale, small population, population growth, existing and needed infrastructure, capital, human resources, and costs of delivering language and cultural-based service delivery. This will also include examining a fixed or base proportion of funds, along with determining the best approach for calculating the First Nations child population, and the needs of First Nations.

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- H. The 10-year funding profile committed to First Nations ELCC is heavily back-ended beyond 2022-23, which falls after the current government's mandate and therefore presents a risk to be re-profiled should there be a change in government. These funds must be brought forward to ensure First Nations ELCC is well-funded, sustainable, and comparable to provincial and territorial rates of ELCC funding without any further delay.

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

1. Endorse the per capita funding approach, based on the Modified Berger Formula using the Indian Registration System population counts of on and off-reserve children aged 0-6, weighted for remoteness, as provisionally recommended by a majority of the National Expert Working Group on First Nations Early Learning and Child Care (ELCC) (Working Group) for the first two funding years.
2. Direct the Working Group to continue to support the implementation of both the National Indigenous ELCC Framework and the First Nations ELCC Framework, subject to continued First Nations direction and leadership at local, regional and national levels, including through linkages to related initiatives in child welfare, Jordan's Principle, education, housing and infrastructure, languages, and governance.
3. Direct the Working Group to strike a sub-working group, comprised of First Nations or of individuals identified by First Nations, with a clear mandate, terms of reference and timeline, to conduct the necessary research, engagement and consultation to develop an equitable and appropriate funding approach for First Nations ELCC investments that considers factors including those mentioned in this Resolution and in the First Nations ELCC Framework (see Section F). This sub-working group shall commence work in December 2018 or January 2019, and shall have a recommendation to bring forward for approval of the Chiefs-in-Assembly in place for fiscal year 2019-20.
4. Call upon the federal government to adequately resource the development of a new funding approach for First Nations ELCC, and ensure that this is sourced separately from service delivery, partnerships and governance funding.
5. Direct the Assembly of First Nations to urge the federal government to bring forward the currently back-ended funding for First Nations ELCC and guarantee from the federal government to ensure that funding for 2018-2019 be carried over to the next fiscal year in order to allow regions to develop their own funding formula and their governance.
6. Call upon the federal, provincial and territorial governments to work with First Nations communities, service providers and regional First Nations ELCC coordination structures to build and further develop strong partnerships at the local and regional levels to support First Nations ELCC.

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**TITLE:** Positioning First Nations as Climate Leaders

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**SUBJECT:** Environment

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**MOVED BY:** Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC

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**SECONDED BY:** Chief Roberta Joseph, Tr'ondek Hwech'in First Nation, YK

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. 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.
  - 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 measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** Climate destruction is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in *Section 35 of the Constitution Act (1982)* and confirmed in Treaties and other constructive arrangements between First Nations and the Crown. Reconciliation is about resolving impacts that affect First Nations holistic relationships with the environment and the land.

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- C. First Nations are already experiencing impacts of climate destruction which threaten First Nations' traditions, cultures and livelihoods, for example declining or absent salmon runs due to increasing water temperatures in rivers and changing migration patterns of wildlife.
- D. The Assembly of First Nations (AFN) Joint Committee on Climate Action (JCCA) takes into consideration the full impacts of climate destruction in terms of affecting our cultures, languages, and a safe environment for future generations.
- E. First Nations have been leading both domestic and international efforts on climate destruction which threatens First Nations traditional and cultural livelihoods. .
- F. International leaders have set global targets to reduce carbon emissions as part of the 21<sup>st</sup> Conference of the Parties (COP 21). This led to *the Paris Agreement*, signed by Canada in April 2016. All parties to *the Paris Agreement* agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.
- G. Internationally, First Nations have been involved in the negotiations on the *Local Communities and Indigenous Peoples Platform*, including “*Call on the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to support all efforts, including changing the draft rules of procedures, to improve First Nations’ full and effective participation in the UNFCCC*” (Resolution 101/2017, *Supporting First Nations’ Participation in International Climate Change*).
- H. At a First Ministers Meeting in Ottawa in December 2016, the First Ministers adopted the *Pan-Canadian Framework on Clean Growth and Climate Change (PCF)*, agreeing to recognize, respect, and safeguard the rights of Indigenous Peoples. This was followed by a joint-statement between the National Chief and the Prime Minister, as well as a joint release of a “*Process Document for Ongoing Engagement on the PCF*”, resulting in the creation of the JCCA – a technical body made up First Nations and federal representatives.
- I. Reflecting the diverse nature of First Nations’ regions and their experiences with climate destruction, the JCCA has conducted a collaborative dialogue and advanced advice to the Prime Minister and National Chief in relation to greenhouse gas pollution pricing, First Nations access to federal climate-related funding, and considering Indigenous Knowledge in the implementation of the PCF.
- J. This JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional and national level on issues related to climate destruction, including mitigation and adaptation activities.
- K. The JCCA, as its major deliverable, has developed an Annual Report, summarizing the Committee’s work over the last year, to be submitted to the Prime Minister and the National Chief.

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- L. The AFN has passed numerous resolutions supporting First Nations' involvement in climate destruction discussions including: Resolution 103/2017, *Supporting First Nations' Participation in International Climate Action*, Resolution 21/2017, *Joint Committee on Climate Action*, Resolution 97/2016, *First Nations Full and Meaningful Inclusion in Climate Action*, Resolution 29/2016, *Engaging in Climate Action and the Environment*, Resolution 48/2016, *Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action*, Resolution 59/2015, *Support First Nations in Addressing Climate Change* and Resolution 51/ 2015, *Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies*.

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

1. Support the work of the Joint Committee on Climate Action (JCCA) between First Nations and the Government of Canada, as well as support continued engagement by the Assembly of First Nations (AFN) in the JCCA to promote First Nations full and meaningful inclusion in the *Pan-Canadian Framework on Clean Growth and Climate Change* and other related priorities identified by First Nations based on their inherent rights, titles, Treaties, and other formal arrangements.
2. Call on the Prime Minister to implement the JCCA's recommendations in the areas of greenhouse pollution pricing, federal funding accessibility, and action on climate destruction in full collaboration with the AFN and all Nations.
3. Reiterate that the JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations and that additional efforts must be afforded in order to consult directly with rights holders on issues related to climate destruction, including mitigation and adaptation recommendations, in a manner that is respectful of their unique protocols, and processes.
4. Direct the AFN to call upon the Minister of Environment and Climate Change Canada to provide adequate financial capacity to support First Nations, regions, provincial and territorial organizations, and women, Elders, and youth to participate in these priorities and to maintain their important role as stewards of the environment in successfully managing Canada's climate action.
5. Direct the AFN to continue international work on climate destruction, including through the *United Nations Framework Convention on Climate Change*.

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**TITLE:** **Respect, Protection, and Preservation of Indigenous Knowledge Systems**

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**SUBJECT:** Indigenous Knowledge Systems; Environment; Fisheries

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**MOVED BY:** Chief Terrence Lee Spahan, Coldwater Indian Band, BC

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. 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.
- ii. Article 13 (1): Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- iii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iv. Articles 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.

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- v. Article 31: Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage traditional knowledge and traditional cultural expressions as well as the manifestations of their sciences, technologies, and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. First Nations have a special relationship with Mother Earth and all living things in it, including a collective responsibility to protect the land and resources for future generations.
- C. Collective ownership and responsibility of Indigenous Knowledge Systems (IKS) and its interpretation lies with each First Nation, recognized and affirmed under s. 35 of the *Constitution Act*, 1982, as well as through Treaties, agreements, or other constructive arrangements.
- D. The Convention on Biological Diversity (CBD) has several relevant articles: the Article 8J Working Group has considered traditional knowledge for the last twenty years; and Article 10C to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- E. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has a sub-committee on Aboriginal Traditional Knowledge (ATK) that focuses incorporating Aboriginal Traditional Knowledge into COSEWIC's assessment of species at risk.
- F. The Assembly of First Nations (AFN) rejects and repudiates the doctrine of discovery, "terra nullius", and any other doctrines of superiority as illegal and immoral, and affirms that they can never be a justification for the exploitation and subjugation of First Nations and the violation of human rights.
- G. Western Science and IKS are separate and unique, but can be complementary when balanced and braided together to support fully informed decision-making.
- H. IKS is a valid and essential source of knowledge and a way of being, and the governments and entities described above must follow all related protocols when incorporating it into government decisions and actions, including legislation, policy, regulations, developments, implementation and planning.
- I. In April 2017, at an Advisory Committee on Climate Action and the Environment (ACE) meeting in Halifax, Minister McKenna formally requested the AFN Elders Council assist in the development of a framework to guide how the government approaches and works with IKS, Elders, and Knowledge-Keepers.

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- J. Increasingly federal legislation, such as Bill C-69, *An Act to enact the Impact Assessment Act, Canadian Energy Regulator Act, to amend the Canadian Navigation Protection Act and make consequential amendments to other Acts* and Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*, are referencing the mandatory consideration of IKS in the implementation of the Acts.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal, provincial and territorial governments to:
  - a. Respect, honour, and prioritize, the Indigenous Knowledge Systems (IKS) policies and protocols that First Nations and their Elders and Knowledge Keepers have in place or will put in place
  - b. Require the free, prior, and informed consent (FPIC) of First Nations, including Elders and Knowledge Keepers, regarding requests for the use of IKS
  - c. Provide support and capacity to First Nations to facilitate protection, practice, preservation, and promotion of IKS for future generations. As well as to First Nations to protect and, in some instances, rehabilitate, the lands, waters, air, and environment from which it has been provided
2. Direct the AFN to support and coordinate discussions with First Nations, Elders, Knowledge Keepers, regional organizations, and provincial/territorial organizations, for the development of an IKS Framework.
3. Direct the AFN to call on all responsible federal ministers to provide adequate funding directly to individual First Nations to support the protection, practice, preservation, and promotion of IKS for future generations.
4. Direct the AFN to call on Canada to ensure that legislation, policy, regulations, and programs fully respect the constitutional and other legal obligations of the Crown to First Nations, including the minimum standards set by the *United Nations Declaration on the Rights of Indigenous Peoples*.

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**TITLE:** Small Modular Nuclear Reactors (SMR's)

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**SUBJECT:** Environment

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**MOVED BY:** Chief Duncan Michano, Ojibways of the Pic River First Nation, ON

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**SECONDED BY:** Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
  - i. 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,
- B. The Nuclear Industry, particularly in Ontario, seeks to build and operate small modular nuclear reactors and to operate these reactors in small communities throughout the north.
- C. The Nuclear Industry is seeking assistance from the Government of Canada to conduct research and build these Small Modular Nuclear Reactors (SMR's).
- D. Nuclear reactors, regardless of size, produce bi-products and radioactive waste material that will be toxic and dangerous to human health for thousands of years.
- E. The Nuclear Industry in Canada has nowhere to store this waste and as of June 30, 2017, Canada has an inventory of about 2.8 million used nuclear fuel bundles with an average of 90,000 additional used fuel bundles being generated each year.
- F. The Nuclear Waste Management Organization is currently seeking out willing communities to construct a long-term underground repository in Ontario to store Canada's nuclear waste.

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- G.** The First Nations of Ontario oppose the construction and operation of these reactors.
- H.** The First Nations of Ontario have a duty to protect the health of their citizens today and in the future.

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

- 1.** Demand that free, prior and informed consent is required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories.
- 2.** Demand that the Nuclear Industry abandon its plans to operate Small Modular Nuclear Reactors in Ontario and elsewhere in Canada.
- 3.** Demand that the Government of Canada cease funding and support of the Small Modular Nuclear Reactors program.
- 4.** Direct that the National Chief and appropriate staff work to ensure that the Nuclear Industry and the Canadian Government abandon this program.

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**TITLE:** Eco-Agricultural Strategy

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**SUBJECT:** Agriculture, , Environment

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**MOVED BY:** Chief Richard O'Bomsawin, Conseil de bande d'Odanak

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**SECONDED BY:** Chief Manon Jeannotte, La Nation Micmac de Gespeg, QC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 26 (1): Indigenous peoples have the rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- B. First Nations hold Aboriginal title and rights that are recognized and affirmed in Section 35 of the *Constitution Act*, 1982.
- C. First Nations regard themselves as “keepers of the land”, with the responsibility to safeguard the livelihood, security, cultural identity, territorial integrity and biodiversity protection for seven generations.
- D. Traditionally, First Nations across the country hunted and gathered plants for food and medicinal purposes. Each First Nations diet depended on what was available in their natural local environment.
- E. Traditional agriculture is inspired from the natural ecosystem functions of a stable ecosystem based on “chemically empty” bio-diverse multi-functional soil.

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- F.** Industrial agricultural use of synthetic chemicals on First Nations' traditionally owned, occupied or otherwise used or acquired land threaten the soil, water and biodiversity.
- G.** Traditional food systems are based on the understanding that we hunt, fish and gather what we need so that future generations will not be put in peril.
- H.** The Government of Canada has signed the Convention on Biological Diversity as well as the United Nations' 2030 Agenda for Sustainable Development that calls for Indigenous peoples' participation.

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

- 1.** Direct the Assembly of First Nations (AFN) to call on the federal, provincial and territorial governments, and related municipalities to remediate First Nations agricultural lands immediately by providing financial and technical support in relation to:
  - a.** Collection of baseline data on soil biodiversity, on land traditionally owned, occupied or otherwise used or acquired by First Nations.
  - b.** Agricultural soil remediation based on traditional agriculture and traditional food systems principles, as well as modern science, technologies, practices and tools.
  - c.** Implementation of sustainable local food production and distribution practices.
  - d.** Permanent measurement of sustainable remediation progress related to agricultural soil's biodiversity, and water quality of related watersheds streams and rivers.
  - e.** Review annually the progress made.

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**TITLE:** **Indigenous Protected and Conserved Areas - Pathway to Canada Target 1: Conservation 2020 Initiative**

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**SUBJECT:** Environment

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

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**SECONDED BY:** Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regards.
- 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 (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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- iv. 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 world is in the midst of a growing global biodiversity crisis that has significantly disrupted the sacred relationship of First Nations with Mother Earth and has resulted in a critical imbalance in the environment and all living beings.
- C. Indigenous peoples have been diligent and ingenious cultivators of biological diversity through their traditional practices and economies rooted in natural law since time immemorial.
- D. First Nations share inherent rights and responsibilities and associated knowledge systems and traditional laws to protect and defend Mother Earth.
- E. No relationship is more valuable to First Nations than that with the natural environment and the wildlife contained within.
- F. First Nations are uniquely positioned through their intimate relationship with the land, traditional ways of knowing, and management practices to lead efforts to protect, conserve and sustainably manage the environment and biodiversity contained within.
- G. The unique relationship between Indigenous Peoples and the environment is recognized as an essential role within the *United Nations Declaration on the Rights of Indigenous Peoples*, including the importance of traditional knowledge in the protection and conservation of the environment and its species.
- H. The Crown has the duty to obtain the free, prior and informed consent of First Nations on matters impacting First Nations rights. The honor of the Crown is always at stake in these situations.
- I. Assembly of First Nations (AFN) Resolution 23/2017, *Parks Canada Pathway to Canada Target 1: Conservation 2020 Initiative* mandates the AFN's involvement in the Pathway Initiative.
- J. The AFN has agreed to continue its participation in the Pathway to Canada Target 1 Initiative to the extent that it could provide a forum for further engagement on conservation and protection.
- K. The 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, stewardship, protection and conservation of the environment.
- L. First Nations require effective tools and capacity to ensure environmental protection for the lands, waters, air, and future generations.

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

1. Support the Assembly of First Nations (AFN) continued involvement in the Pathway to Canada Target 1: Conservation 2020 Initiative.
2. Direct the AFN Advisory Committee on Climate Action and the Environment (ACE) to establish an Indigenous Protected and Conserved Areas sub-working group that will work collaboratively to identify priorities, issues and concerns as they relate to the establishment and implementation of Indigenous Protected and Conserved Areas.
3. Direct the AFN to engage with the Minister of Environment and Climate Change to support the ongoing establishment and implementation of Indigenous Protected and Conserved Areas as one mechanism to support First Nations leadership in environmental conservation, protection and management.
4. Call on the Government of Canada to recognize, respect and fully implement First Nations inherent rights, Treaties, Title and jurisdiction, including First Nations knowledge systems, laws, governance, and management systems as a primary means of protecting Mother Earth.
5. Direct the AFN to urge the Minister of Environment and Climate Change Canada to ensure the full and effective participation of First Nations in all aspects of environmental conservation and protection through dedicated resources to enhance capacity and leadership in governance and management processes including policy, program and regulatory decision making processes.

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**TITLE:** Closing the Environmental Protection Regulatory Gap on First Nations Lands

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**SUBJECT:** Environment

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**MOVED BY:** Chief Elaine Johnston, Serpent River First Nation, ON

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.

**B.** No relationship is more valuable to First Nations than that with Mother Earth, the natural environment and everything contained within, including animals and marine life, forests and plants, surface and sub-surface waters and the air.

**C.** 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, stewardship, protection and conservation of the environment.

**D.** First Nations require effective tools, funding, and capacity to ensure environmental protection for the lands, waters, air, and First Nations peoples, especially children, mothers, and families.

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- E.** There are significant gaps in on-reserve environmental protections resulting from inadequate legislation, policy, regulatory tools, and enforcement capabilities under Part 9 of the *Canadian Environmental Protection Act*, 1999.
- F.** AFN Resolution 41/2017, *Environmental Protection on First Nations Lands* and Resolution 52/2017, *First Nation Environmental Law* were passed on the need to address gaps in environmental protection for First Nations and need for Canada to establish processes and obtain free, prior, and informed consent with Aboriginal Title and Treaty rights holders when pursuing changes to environmental law.
- G.** The federal government, in their response letter to the Standing Committee on the Environment and Sustainable Development, chose to not amend the *Canadian Environmental Protection Act*, 1999, but has indicated to the AFN they are interested in engaging on the regulatory gap and will be developing a policy framework regarding “vulnerable populations,” the definition of which First Nations may be included under.

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

- 1.** Direct the Assembly of First Nations (AFN) to continue to urge the federal government to immediately address the on-reserve environmental protection gap through legislative, policy, regulatory, and program reforms, including to the *Canadian Environmental Protection Act*, in consultation and partnership with First Nations.
- 2.** Call on the Government of Canada to recognize, respect and fully implement First Nations inherent rights, Treaties, Title and jurisdiction, including First Nations laws, governance, and management systems.
- 3.** Call on the Government of Canada to immediately address the long-standing gaps in environmental protection on First Nations lands in full consultation and partnership with First Nations.
- 4.** Direct the AFN to engage with the Minister of Environment and Climate Change Canada and the Minister of Indigenous Services Canada to seek an appropriate resolution to this matter.
- 5.** Direct the AFN to urge the Minister of Environment and Climate Change Canada and the Minister of Indigenous Services Canada to ensure the full and effective participation of First Nations in all aspects of environmental protection through dedicated resources to enhance capacity as well as co-development of legislation, policy, regulations, and programs, including for regulatory enforcement.

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**TITLE:** North American Caribou Protection, Conservation, Management and Recovery

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**SUBJECT:** Environment

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**MOVED BY:** Chief Archie Waquan, Mikisew Cree First Nation, AB

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**SECONDED BY:** Chief John Smith, Tlowitsis First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states that:
- 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 7 (1): Indigenous peoples have the rights to life, physical and mental integrity, liberty, and security of the person.
  - iii. Article 29 (1): Indigenous peoples have the right to conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.
  - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. Caribou are an iconic species integral to the existence of many First Nations across North America for food, social, ceremonial, cultural, and economic purposes.
- C. Caribou across North America have seen up to 99% reduction in population in some herds since 2001.

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- D. Effective protection, conservation, management, and recovery of caribou will require First Nations traditional knowledge be considered and applied collaboratively with western science.
- E. In the face of rapid climate change and increased human disturbance, ensuring the health of all caribou herds is of utmost priority to First Nations.
- F. The communities around the Lake Nipigon and North Superior region have requested to be exempted from this resolution in order to develop their own strategy.

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

1. Call on the Government of Canada, as well as provincial and territorial governments, to immediately address the crisis facing caribou populations in full consultation and partnership with First Nations.
2. Direct the Assembly of First Nations (AFN) to urge the Minister of Environment and Climate Change Canada to ensure the full and effective participation of First Nations in all aspects of caribou protection, conservation, management, and recovery action.
3. Direct the AFN to work collaboratively with all concerned First Nations, regional organizations, relevant federal, provincial and territorial governments, industry, non-governmental organizations, and academia to participate in existing and or develop new multi-lateral processes for First Nations to inform action on protection, conservation, management planning, and recovery of all North American caribou.
4. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) and other relevant Ministers to allocate adequate resources to support First Nations nationally and regionally, as well as women, Elders, and youth to participate in these activities and to maintain their important role as stewards of the environment and the biodiversity found therein.
5. Direct the AFN to facilitate a National dialogue on the North American Caribou emergency.
6. Direct the AFN to convene a working group on caribou to report to the AFN Advisory Committee on Climate Action and the Environment to support AFN's efforts on caribou protection, conservation, management and recovery planning.

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**TITLE:** Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes

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**SUBJECT:** Federal Legislation

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

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**SECONDED BY:** Chief Denise Stonefish, Delaware Nation (Moravian of the Thames) ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The inherent rights, languages, laws, legal orders 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.
- B. The international right of self-determination is confirmed in Article 1(1) of the *International Covenant of Civil and Political Rights* and is confirmed by the United Nations Charter.
- C. The relationship between First Nations and The Crown has been and must continue to be governed by international law.
  - i. Treaties concluded with European powers or their successors are international Treaties of peace and friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments.
  - ii. The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples.

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- iii. The cornerstone of the Vienna Convention on the Law of Treaties is the principle of *pacta sunt servanda* (agreements must be kept), meaning that the Crown cannot unilaterally nullify Treaty arrangements.
  - iv. Non-treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
  - v. Terra nullius, conquest, and armed force have been determined to be illegitimate methods of depriving a People or Nation of their nationhood or international status
- D. The Recognition and Implementation of Rights Framework (the Framework) and associated processes undermine the true Nation-to-Nation relationship between First Nations and the Crown by:
- i. Openly rejecting free, prior, and informed consent (FPIC) as a guiding principle of the relationship between the Crown and First Nations. This is made evident by *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (Ten Principles) document which states that the Crown will *aim* to secure FPIC.
  - ii. Calling for the infringement of inherent and unextinguished rights and jurisdictions of First Nations. The *Ten Principles* document clearly states that infringement of Aboriginal rights will continue unabated in situations where Canadian courts find it "justified" or where it is found to be in the best interest of the nation.
  - iii. Setting the parameters of First Nations inherent rights, Treaties and the international right of self-determination by enforcing the Canadian constitutional framework as the only vehicle to exercise our rights.
- E. The Framework sidelines important questions of Aboriginal title, Treaty obligations, land rights, and access to natural resources.
- F. Despite the Crown's commitment to a distinctions-based approach, the Framework is blanket legislation that attempts to accommodate First Nations, Inuit, and Métis, despite their significant differences. The Métis are touted by government officials and the media as being supporters of the proposed Framework and make up 40% of those included in Discussion Tables by population. This is an attempt to fabricate support for the Framework and sideline First Nations opposition.
- G. There have been no changes to the Framework process since it was announced in February 2018, despite widespread criticism and outright rejection from First Nations across the country. Unilaterally developed policy and legislation that sets the parameters of the Crown's relationship with First Nations is in direct contravention of the Nation-to-Nation relationship and the Crown's obligations under international law.

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

1. Acknowledge that First Nations shall exclusively exercise their inherent rights without interference and are free to determine their own paths to self-determination.
2. Reject the following documents:
  - a. *The Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (Ten Principles)
  - b. The *What We Heard So Far* document
  - c. *The Engagement Document*
  - d. *The Overview of a Recognition and Implementation of Indigenous Rights Framework* (the Overview Document)
  - e. All other related structural changes to government as a result of this process.
3. Reject the proposed Recognition and Implementation of Indigenous Rights Framework (the Framework) and take all necessary steps to prevent the Framework from being unilaterally legislated.
4. Call on the Assembly of First Nations (AFN) to support First Nations in developing their own Nation-building processes, including law-making, institution-building, and research of traditional governance systems in order for First Nations to begin developing standards of governance and law-making and to assert their inherent rights outside the purview of Canadian legislative control.
5. Affirm First Nations leaders, Elders, women, men, and youth have and continue to re-invigorate Indigenous languages, jurisdictions, and governance, in the spirit and intent of our Creator-granted laws upon the lands we have inherited from our ancestors and hold in trust for future generations.
6. Call upon the Prime Minister of Canada to convene a meeting for the purposes of addressing the mandate outlined on February 14, 2018 and to assess and recommence the Nation-to-Nation relationship.
7. Call on the AFN to hold a forum for the purpose of establishing First Nations principles to solidify our approach with the Crown.

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**TITLE:** Support for the First Nations Major Projects Coalition

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**SUBJECT:** Economic Development

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**MOVED BY:** Chief Willie Blackwater, Gitsegukla Indian Band, BC

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**SECONDED BY:** Chief Bradley Swiftwolfe, Moosomin First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 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.
- iii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iv. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

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- v. Article 29: 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.
  - vi. Article 32: 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. Many of our Nations' territories are impacted by some form of major project development. First Nations need access to information and tools to make informed decisions about any proposed development within their territories.
  - C. The First Nations Major Projects Coalition (FNMPC), having a membership of 48 First Nations in 5 provinces, is an optional, community-driven and Nation-based organization that is non-political and First Nations-led.
  - D. The vision of the FNMPC includes "member First Nations working collaboratively, cooperatively and cohesively towards the enhancement of the economic well-being of our respective memberships, understanding that a strong economy is reliant upon a healthy environment, supported by vibrant cultures, languages and expression of our traditional laws."
  - E. First Nations who have chosen to join the FNMPC are receiving business capacity support and other technical tools free of charge to assist them in making informed decisions concerning the economic and environmental aspects of major project development.
  - F. The FNMPC is a vehicle of collaboration, intended to bring the community level interests of First Nations together with the shared priorities of national organizations to strengthen a First Nations-led approach to major project development.

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

- 1. Recognize and support the work of the First Nations Major Projects Coalition as an optional, First Nations-led organization dedicated to building tools to assist our Nations in making informed business decisions.

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**TITLE:** First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development

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**SUBJECT:** Bill C-69; Environment; Fisheries

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**MOVED BY:** Chief Archie Waquan, Mikisew Cree First Nation, AB

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**SECONDED BY:** Chief Irvin Bull, Louis Bull First Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.

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- B.** The Assembly of First Nations (AFN) has passed eight resolutions concerning this process: Resolution 07/2018, *Addressing First Nations Rights, Title, and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*; Resolution 73/2017, *Environmental and Regulatory Reviews – Phase 3*; Resolution 20/2017, *Respecting Inherent Jurisdiction over Waters Parallel to the Review of Canada’s Navigation Protection Act*; Resolution 19/2017, *Resetting the Role of First Nations in Environmental and Regulatory Review*; Resolution 86/2016, *Meaningful Consultation and Engagement with First Nations in the Environment and Regulatory Review*; Resolution 64/2016, *Support for Stk’emlupsemc te Secwepemc Nation Project Assessment Process*; Resolution 12/2016, *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; and Resolution 35/2016, *First Nations’ inclusion in the review of Environmental and Regulatory processes*.
- C.** Prime Minister Justin Trudeau publicly committed “to a renewed nation-to-nation relationship with First Nations (...) one that is based on recognition of rights, respect, cooperation and partnership” and to “conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government.”
- D.** On June 20, 2016, the Government of Canada announced a broad public review of various environmental and regulatory processes that includes:
- i. Reviewing federal environmental assessment processes
  - ii. Modernizing the National Energy Board
  - iii. Restoring lost protections and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*.
- E.** First Nations overwhelmingly participated in a two-year process involving two expert panels, a federal discussion paper, and in-person technical sessions that informed the preparation of Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, which the Minister of Environment and Climate Change introduced on February 8, 2018.
- F.** Bill C-69 has passed through the House of Commons and is currently with the Senate. On September 18, 2018, the Bill began its second reading. Following this stage, the Bill is expected to be referred to the Senate Committee on Energy, the Environment, and Natural Resources (ENEV), where the Committee will invite witnesses to appear.
- G.** The Canadian Association of Petroleum Producers and the Province of Alberta have launched significant public campaigns against Bill C-69. Premier Rachel Notley has expressed reservations about the Bill and its impact on Alberta’s oil and gas industry.

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- H. The Province of Alberta has wrongly claimed it has a rigorous environmental assessment process, with good consultation and effective management of cumulative effects, so that industrial projects impacting Treaty rights do not need federal review. Therefore, Alberta is improperly requesting that in situ development not be included on the project list under Bill C-69.
- I. The current approach to the project list is to include projects that have the potential to impact areas of federal jurisdiction; especially in areas where there is intense development and cumulative effects are significant and must be considered in decisions to designate projects. Triggers should include potential impacts to areas of federal jurisdiction including: Section 35 rights, reserves, water quality and quantity, migratory birds, species at risk, the watersheds of places like the Peace River, Slave River, Mackenzie River, and Great Slave Lake, and protected areas, including, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO) designated protected sites .
- J. Athabasca Region First Nations (Athabasca Chipewyan First Nation, Chipewyan Prairie Dene First Nation, Fort McKay First Nation, and Mikisew Cree First Nation) have experienced the shortfalls of the current approach to the project list and environmental assessment process firsthand, with impacts negatively affecting their environmental and community health and endangering the UNESCO designation of the Wood Buffalo National Park.
- K. Since entering the Senate, Bill C-69 has received significant opposition, with opponents calling on Senators to either kill or delay the Bill in perpetuity. Due to this pressure, there is increasing risk that input from First Nations will be lost. If the Bill does not receive Royal Assent by March 2019, there will not be enough time to participate in the formal Regulatory process (Canada Gazette I and II) before the writ is dropped and an election is called.
- L. At the same time, Canada is engaging in a process of reviewing policies, regulations and guidelines relating to Bill C-69. This process has started and is expected to take between twelve and eighteen months.
- M. Canada has released consultative papers on two regulations pertaining to *the Impact Assessment Act*: Regulations Designating Physical Activities (Project List); and Information Requirements and Time Management Regulations. They have also released consultative papers on two regulations pertaining to the Canadian Energy Regulator Act: Designated Officer Regulation; and Damage Prevention Framework for Federally Regulated Power Lines.
- N. First Nations expect to co-draft polices, regulations, and guidelines for the environmental and regulatory processes, at, or above, the precedent set in the development and eventual passage of the *Species-at-Risk Act*, which involved full, direct, and unfettered participation of First Nations (Resolution 07/2018, *Addressing First Nations Rights, Title and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*).

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- O. The Athabasca Region First Nations (Athabasca Chipewyan First Nation, Chipewyan Prairie Dene First Nation, Fort McKay First Nation, and Mikisew Cree First Nation) have advocated for the passing of Bill C-69 and that federal assessment and oversight is required in the oil sands region, including in situ development.

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

1. Direct the Assembly of First Nations (AFN) to urge the Senate to refer Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, to the Senate Committee on Energy, the Environment, and Natural Resources and ensure that rights holders participate in the hearing process in a timely manner that is respectful of their unique protocols, and processes, in order to complete the process before the next federal election.
2. Support the Athabasca Region First Nations (Athabasca Chipewyan First Nation, Chipewyan Prairie Dene First Nation, Fort McKay First Nation, and Mikisew Cree First Nation) position on the need for the ratification of Bill C-69 and for improvements to the Project List under Bill C-69 to include in situ projects and projects that may impact Section 35 rights, reserves, water quality and quantity, migratory birds, species at risk, the watersheds of places like the Peace River, Slave River, Mackenzie River, and Great Slave Lake, and impacts to protected areas including, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Sites, like the Wood Buffalo National Park.
3. Call on Canada to engage in a focused dialogue with First Nations to substantively identify, recognize, and engage the protocols, elements, and processes to conduct joint regulatory and policy drafting.
4. Direct the AFN to continue supporting and coordinating, where possible, the interventions and participation of First Nations, regional organizations, and provincial/territorial organizations in the joint drafting process. This could include creating regional-specific processes to address regions with specific concerns including support provisions as part of a Nation-to-Nation relationship.
5. Call again on Canada to provide adequate funding directly to individual First Nations for their full, direct, and unfettered participation in the joint regulatory and policy drafting of Bill C-69.
6. Call on Canada to ensure that regulatory and policy development fully respects the constitutional and other legal obligations of the Crown to First Nations and standards set by the United Nations Declaration on the Rights of Indigenous Peoples.
7. Call on the AFN to continue conducting regional information-sessions to support First Nations, regional organizations, and provincial/territorial organizations in the process.

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**TITLE:** First Nations – Municipal Community Economic Development Initiative (CEDI)

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**SUBJECT:** Economic Development

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**MOVED BY:** Bonnie Leonard, Proxy, Shuswap First Nation, BC

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples 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: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B.** Since 2013, the Council for the Advancement of Native Development Officers (CANDO) and the Federation of Canadian Municipalities (FCM) have delivered the First Nations – Municipal Community Economic Development Initiative (CEDI).

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- C. Phase 1 (2013-2016) of the initiative worked with six First Nations and municipalities. All six of the partnerships have completed the CEDI program. The majority of the partnerships have excelled in their collaboration through a number of initiatives, including a joint tourism strategy, a joint local business attraction strategy, tri-council leading regional strategic planning and the co-management of a joint economic development officer position between a First Nation and a municipality.
- D. Phase 2 (2016-2021) is currently working with nine First Nations – municipal partnerships. As Phase 2 will come to a close in 2021, increased First Nations support to co-develop the next Phase is required in order to ensure that CEDI is Indigenous-led and maintains its relevance to First Nations' economic development needs across Canada.
- E. To date, CEDI has been funded by Crown-Indigenous Relations Canada (CIRC). Currently FCM holds the Funding Agreement with CIRC, and CANDO negotiates an annual Contribution Agreement with FCM.
- F. CANDO is an Indigenous-controlled, community-based and membership-driven organization. Its vision is to build capacity that strengthens Indigenous economies by providing programs and services to economic development officers (EDOs), whose work focuses on Indigenous peoples' economic development. CANDO strongly advocates for CEDI to be responsive to, and address, First Nations economic development needs and priorities.
- G. In 2016, Phase 2 called for applications from First Nations and municipalities across Canada. Forty-six applications were received from First Nations and thirty-six from municipalities. Only ten partnerships were accepted based on available funding.
- H. In 2019, CANDO and FCM will complete a Return on Investment (ROI) study for CEDI, as there is currently no research on the social and economic impacts of, or cost-benefit data on, joint First Nations – municipal economic development partnerships. This study will highlight the benefits of CEDI and provide much needed information about the increased level of investment that is required from government and corporate partners

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

1. Direct the Assembly of First Nations (AFN) to support and advocate for the Community Economic Development Initiative (CEDI) as a relevant and valuable program for First Nations economic development.
2. Direct the AFN to call upon the federal government, specifically Crown-Indigenous Relations Canada (CIRC), to provide ongoing funding for CEDI and future iterations of First Nations – municipal joint economic development programming, and to provide the funding directly to the Council for the Advancement of Native Development Officers (CANDO) as the Indigenous CEDI delivery partner.

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3. Direct the AFN Chiefs Committee on Economic Development (CCED) to lead the development of a National Framework for First Nations – municipal joint economic development, and work collaboratively with CANDO and the Federation of Canadian Municipalities to develop the next iteration of CEDI.
4. Direct the AFN to advocate that the federal government, specifically CIRC, and provincial governments ensure that complementary funds are contributed by other federal and provincial ministries for the design and establishment of a National Framework for First Nations – municipal joint economic development.

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<b>TITLE:</b>	<b>Support for the Hazelton Indigenous Court</b>
<b>SUBJECT:</b>	Legal, Health
<b>MOVED BY:</b>	Chief Tony Morgan, Gitanyow Village Government (Nisga'a), BC
<b>SECONDED BY:</b>	Chief Willie Blackwater, Gitsegukla Indian Band, BC
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on Rights of Indigenous Peoples states:
- i.** Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the state.
  - ii.** Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
  - iii.** Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
  - iv.** Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

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- B.** The Government of Canada has accepted and agreed to implement the Truth and Reconciliation Commission's Calls to Action. The Calls to Action state:
- i.** Recommendation #30: We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal Peoples in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
  - ii.** Recommendation #31: We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to underlying causes of offending.
- C.** Indigenous peoples in Canada have been disproportionately affected by poverty, colonization and disrupted family relationships. As a result of this history of colonization and institutionalized oppression, they have been found to have higher rates of Fetal Alcohol Spectral Disorder (FASD), alcoholism, Post-Traumatic Stress Disorder (PTSD), suicide, drug addiction, physical and emotional abuse. The purpose of the Hazelton Indigenous Court initiative is to provide an alternative to the mainstream court system that is inclusive and designed by Indigenous people to resolve problems in a manner that is culturally appropriate and promotes balance and healing. This holistic approach is for both the offender and alleged victims.
- D.** Overrepresentation of Indigenous people in the correctional system is a crisis across Canada. For example, Indigenous people make up 5 percent of British Columbia's (BC) population and about 11 percent of the population in the cities in the province. However, they account for nearly 25 percent of B.C.'s prison population. In addition, approximately 75 percent of the inmates at Prince George Regional Correctional Centre are Indigenous. A large number of the Indigenous people that are from Hazelton and the surrounding area complete their sentencing time in the city of Prince George. Further, 73.35 percent of those sentenced in the Smithers and Hazelton area are Indigenous.
- E.** The Hazelton Indigenous Court committee has spent the last 5 years working on the implementation of the court, but has experienced barriers moving forward due to funding and resource issues. Financial and moral support is needed for the development of this community involved court, as there are many on and off-reserve Indigenous peoples that would benefit from its service.
- F.** Respect and dignity is needed for Indigenous peoples in the court system. The Hazelton Indigenous Court allows for community members to help individuals in the community. This is a change from the individual focus in the provincial court system, which does not focus on community involvement.

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

1. Support the approval, development and start-up of the Hazelton Indigenous Court.
2. Direct the Assembly of First Nations (AFN) to respectfully call upon the Government of Canada to support the approval and establishment of the Hazelton Indigenous Court.
3. Strongly advocate that the Government of Canada commit to the implementation of Recommendation 31 of the Truth and Reconciliation Commission by providing sufficient and stable funding to cover costs of development, training, start-up, and ongoing services as needed for the success of the Hazelton Indigenous Court. Funding is required for the following:
  - a. Coordinator: to coordinate and facilitate the deliverable for the success of the Indigenous court process.
  - b. Training, services and support for the Elders who will be working in the court.
  - c. Creation and delivery of individual healing plans for the offender, victims and community.
  - d. Development of cultural programs to address the offenders underlying trauma and addiction issues.
  - e. Educational workshops addressing the function and services of the Hazelton Indigenous Court on-reserve in collaboration of the membership and Chief and Council.
  - f. Surveying the legal gaps in First Nations that may impact the offender, victim and community, such as residential tenancy, human rights, employment law, estate administration and housing issues.

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<b>TITLE:</b>	<b>Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. plaintiffs</b>
<b>SUBJECT:</b>	Residential Schools Survivors, Reconciliation
<b>MOVED BY:</b>	Chief Willie Blackwater, Gitsegukla Indian Band, BC
<b>SECONDED BY:</b>	Chief Corrina Leween, Cheslatta Indian Band, BC
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples 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 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 *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).
- E. The Truth and Reconciliation Commission's Call to Action #80 calls upon the Federal Government, in collaboration with Aboriginal peoples, to establish as a statutory holiday a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.

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- F. Orange Shirt Day is a legacy of the St. Joseph's Mission Residential School Commemoration Project and Reunion that took place in May 2013. Phyllis Webster shared her story of St. Joseph's Mission Residential School when she had her new 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. 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. The BC Assembly of First Nations Chiefs (BCAFN) passed Resolution 18/2014, *Support for Orange Shirt Day: A National Day to Honour Survivors of Residential Schools*, directing the BCAFN to promote and uphold the meaning of Orange Shirt Day and help to raise awareness regarding the intent and meaning of Orange Shirt Day.

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

1. Reaffirm the importance of Orange Shirt Day as a National Commemorative Day for those that attended Indian Residential Schools (IRS), the survivors, the intergenerational survivors, and their families.
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) and families across Canada.
3. Direct the National Chief to call upon the federal government to ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.
4. Direct the National Chief to call upon the federal government to declare September 30 as a National Statutory Holiday to honour IRSS, their families and communities.
5. Direct the National Chief to call upon the federal government to work collaboratively and collectively with the Assembly of First Nations to host a national honouring and recognition ceremony for the *Blackwater et. al plaintiffs* on Orange Shirt Day September 30, 2019, in Vancouver, British Columbia.

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**TITLE:** Support for the Moose Hide Campaign

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**SUBJECT:** Social, Justice

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

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 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 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.
- v. 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.** Indigenous women are three times more likely to experience domestic violence than non-Indigenous women and three times more likely than non-Indigenous women to be killed by someone they know. This cycle of violence is rooted in the intersecting issues of colonization, residential schools, and racism. This is a rampant issue that has led to high numbers of missing and murdered Indigenous women and girls, and has caused women and girls to feel unsafe in their homes and First Nations.
- C.** The Moose Hide Campaign is a grassroots movement of Indigenous and non-Indigenous men and boys who stand up to end violence towards women and children. Wearing a square of moose hide signifies their commitment to honour, respect, and protect the women and children in their lives and to work together to end violence against them. The Moose Hide Campaign's vision is to spread its message to organizations, communities, and governments throughout Canada through the distribution of 10 million moose hide squares.
- D.** The Moose Hide Campaign enables men and boys to take proactive action toward the elimination of violence against women and girls.

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

- 1.** Fully support the Moose Hide Campaign and commit to ending violence against women and children.
- 2.** Direct the National Chief to provide a letter of support to the Moose Hide Campaign.
- 3.** Call upon all levels of government and all Canadians to commit to supporting the Moose Hide Campaign and to wear the Moose Hide pin to symbolize their commitment to end violence against women and children.
- 4.** Urge all levels of governments to ensure adequate resourcing is provided to Indigenous organizations who are proactively working to end violence against Indigenous women and children.
- 5.** Direct the Assembly of First Nations to work with the Moose Hide Campaign and other like-minded organizations to ensure that all provinces/territories and the Government of Canada makes progress on ending violence against Indigenous women and children.

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**TITLE:** Non-Insured Health Benefits: Ongoing Commitment to a Joint Process

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**SUBJECT:** Health

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

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**SECONDED BY:** Chief Irvin Bull, Louis Bull First Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Canada holds Treaty obligations to provide adequate and equitable health care to First Nations that remain outstanding and unfulfilled. The Nation-to-Nation and Treaty relationship requires these outstanding obligations be met. The Crown holds an obligation to First Nations health as a result of Treaties, including the Medicine Chest clause in Treaty Six, as well as section 35 of the *Constitution Act*, 1982.
- B. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
  - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that affect them.
  - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - 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

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involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

- v. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
  - vi. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
- C.** Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- D.** The First Nations and Inuit Health Branch (FNIHB) has transferred to the newly constituted Department of Indigenous Services Canada (ISC), a transition that requires ongoing extensive engagement with First Nations rights holders.
- E.** Via the Prime Ministers' mandate letter, the Minister of ISC, Minister Philpott, has been tasked with innovating FNIHB in a manner which supports health and wellness models that are patient-centered, community wellness oriented, and holistic, through mechanisms which bring control and jurisdiction to First Nations themselves.
- F.** Non-Insured Health Benefits (NIHB) is FNIHB's national medically necessary health benefit policy that provides coverage for benefit claims for a specific range of drugs, dental care, vision care, medical supplies and equipment, mental health counselling and medical transportation for eligible First Nations and Inuit.
- G.** Due to the restrictive and discretionary policies of NIHB and the narrow interpretation of those policies, First Nations do not have equitable access to health care comparable to that of the general population.
- H.** As mandated by AFN Resolution 56/2012, *Moratorium and Joint Review of Non-Insured Health Benefits*, the AFN and FNIHB have undertaken a NIHB Joint Review which started in 2014 and is set to be complete in 2019 with a final report that will include joint recommendations on each benefit area of the NIHB program and a review of Operational and Administrative issues of NIHB as a whole.
- I.** Despite successes and the comprehensive recommendation and implementation plans developed by the Joint Review Steering Committee (JRSC) using First Nations engagement feedback, regional reports, client and provider surveys, the JRSC has acknowledged that improving NIHB will require an on-going commitment to continue to address the fundamental program short-comings and to reflect a needs-based approach that considers the on-going and historical impacts of colonization on First Nations.

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

1. Call on the Minister of Indigenous Services Canada (ISC) and the First Nations and Inuit Health Branch (FNIHB) to continue to fully and meaningfully engage with the Assembly of First Nations (AFN) and First Nations for the on-going improvement of the Non-Insured Health Benefits Program (NIHB) that is responsive to the high rates of illness and diseases in First Nations, changing health priorities, growing populations and on the ground realities.
2. Call on the Minister of Indigenous Services Canada and FNIHB to initiate a conversation with the AFN and First Nations on a pathway moving forward for health transformation, including a transformative approach to NIHB.
3. Call for a formalized process that is jointly determined by FNIHB, the AFN and First Nations in the spring of 2019 with a terms of reference that clearly states the purpose of the group, and its roles and responsibilities as part of a long-term approach beyond the joint review process, including considerations for supporting health transformation and the transformation of NIHB.
4. Call on the Minister of Indigenous Services Canada to commit resources to the AFN and First Nations to support the capacity required to ensure ongoing work related to NIHB is adequately resourced and to provide First Nations with the ability to seek independent advice and content expertise as required.

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**TITLE:** Support Papaschase First Nation's Assembly of First Nations Membership

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**SUBJECT:** Membership

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**MOVED BY:** Chief Billy Morin, Enoch Cree Nation, AB

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**SECONDED BY:** Conroy Sewepagaham, Little Red River Cree Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - iii.** Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B.** The Charter of the Assembly of First Nations states:
- i.** Article 4: All First Nations in Canada have the right to be Members of the Assembly of First Nations.
- C.** The Papaschase First Nation signed an adhesion to Treaty 6 on August 21, 1877, and was a recognized band under the *Indian Act*.
- D.** Most members of the Papashase Band were forcibly removed from Reserve #136 and forced to join other bands such as Enoch, Alexander and Maskwacis as their lands were seized by the Federal Government.

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- E. Papaschase descendants organized themselves and held an election for Chief and Council on August 21, 1999. The Council's mandate is to provide good governance, represent the descendants on all issues and to obtain a just settlement for the unlawful surrender of Indian Reserve #136, and to pursue recognition of the Papaschase First Nation.
- F. The Confederacy of Treaty Six provided a resolution in support of the Papaschase Descendant's land claim in 1995.
- G. The Chiefs-in-Assembly passed Resolution 48/2005, *Mandate and Direction to Address "Bandless-Landless Issues"*, mandating the AFN to work with First Nations that are often referred to as "Bandless or Landless" bands by Canada to address their long outstanding issues and unjust treatment of their members by Canada.
- H. Meetings were held in September 2018 and October 2018, between Regional Director General (RDG) for the Alberta Region of the Department of Crown-Indigenous Canada, Jim Siisson, members of his staff, Chief Calvin Bruneau and advisors to discuss the official recognition of the Papaschase First Nation by the federal government.
- I. The Assembly of Treaty Chiefs of Alberta passed Resolution R#05/2018/11/14, *Support the Full Recognition of Pahpaschase*, supporting Papaschase First Nation in its quest to right past wrongs and once again achieve full recognition by Canada as a First Nation.

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

1. Support Papaschase First Nation in its quest to right past wrongs, and once again achieve full recognition by Canada as a First Nation.
2. Accept the Papaschase First Nation as a member of the Assembly of First Nations.

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**TITLE:** First Nations Child Development and Well-Being Longitudinal Study

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**SUBJECT:** Health, Social

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**MOVED BY:** Chief Larry Roque, Wahnapiatae First Nation, ON

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**SECONDED BY:** Chief Valerie Richer, Atikameksheng Anishnawbek, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

**B.** The Truth and Reconciliation Commission of Canada Calls to Action # 55 calls upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

- i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
- ii. Comparative funding for the education of First Nations children on and off reserves.

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- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
  - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
  - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
- C.** On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued a landmark ruling that First Nations children living on-reserve and in the Yukon are treated in a discriminatory manner by the federal government in its provision of child and family services. The Tribunal ordered the federal government to completely overhaul its on-reserve child welfare program, cease applying a narrow definition of Jordan's Principle, and adopt measures to immediately implement the full meaning and scope of Jordan's Principle.
- D.** The only national data collection on First Nations child welfare is via the Canadian Incidence Study on Reported Child Abuse and Neglect which is a cross-sectional study (done approximately every 5 years) tracking cases reported to child welfare to the time a case decision is made. While valuable, this study provides a limited scope of information.
- E.** The Adverse Childhood Experiences Study (ACE Study) developed in the United States is a longitudinal study that has demonstrated an association between adverse childhood experiences (such as childhood trauma) with health and social problems across the lifespan, including youth suicide. Chronic exposure to adverse experiences has a particularly detrimental effect.
- F.** Legacies of colonization, intergenerational trauma, and persistent socioeconomic inequities can be understood as the underlying causes for adverse childhood experiences and childhood trauma for many First Nations.
- G.** Significant child and youth data gaps include, but are not limited to: child and youth mental health needs/service access; children and families who come into contact with child welfare including children and youth, in, and leaving care; connections between child welfare and juvenile justice; addictions and access to basics such as water, housing, adequate food and security.
- H.** Longitudinal studies are particularly helpful in tracking the impacts of adverse experiences and evaluating the efficacy of systemic remedies across time.
- I.** The ACE study could be adapted for First Nations children and youth and designed in a manner that supports analysis with other existing national data sets.

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- J. The proposed First Nations ACE study also provides a more holistic approach to data collection than by supporting numerous studies that are limited in scope and designed in ways that make data analysis difficult across studies.

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

1. Call on the First Nations Information Governance Centre (FNIGC) to produce a paper on the feasibility of conducting the longitudinal study of First Nations child development and well-being based on the Adverse Childhood Experiences Study which accounts for structural inequalities and cultural and linguistic needs of First Nations children and youth.
2. Call on Canada to provide funding for the feasibility study and commit to long term investments for a multi-year longitudinal study of First Nations child development and well-being.

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<b>TITLE:</b>	<b>Assembly of First Nations Modern Treaty Implementation Group</b>
<b>SUBJECT:</b>	Modern Treaties
<b>MOVED BY:</b>	Chief Roberta Joseph, Tr'ondëk Hwëch'in First Nation, YK
<b>SECONDED BY:</b>	President, Leslie Doiron, Ucluelet First Nation (Yuulu?if?ath Government), BC
<b>DECISION</b>	Carried; 2 objections

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** 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 honor and respect such treaties, agreements and other constructive arrangements.
  - ii.** Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B.** The Yukon First Nation land claims and self-government agreements were negotiated directly with the Government of Canada and the Government of Yukon.
- C.** The 11 Yukon First Nations with self-government agreements are not bands within the meaning of the *Indian Act* and have issues and perspectives that may be distinct or differ from those of other First Nations.
- D.** There are 8 British Columbia First Nations that have completed modern treaties and agreements with the Government of Canada and the Government of British Columbia. There are currently more than 34 British Columbia First Nations that are in active negotiations moving towards modern treaties and agreements.

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- E. The Yukon and British Columbia First Nations with modern treaties and agreements wish to continue collaborating and working cooperatively with the Assembly of First Nations (AFN) to advance their priorities and interests on a national level.
- F. The Yukon First Nations with self-government agreements have a unique constitutional and legal status with broad powers, jurisdictions and powers as set out in the Yukon First Nation Final and Self-Government Agreements, and seek to ensure the AFN fully respects and understands this unique context.
- G. There is no consistent federal Aboriginal policy to address standards, funding, or process for effective Treaty implementation.
- H. The AFN supports and advocates for all First Nations from coast-to-coast-to-coast.
- I. AFN Resolution 57/2010, *Modern Day Treaty Implementation Group*, directed the AFN to develop a Modern Day Treaty Implementation Group that would increase advocacy on Treaty implementation, and work constructively with the Land Claims Agreements Coalition (LCAC).
- J. The AFN National Executive passed an Executive Motion on April 29, 2018, affirming AFN support for establishing an AFN Modern Treaty Implementation Group.

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

- 1. Direct the Assembly of First Nations (AFN) to fully support Yukon and British Columbia First Nations involved in Modern Treaty and self-government issues and priorities and work collaboratively with Yukon and British Columbia First Nations on the following priorities:
  - a. The full Implementation of the Yukon and British Columbia First Nations land claim and self-government agreements, including furthering:
    - i. A renewed fiscal relationship with Canada and the Yukon government.
    - ii. The forgiveness of the loans and interests payable related to Yukon and British Columbia Treaty Agreements.
    - iii. The revision of federal policies to reflect that Yukon First Nations are northern peoples, off-reserve and have unique jurisdictions, powers and responsibilities under the Yukon First Nation Modern Treaty Agreements.
- 2. Direct the AFN to seek resources to support the creation of an AFN Modern Treaty Implementation Group mandated to increase advocacy on Modern Treaty implementation and to pressure the federal government to honour their obligations to implement Modern Treaties in accordance with their spirit and intent.

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3. Direct the AFN Modern Treaty Implementation Group to provide yearly progress updates on the work being undertaken by the Modern Treaty Implementation Group to the Chiefs-in-Assembly, and to the AFN National Executive Committee as required.

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**TITLE:** First Nation Labour Market Agreement (FNLMA) Holders' Interests in the *Employment Insurance Act*

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**SUBJECT:** Benefits Under the *Employment Insurance Act*

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**MOVED BY:** Ogimaa Duke Peltier, Wiikwemkoong Unceded Territory, ON

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

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

B. The Employment Insurance Commission of Canada has been a party to various Aboriginal Human Resource Development Agreements (AHRDAs) since 1992.

C. Employment insurance funding allocations through AHRDAs have contributed to the administration and delivery of Employment Insurance (EI) Part Two funds.

D. FNLMA holders wish to continue responsibility for the administration of benefits under Part II of the *Employment Insurance Act* (EI Act).

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- E.** The Employment Insurance Commission of Canada establishes benefit rates based on geographical economic zones throughout Canada. The work profiles of the economic zones tend to be defined by the characteristics of non-First Nations workers. First Nations are not accurately represented within the zones.
- F.** Unemployment rates are much higher in reserve communities than in other communities in Canada but Canada does not collect or report unemployment data about reserves.
- G.** First Nations workers are often the last hired and first to be laid off from projects. In addition, because of the seasonal nature of work on reserves and because First Nation workers frequently accumulate fewer work hours, they experience greater difficulty achieving the threshold number of work weeks required to collect employment benefits under Part I of the EI Act.
- H.** First Nations workers are subject to the same premiums as non-First Nations workers and to the same threshold number of work weeks in order to qualify for employment benefits.
- I.** These inequities will continue if this matter is not addressed through dialogue and collaboration between the Assembly of First Nations (AFN) Chiefs Committee on Human Resources Development (CCHRD), including its technical working groups, and the Employment Insurance Commission of Canada.

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

- 1.** Request that the Assembly of First Nations (AFN) Chiefs Committee on Human Resource Development (CCHRD) and its regional counterparts, including its Technical Working Group and sub-groups, arrange for and engage in dialogue and collaborative decision-making with Employment and Social Development Canada (ESDC) and the Employment Insurance Commission of Canada, concerning unemployment benefits under Part I and employment benefits under Part II of the Employment Insurance Act (EI Act).
- 2.** Direct the AFN to request that ESDC honour the commitments it has made about collaborative research and the collection of First Nations labour market information.
- 3.** Direct the AFN to commence dialogue with the Employment Insurance Commission of Canada regarding First Nation Labour Market Agreement (FNLMA) holders' input to Part I of the EI Act, concerning employment benefits, and greater flexibility in the administration of Part II of the EI Act, concerning employment supports being administered by FNLMA holders.
- 4.** Request the AFN establish a work plan and secure funds for this activity by March 31, 2019 or as soon thereafter as possible.
- 5.** Direct the AFN and the CCHRD to provide an update at the next AFN Chiefs Assembly.

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**TITLE:** Yukon Salmon Treaty

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Roberta Joseph, Tr'ondëk Hwëch'in Government, YK

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**SECONDED BY:** Chief Simon Mervyn Na-Cho Nyak Dun Government, YK

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- 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 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. The Assembly of First Nations (AFN) passed resolutions in support of the Gwich'in, AFN Resolution 24/2017, *Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd* and Resolution 110/2016: *Support the Protection of the Arctic National Wildlife Refuge*.
- C. For thousands of years the Gwich'in, spanning what is now Alaska, Yukon and the Northwest Territories, have relied on salmon to meet their nutritional, cultural and spiritual needs.
- D. Gwich'in have the inherent right to continue their own way of life, and that this right is recognized and affirmed by Article 1 of both the *International Covenant on Civil and Political Rights*, which reads, in part, "In no case may a people be deprived of their own means subsistence."
- E. In 1985, as the Pacific Salmon Treaty was negotiated without a respectful and formal place for the Gwich'in, there was a commitment by Canada and the United States to negotiate concerning Yukon River salmon. In 2002 an agreement was concluded. While the Yukon River Agreement forms Chapter 8 of the Pacific Salmon Treaty, its Pacific Salmon Commission incorrectly maintains that it "*has no legal responsibility to administer the Yukon Agreement or to oversee the work of the Yukon Panel*".

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

1. Direct the Assembly of First Nations (AFN) National Chief to call upon the United States Congress and the President of the United States to recognize the inherent and human rights of the Gwich'in to continue to live their way of life and maintain their sacred relationship with the salmon by prohibiting oil and gas exploration and development within the Arctic National Wildlife Refuge.
2. Direct the National Chief to communicate with the Prime Minister, the Minister of Fisheries and Oceans, and Pacific Salmon Commission Chair calling for an ongoing commitment for the support and continued protection of the Yukon salmon habitat and its sustainable fishery.

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**TITLE:** Support for the Criminalization of Forced Sterilization

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**SUBJECT:** Indigenous Women

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**MOVED BY:** Chief Adrienne Jerome, Conseil de la Nation Anishinabe du Lac Simon, QC

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**SECONDED BY:** Chief Denise Stonefish, Delaware Nation (Moravian of the Thames), ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** Article 2: Indigenous peoples and individuals are free and equal to all other peoples and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular those based on their Indigenous origin or identity.
  - ii.** Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - iii.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
  - iv.** Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** The forced sterilization of Indigenous women by medical professionals breaches the free, prior and informed consent standards contained in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- C.** The forced sterilization of Indigenous women falls under the internationally accepted definition of genocide.

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- D. In First Nations' world views, women are respected as the life-givers and caregivers within their Nations and, based on these beliefs, are viewed as sacred.
- E. In 2015, several Indigenous women in Saskatchewan publicly revealed they had been forced into having a tubal ligation immediately after childbirth and many have initiated class action litigation.
- F. In 2016, the Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 30/2016, *Declaration to Honour Indigenous Women and Girls*, adopting a *Declaration to Honour Indigenous Women and Girls* (the "Declaration").
- G. Through the Declaration, the AFN made a commitment to take responsibility and action to address the disproportionate victimization of Indigenous women and girls.
- H. In May 2018, the Saskatchewan First Nations Women's Commission and the Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly passed Resolution 2070, supporting survivors of forced sterilization in seeking redress.
- I. At the July 2018 AFN Annual General Assembly, the Chiefs-in-Assembly passed Resolution 22/2018, *Redress for the Forced Sterilization of Indigenous Women* which directed the AFN to support efforts to raise awareness about forced sterilization and reproductive rights in First Nations; support efforts to stop the forced sterilization of Indigenous women; and support survivors of forced sterilization in seeking redress.
- J. It is anticipated that the United Nations Convention against Torture (UNCAT) will soon be releasing its recommendations to Canada regarding the forced sterilization of Indigenous Women.
- K. Indigenous women who are survivors of forced sterilization have filed a class action lawsuit to seek redress and to, among other things, advocate for the criminalization of forced sterilization in Canada.
- L. The AFN Women's Council supports the survivors of forced sterilization and their efforts to raise awareness, seek redress and to advocate for the criminalization of forced sterilization in Canada.

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

1. Reaffirm their support efforts to raise awareness about forced sterilization and reproductive rights in First Nations, as well as efforts to stop the forced sterilization of Indigenous women.
2. Direct the Assembly of First Nations to politically support the class action claimants of forced sterilization in seeking redress and to advocate for changes to the *Criminal Code of Canada* to criminalize forced sterilization in Canada.

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**TITLE:** **Opposition to Bill C-71, *An Act to amend certain Acts and Regulations in relation to firearms***

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**SUBJECT:** Inherent, Treaty and Aboriginal Rights

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**MOVED BY:** Chief Vernon Saddleback, Samson Cree Nation, AB

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**SECONDED BY:** Chief Arthur Raine, Paul First Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples state that:

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity; and
- ii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;
- iii. Article 8 (2). States shall provide effective mechanisms for prevention of, and redress for:
  - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - d. Any form of forced assimilation or integration;

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- e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them; and
  - iv. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right; and
  - v. 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.
  - vi. 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.
- B.** First Nations have been granted certain rights and responsibilities by the Creator.
- C.** First Nations have constitutionally protected inherent, Treaty and Aboriginal rights to a livelihood and to hunt for subsistence and for ceremonial purposes.
- D.** The Minister of Public Safety and Emergency Preparedness, on behalf of the Government of Canada, introduced Bill C-71, *An Act to amend certain Acts and Regulations in relation to firearms*, on March 20, 2018. The Bill is currently in second reading in the Senate.
- E.** The Bill proposes, among other things, the following changes:
- i. Enhanced background checks
  - ii. Authorization to transport
  - iii. Transferring firearms.
- F.** Currently the chief firearms officer in each province conducts a background check on anyone applying for a Possession and Acquisition License. Under the current standard, police assess an applicant's previous five years for potential red flags. Under the proposed legislation, police would examine a person's life history.
- G.** The Bill proposes removing certain automatic authorizations to transport (ATT) prohibited and restricted firearms, so that an automatic ATT would only be extended to gun owners taking firearms to certified shooting ranges. In other circumstances a separate ATT would be required,
- H.** The legislation proposes that when a non-restricted firearm is transferred, the transferee's firearms licence must be verified by the Registrar of Firearms, and businesses must keep certain information related to the transfer.

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- I. First Nations in Alberta and other jurisdictions continue to practice their inherent, Treaty and Aboriginal Rights to hunt.
- J. Further, First Nations in Alberta and other jurisdictions oppose the changes as contemplated in Bill C-71, as their inherent, Treaty and Aboriginal right to hunt, without interference from provincial authorities, will be impeded by the changes to enhanced background checks, authorization to transport, and transferring firearms;
- K. The Government of Canada has not properly consulted with First Nations in Alberta and other jurisdictions on the impacts of the Bill.

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

- 1. Direct the Assembly of First Nations to urge the federal government to work to properly consult with First Nations on the impacts of Bill C-71, *An Act to amend certain Acts and Regulations in relation to Firearms* and ensure protection of their inherent, Treaty and Aboriginal rights to hunt and carry firearms.

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**TITLE:** Support for the National Indian Day Schools Class Action – *McLean v Canada*

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**SUBJECT:** Legal

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**MOVED BY:** Chief Brendan Mitchell, Qalipu Mi'kmaq First Nation, NL

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**SECONDED BY:** Chief Marcel Moody, Nisichawayasihk Cree Nation, MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The tens of thousands of Aboriginal students that attended Indian Day Schools suffered the same severe physical, sexual, and psychological abuse and were subjected to the same policies of assimilation as Indian Residential School Survivors.
- B. Indian Day School students were excluded from the Indian Residential Schools Settlement.
- C. Recognition of and compensation for the harms suffered by students at Indian Day Schools remains an outstanding claim against the Government of Canada.
- D. The Crown has the responsibility to acknowledge, address, and compensate for the harms it inflicted at Indian Day Schools across the country.
- E. The Chiefs-in-Assembly have previously provided their support for Garry McLean's class action against the Government of Canada, in Resolution 66/2016, *Support Garry McLean and Spirit Wind Indian Day Schools Class Action*, which has now been certified by the Federal Court of Canada in File No. T-2169-19 (the McLean Class Action), and includes additional representative plaintiffs Roger Augustine, Angela Elizabeth Simone Sampson, Margaret Anne Swan, and Mariette Lucille Buckshot.
- F. The McLean Class Action seeks to achieve justice for Indian Day Schools survivors and their families;

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- G. On November 10, 2018, the Minister of Crown-Indigenous Relations Canada affirmed Canada's commitment to settling Aboriginal childhood litigation claims outside of litigation.
- H. The Parties to the McLean Class Action are now actively engaged in efforts to achieve a negotiated settlement.
- I. Indian Day School Survivors have yet to be compensated for their damages.

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

1. Reaffirm their support for the representative plaintiffs and class members in the McLean Class Action.
2. Call on Canada to continue to negotiate in good faith to achieve a just and meaningful resolution for the survivors and their families.

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**TITLE:** Indigenous Home Instruction for Parents of Preschool Youngsters

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**SUBJECT:** Education

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**MOVED BY:** Grand Chief Edward John, Proxy, Tl'azt'en Nation, BC

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**SECONDED BY:** Cheryl Casimer, Proxy, St. Mary's Band (?Aqam), BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Efforts must be made to allow Indigenous families and communities to build positive experiences in education and to strengthen their capacity to support learning that is First Nations-led with ownership of curriculum being held with that First Nation.
- B. Parents, grandparents, and caregivers are the first and best teachers of their children and must be supported in those undertakings.
- C. The United Nations Declaration on the Rights of Indigenous Peoples states:
  - i. Preamble paragraph: *Recognizing in particular* the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.
  - ii. Article 13: Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  - iii. Article 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.

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- iv. 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.
  - v. 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.
- D. The Truth and Reconciliation Commission of Canada's Calls to Action state:
- i. Call to Action (12): We call upon the federal, provincial, territorial and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.
- E. Assembly of First Nations (AFN) Resolution 01/2014, *Advancing First Nations Control of First Nations Education*, and Resolution 11/2014, *Advancing First Nations Control of First Nations Education*, called for an immediate infusion of additional funding for First Nations education to begin closing the funding gap for First Nations education until such time as a new fiscal framework is agreed upon.
- F. AFN resolution 65/2017, *New Interim Funding Approach for First Nation Education*, states that all First Nations federal education dollars will flow directly to First Nations and First Nations will decide to partner with organizations.
- G. The Home Instruction for Parents of Preschool Youngsters (HIPYPY) program is an evidence-based program that works with families in the home to support parents, primarily mothers, in their critical role as their child's first and most important teacher. The program has also been adapted to an Aboriginal setting.
- H. Indigenous HIPYPY in Canada (IHC) has created a setting for Aboriginal families to re-establish and embrace their traditional roles as parents and teachers of their children, as well as offer educational enrichment for their preschool children.
- I. IHC is in an excellent position to lay the foundation to achieve two main recommendations made in the Truth and Reconciliation Commission's Calls to Action, namely: the development of culturally appropriate early childhood education programs for Aboriginal families (Call to Action #10) and the recognition, respect, and implementation of the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples (Call to Action #20).
- J. The strength of IHC lies in the Indigenous knowledge and learning that form the basis of the curriculum and teaching methods used in Indigenous homes. The culturally relevant model places the child at the centre, while supporting the capacity of their caregivers.

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

1. Support First Nations who wish to access services from Home Instruction for Parents of Preschool Youngsters (HIPPY), revitalizing traditional parent/caregiver roles as their child's first and best teacher and ensuring the success of Indigenous teachings to the next generation.
2. Support First Nations that wish to participate in the transitional governance process that will lead to the restructuring of HIPPY to be reflective and responsive to the uniqueness of each First Nation.
3. Ensure that any curriculum that is developed by First Nations in partnership with HIPPY is owned by the First Nations and that all rights to that curriculum are held at the local First Nations level.

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**TITLE:** Support for Caldwell First Nation Tax Challenge

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**SUBJECT:** Tax

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**MOVED BY:** Robyn van Oirschot, Proxy, Caldwell First Nation, ON

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The Federal Government of Canada mandated that settlement funds be placed into trust as a long-term asset of the Caldwell First Nation. The holding of the settlement funds directly by the First Nation was prohibited.
- B. The Federal Government takes the position that trusts are separate entities for tax purposes and that they are neither Indians nor Bands, and as such, are not entitled to any tax exemption.
- C. The Canada Revenue Agency and provincial ministries of finance subject the Caldwell First Nation Trust to both retail sales tax and income tax on Trust earnings.
- D. The Caldwell Settlement Trust is deemed to be situated on a reserve, pursuant to Section 90 of the *Indian Act*, and therefore is exempt from taxation.
- E. The Trust property is akin to reserve and surrendered lands, as Section 87(1)(a) of the *Indian Act* exempts the interest of an Indian or a Band in reserve or surrendered lands from taxation.
- F. The Caldwell First Nations Trust holds compensation which was provided in lieu of the reserve lands which the federal government failed to provide; lands which, if they had been provided, would act as a tax-exempt base for the Nation's property.
- G. The management of the Trust property constitutes band management activities, thus making the taxation of the Trust contrary to applicable law and outside the authority of the Ministry of Finance.

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- H. The Ministry of Finance's Statement of Disallowance and subsequent denial of Caldwell First Nation's Notice of Objection ignores inherent rights and legislated rights under the *Indian Act*.
- I. If Ontario Harmonized Sales Tax (HST) refunds continue to be disallowed on First Nations trusts in Canada, all of our wealth will be eroded over time.

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

- 1. Direct the National Chief to advocate and provide political support for Caldwell First Nation and send a letter of support indicating recognition of Caldwell First Nation's taxation issue with the Canada Revenue Agency and provincial ministries.

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**TITLE:** Financial Compensation For Victims of Discrimination in the Child Welfare System

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**SUBJECT:** Child Welfare

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**MOVED BY:** Mary Teegee (Maoxw Gibuu) Proxy, Takla First Nation, BC

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**SECONDED BY:** Jennifer Cox, Proxy, Paq'tnkek First Nation, NS

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The overrepresentation of First Nations children and youth in care, and in the child welfare system, is a humanitarian crisis. This crisis requires immediate and urgent legislative policy and human rights action and compensation to address this crisis.
- B. The harmful legacies of residential schools, the disproportionate number of First Nations children in care, the consequences of involvement in child welfare systems, and the related loss of language and denial of culture and human rights has led to this humanitarian crisis.
- C. *The United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration) is the framework for reconciliation and transformation of child welfare law. The UN Declaration must be an integral aspect of any legislation or policy to respond to the child welfare crisis in Canada for First Nations children and youth.
- D. *The United Nations Convention on the Rights of the Child*, and all relevant international human rights instruments and comments relevant to children and families should inform federal child welfare legislation.
- E. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take action to improve child welfare. Call to Action #4 calls upon the federal government to enact child welfare legislation.

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- F. The *Assembly of First Nations and the First Nations Child and Family Caring Society of Canada v. Attorney General of Canada* decision of the Canadian Human Rights Tribunal's 2016 (CHRT 2), and subsequent compliance rulings, found systemic discrimination due to longstanding and proven inequities in the federally-funded on-reserve First Nations Child and Family Services Program. The shortfalls in funding and lack of substantive equality for First Nations children, youth and families, were acknowledged by Canada.
- G. The Assembly of First Nations (AFN) has passed five resolutions directly related to child welfare reform: Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action*; Resolution 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*; Resolution 83/2016, *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy*; Resolution 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders* and Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*.

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

1. Call on Canada to ensure that any financial compensation or award owed to the First Nations children and youth in care, or other victims of discrimination, should be the maximum allowable under the *Canadian Human Rights Act*, based on the fact that the discrimination was willful and reckless, causing ongoing trauma and harm to children and youth, and resulted in a humanitarian crisis.
2. Call on Canada to ensure that financial compensation or awards also be provided to each sibling, parent or grandparent of a child or youth brought into care as a result of neglect or medical placements resulting from Canada's discriminatory policies, and such compensation should be the maximum allowable under the *Canadian Human Rights Act*.
3. Demand that Canada immediately inform the Human Rights Tribunal that the victims of discrimination—the First Nations children and youth in care between February 2006-2019 (or the date when the Tribunal finds there has been compliance with the human rights order)—are entitled to be considered for compensation up to the maximum amount available by law.
4. Demand that Canada accept that no further evidence from the Assembly of First Nations (AFN) or the First Nations Child and Family Caring Society of Canada (Caring Society) is required to support the maximum financial award for compensation to the victims of discrimination.
5. Call-upon the AFN National Chief and Executive Committee to work in collaboration with the Caring Society to ensure that the administration and disbursement of any payments to victims come from funds other than the awards to the victims so that no portion of the quantum awarded can be rolled back or claimed by lawyers or others administering or assisting victims.

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**TITLE:** Realizing a National First Nations Youth Build Canada Program

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**SUBJECT:** Youth Employment and Sustainable Development

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**MOVED BY:** Chief Marcel Moody, Nisichawayasihk Cree Nation, MB

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**SECONDED BY:** Chief Harvey McLeod, Upper Nicola Indian Band, B.C.

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the area of education, employment, vocational training and retraining, housing, sanitation, health and social security; and.
  - ii.** Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
  - 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 programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B.** First Nations in Canada require a future that fosters improvements to the socio-economic circumstances of First Nations by addressing personal and systemic barriers to labour market opportunities and thereby increases access to these opportunities.

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- C. It is estimated that 350,000 Indigenous youth will have reached working age by 2026, which the Organization for Economic Cooperation and Development (OECD) called an unprecedented opportunity to fill crucial labour shortages in Canada.
- D. The economic loss currently suffered by all of Canada and resulting from the gaps in economic outcomes between Indigenous and non-Indigenous Canadians is significant. Closing these gaps would result in an increase in Canada's Gross Domestic Product (GDP) by an estimated \$27.7 billion or a 1.5% annual increase.
- E. Recent YouthBuild (YB) programs in Nisichawayasihk Cree Nation and Winnipeg have had success in delivering youth programming that has led to increased employment and the development of human capacity to address housing concerns in both urban and First Nations environments.

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

- 1. Direct the Assembly of First Nations (AFN) to establish a steering committee to study the potential of a National First Nations YouthBuild Council to lead the development of a First Nations YouthBuild program to address the above issues. The results of this study will inform the AFN and the Government of Canada to consider the value of an investment in a National First Nations YouthBuild program to improve opportunities for sustainable employment, career development and income for First Nations youth in Canada.
- 2. The steering committee would be responsible for developing:
  - a. A terms of reference for a YouthBuild Canada Governing Council
  - b. A strategic plan for a National First Nations YouthBuild Program
  - c. A business plan for a National First Nations YouthBuild Centre
- 3. Direct the AFN to call on the Ministers of Youth, Indigenous Services Canada and Employment and Social Development Canada, to provide the necessary financial supports to undertake the study for a First Nations Youth Build Program.

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**TITLE:** Support Communities to Access Proper Nutrition

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**SUBJECT:** Education, Health

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**MOVED BY:** Chief Reginald Bellerose, Muskowekwan First Nation, SK

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. 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, all social and health services.
- ii. Article 29 (1): Indigenous people 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 people for such conservation and protection, without discrimination.
- iii. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

**B.** Hunger and food insecurity caused by reduced food intake and disrupted eating patterns due to a lack of household income and other resources for food increases the risk for lower dietary quality and malnutrition. In turn, malnutrition negatively affects overall health, cognitive development, and school performance.

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- C. School breakfast programs provide avenues for cultural engagement, multi-generational mentorship and learning, as well as pride and involvement within the community.
- D. Breakfast programs are simple, yet powerful - having proven successful in improving the health and academic outcomes for children and youth.
- E. The Breakfast Club of Canada is committed to leading the call to action on the critical issue of child nutrition and is dedicated to helping First Nations students gain access to universal breakfast program each school day. The Breakfast Club of Canada currently services over 200 Indigenous schools, with a total school population of 46,364.
- F. All First Nations children must be given every opportunity to thrive and succeed; Communities that lack infrastructure to provide nutritious meals to all school-age children must be supported by all means possible.
- G. The Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, reaffirms that jurisdiction over First Nation education remains with each First Nation and ensures that all federal funding for education will flow directly to the communities and communities will decide on who to partner with.

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

1. Reaffirm that First Nations have jurisdiction over First Nations education and any related school program including initiatives to deliver nutrition programs.
2. Support communities that wish to access the Breakfast Club of Canada's nutritious breakfast.

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**TITLE:** Support the Development of Wholistic First Nations Wellness Facilities

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**SUBJECT:** Health

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**MOVED BY:** Chief Allan Polchies, Saint Mary's First Nation, NB

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**SECONDED BY:** Chief Shelley Sabattis, Oromocto First Nation, NB

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous People states:

- i. 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, all social and health services,
- ii. 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.
- iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right; and
- iv. 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.

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- v. 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.
- B. Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Indigenous governments to acknowledge that the current state of unfavorable Indigenous health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Indigenous people as identified in international law and constitutional law, and under the Treaties.
- C. First Nations across Canada are declaring states of emergency in relation to mental health and addictions, including the emerging opioid epidemic.
- D. Significant gaps exist within mental wellness programs and services. Many services are inaccessible to those living on reserves particularly in remote locations or due to systemic barriers. Traditional healing within communities is under-funded and traditional healers are not funded on par with other wellness workers such as counsellors, therapists and psychologists.
- E. Traditional healing has helped many First Nations in their healing journeys such as dealing with addictions, suicide prevention and intervention, grief and loss, building of personal esteem and pride, gaining strength by connecting to their ancestors, as well as physical ailments.
- F. Traditional healing covers all aspects of wellness: mental, emotional, physical and spiritual and many First Nations are seeking this holistic healing, particularly the youth.

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

1. Direct the Assembly of First Nations (AFN) to call on Indigenous Services Canada (ISC) to commit sustainable, predictable and long-term funding for the AFN Regional Office of New Brunswick and Prince Edward Island, to support First Nations in their region in the development of a wholistic First Nations Wellness Facility that is grounded in culture, language and traditional practices with the intent of providing a model that other regions can learn from and model if they so choose.
2. Direct the AFN to call on ISC to provide further funding to additional regions for similar initiatives should they choose to follow a similar model or develop their own.

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<b>TITLE:</b>	<b>Response to the ongoing opioid and methamphetamine crisis</b>
<b>SUBJECT:</b>	Health
<b>MOVED BY:</b>	Chief Reginald Bellerose, Muskowekwan First Nation, SK
<b>SECONDED BY:</b>	Chief Wayne Moonias, Neskantaga First Nation, ON
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.
  - iii. Article 24 (1): 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.** Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.

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- C. Substance misuse has increased exponentially and First Nations are overwhelmed with incidences of prescription drug abuse as well as illicit drug use.
- D. The Chiefs-in-Assembly recognize the severe opioid addiction problem that has been steadily growing in communities, and acknowledges the devastating impact it is having on First Nations citizens.
- E. The provincial and federal governments' response to requests for support and funding to address the prescription drug abuse problem among many First Nations has been inadequate.
- F. Addictions are a disease and should be treated as such by both federal and provincial governments.
- G. Physicians often prescribe physiotherapy and other non-opioid pain management therapies and treatments along with temporary opioids; however, First Nations often cannot afford to pay for the treatment and end up using solely opioids for longer than otherwise necessary, leading to addictions.

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

1. Direct the Assembly of First Nations (AFN) to call on Indigenous Services Canada to commit immediate sustainable, predictable and long-term funding for First Nations to:
  - a. support the implementation of recommended actions identified in the First Nations Specific Opioid Strategy (Opioid Strategy)
  - b. expand on/or develop the recommendations and actions identified in the Opioid Strategy to address the use of non-prescribed drugs in First Nations
  - c. expand on/or develop the recommendations and actions identified in the Opioid Strategy to address the use of methamphetamines and other illicit drugs in First Nations
  - d. support First Nations in addressing the social determinants of health that contribute to the issues of addictions in First Nations
  - e. support First Nations in building capacity to for early intervention and prevention training that looks beyond the western medical models and utilizes traditional First Nations based methods
  - f. ensure First Nations can continue to practice traditional healing and medicinal approaches to support their well-being
  - g. support the AFN, in partnership with First Nations mental wellness organizations, to host a forum on mental wellness and addictions that will examine responses to opioid and methamphetamine addictions.

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2. Ensure that the First Nations Specific Opioid Strategy and other relevant First Nations resources are disseminated to First Nations to support their efforts to respond to the opioid crisis.
3. Direct the AFN with partners to engage in research into opioid class actions in Canada and the United States to help inform First Nations to address the opioid crisis and report back to Chiefs-in-Assembly.
4. Direct the AFN to work with partner organizations to facilitate First Nations access to training on the use of the First Nations Mental Continuum Framework.
5. Call on the Government of Canada to immediately provide full coverage for physiotherapy, chiropractic and other alternatives to opioids for pain management and treatment under Non-Insured Health Benefits to assist in the prevention of opioid addiction.

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<b>TITLE:</b>	<b>First Nations Cannabis Jurisdiction</b>
<b>SUBJECT:</b>	Health, Economic Development, Social Development, Legal
<b>MOVED BY:</b>	Chief Harvey McLeod, Upper Nicola Indian Band, BC
<b>SECONDED BY:</b>	Cheryl Casimer, Proxy, St. Mary's Band (?Aqam), BC
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous People (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.
- B. Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- C. In June 2018, the Government of Canada passed Bill C-45, *The Cannabis Act*. The Act legalizes and regulates recreational cannabis.
- D. *The Cannabis Act* states that the federal government will regulate commercial production, while provinces and territories will regulate distribution and retail. As it currently stands, Bill C-45 makes no inclusion for First Nations governments.
- E. The Prime Minister has committed to a new First Nations fiscal relationship that provides for sufficient, predictable and sustainable funding.

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- F. The federal and provincial governments have disregarded First Nations jurisdiction in the development of their cannabis fiscal and regulatory framework.
- G. The Standing Senate Committee on Aboriginal Peoples (APPA) , in its May 2018 report on the *Cannabis Act*, supported specific amendments to the *Cannabis Act* and other legislation to enable First Nations cannabis jurisdiction.
- H. The Ministers of Health and Indigenous Services wrote to APPA in June 2018 and committed to providing a report on a First Nations cannabis jurisdiction option by June 2019.
- I. All First Nations pay excise taxes and should share not only in federal cannabis excise tax revenues, but also fuel, alcohol and tobacco excise and sale tax revenues.

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

1. Support the development of a First Nations cannabis jurisdiction option that includes First Nations distribution centers and retail, a First Nations stamp, cannabis excise tax sharing and a fuel, alcohol, cannabis and tobacco (FACT) tax sharing option.
2. Call on the federal and provincial governments to ensure that a quota of the licenses are dedicated to First Nations, as well as ensuring that First Nations in every province have an equitable arrangement regarding revenue-sharing.
3. Support the development of necessary amendments or recommendations to any regulations related to the *Cannabis Act*.
4. Call on the federal and provincial governments to ensure that the laws of general application do not apply on reserve where First Nations have jurisdiction.
5. Support the development of the necessary First Nations institutional framework to implement a comprehensive First Nations cannabis jurisdiction option by summer 2019 for interested First Nations.

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<b>TITLE:</b>	<b>Action for Experimentation Survivors</b>
<b>SUBJECT:</b>	Residential Schools
<b>MOVED BY:</b>	Chief Ignace Gull, Attawapiskat First Nation, ON
<b>SECONDED BY:</b>	Chief Patricia Faries, Moose Cree First Nation, ON
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A. Assembly of First Nations Resolution 13/2013, *Condemnation of Human Biomedical Experimentation in Indigenous Communities and Residential Schools*, cited research documenting experimentation on First Nations children at Indian Residential Schools and Indian Day Schools and called for the release of all relevant records, just restitution for victims, and for Canada to develop a strategic plan to address the issue.
- B. None of the actions called for were taken in the five years since that Resolution.
- C. Children who attended these schools have suffered high rates of diseases, such as cancer, auto-immune disorders, multiple sclerosis, lupus, chronic fatigue syndrome, fibromyalgia, arthritis and more.
- D. Due to these illnesses, many experimentation survivors are living with disability and otherwise limited in their economic opportunities.
- E. Information remains unavailable to them and to the medical community treating these survivors of medical experimentation.
- F. No specialized resources, either medical or to address the associated economic challenges, are available to the experimentation survivors.

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

1. Direct the Assembly of First Nations to advocate with the Government of Canada and the Canadian Medical Association for assistance to experimentation survivors.
2. Call on the Government of Canada and provincial and territorial governments to provide immediate assistance to deal with the resulting costs of these experiments, including counselling, transportation, medicines, health coverage, including alternative and traditional health care, as well as living expenses.
3. Call on the Government of Canada to initiate a First Nations survivor-led inquest to uncover the truth of these experiments in order to better inform the medical community on how to treat the resulting illnesses, to inform the Canadian public of the truth of what occurred, and to give some measure of peace to the survivors.
4. Call on the Government of Canada, the Canadian Medical Association and all medical practitioners to share information and coordinate services based on the information revealed by such an inquest.
5. Call on the Government of Canada, the Canadian Medical Association and medical practitioners for the repatriation of related historical and associated records, as well the retention of these records by Indigenous peoples.

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**TITLE:** Social Innovation/Social Finance Framework – Leaving No One Behind

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**SUBJECT:** Economic Sector

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**MOVED BY:** Chief Bonnie Leonard, Proxy, Shuswap First Nation, BC

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

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**DECISION** Carried by Consensus

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**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 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 United Nations Convention on the Rights of Persons with Disabilities states:
- i.** Article 27 (1): Work and Employment:
    - a.** 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.
  - ii.** Article 28): Adequate standard of living and social protection:
    - a.** (2) States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
      - 1.** **b)** To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes.
- C.** The United Nations 2030 Agenda for Sustainable Development's Goals (SDGs) are a set of 17 Global Goals measured by progress against 169 targets covering social issues like poverty, hunger, health, education, climate change, gender equality, and social justice. The SDGs core objective is to "Leave no one behind" as articulated in Goal 1: End poverty in all its forms everywhere.
- D.** A growing awareness throughout society is emerging to address the needs of the most marginalized, going beyond the private sector, to solve all the problems by unlocking private and philanthropic capital to confront some of the toughest challenges today including employment, the opioid crisis, housing insecurity, poverty, and climate change, to name a few.
- E.** In 2017, the Government of Canada appointed a Co-Creation Steering Group consisting of Indigenous representation to guide the development of a Social Innovation and Social Finance Strategy; and in 2018, the Co-Creation Steering Group tabled 12 recommendations to guide next steps.
- F.** In November 2018, Finance Minister Bill Morneau unveiled a Social Finance Fund of \$755 million over 10 years to help charities and non-profits fund social projects. Investments for First Nations should be driven by First Nations, and proportional allocations provided to meet the needs of First Nations governments.
- G.** The Assembly of First Nations (AFN) Resolution 16/2015, *Support for Social Innovation/Financing to Enhance Funding for First Nation Socio-Economic Development*, commenced to explore new and innovative ideas and enhance collaboration and partnerships to address the unmet needs of First Nations citizens.

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- H. Resolution 42/2018, *Data Sovereignty*, reasserts that First Nations living in Canada maintain ownership and control over data that relates to their peoples and that the First Nations Information Governance Centre coordinate (with support from the federal government) regional processes to engage First Nations chiefs and leaders in each province and territory to discuss the quality of, or access to data or statistical information related to their peoples and Nations.
- I. The AFN Women's Council supports the efforts to develop a framework/policy paper on social innovation and social finance to help identify First Nations finance gaps/priorities to inform Economic and Social Development Canada (ESDC) as well as efforts to urge ESDC to align with First Nations and the First Nations Information Governance Centre on Agenda 2030 in collaboration and transparency on data availability to better support and measure progress and implementation on the SDGs.

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

1. Direct the Assembly of First Nations (AFN) to develop and seek resources to fund a framework/policy paper on social innovation and social finance (SI/SF) to help identify First Nations finance gaps/priorities to inform Economic and Social Development Canada (ESDC) and next steps.
2. Direct the federal government to work with the AFN to identify investments and carve out specific resources from the Social Finance Fund that will ensure sustained long term benefits for First Nations-led initiatives on SI/SF.
3. Urge ESDC to align with First Nations and the First Nations Information Governance Centre on Agenda 2030 in collaboration and transparency on data availability to better support, and measure progress and implementation on the Sustainable Development Goals, and develop an Agenda 2030 disability strategy work plan across federal departments, as one example.

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**TITLE:** Federal Government Procurement Programs for First Nations

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**SUBJECT:** Economic Development

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**MOVED BY:** Chief Terrence Lee Spahan, Coldwater Indian Band, BC

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**SECONDED BY:** Chief Allan Polchies, Saint Mary's First Nation, NB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i.** Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii.** Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B.** The Government of Canada has created a procurement strategy for Indigenous business that encourages Indigenous entrepreneurs and businesses to partner and joint-venture with non-Indigenous companies to increase their capacity to compete in the market place.

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- C. The Government of Canada has embarked on multi-generational procurement projects such as the Future Fighter Capabilities Program (FFCP) and Future Aircrew Training Program (FaCT), among others.
- D. The Government of Canada has identified key pillars for Value Propositions for Original Equipment Manufacturers (OEMs), which include:
  - i. Supplier Development and Export;
  - ii. Innovation, which may include social innovation;
  - iii. Capability and Skills Development;
  - iv. Impact, to determine where OEMs can have the maximum effect on the Indigenous community in the area of Science, Technology, Engineering and Math (STEM), opportunity, and manufacture in on- and off-reserve communities and urban peoples located near the Aerospace manufacturing supply chain e.g., Montreal, Maribel, Toronto, Winnipeg and Vancouver.
- E. In 2017, the Canadian Council of Aboriginal Business (CCAB) identified the importance of increasing the visibility and capacity of Aboriginal businesses in the marine and aerospace industries in British Columbia. Their report, *Partnerships in Procurement*, also stressed that increasing contracts, employment and knowledge transfer for Indigenous entrepreneurs to enter into the marine and aerospace industries would strengthen Aboriginal businesses and communities, as well as the Canadian economy as a whole.
- F. These procurement projects offer multi-generational opportunities for our youth and young entrepreneurs and provide an ecosystem through large government procurement to expand in the area of aerospace, new technologies and high-tech manufacturing. Procurement projects that support First Nations business creates opportunities to access federal government contracts that normally would not be accessible for First Nations.
- G. Reconciliation also includes economic reconciliation. It is imperative that First Nations are represented and consulted during the request for proposal (RFP) process through industry days and conferences including federal departments, business associations, and First Nation entrepreneurs, experts, and leadership. These engagements will help ensure procurements include a component of Indigenous participation and advice to the relevant federal departments, such as Innovation, Science and Economic Development, the Department of National Defence, and Public Services and Procurement Canada.

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

- 1. Support and advocate for stronger and targeted procurement strategies that result in federal government contracts to First Nations across Canada.

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2. Direct the Assembly of First Nations (AFN) to call upon the federal government, specifically Crown-Indigenous Relations Canada, Indigenous Services Canada, Innovation, Science and Economic Development, Public Services and Procurement Canada and all appropriate government departments and associated organizations, to prioritize First Nations involvement and access to federal government procurement programs and projects and to create an Implementation Officer from within the Economic Sector of the AFN to track and create benchmarks, ensure results and progress, and to track transparency and accountability.
3. Direct the AFN Chiefs' Committee on Economic Development to lead and work with Public Services Procurement Canada, and all appropriate federal government departments, in the development of First Nations federal government procurement programming and initiatives.

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**TITLE:** **Reject Canada's Approach to Additions to Reserve Legislation**

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**SUBJECT:** Additions to Reserve

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

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**SECONDED BY:** Reynold Cook, Proxy, Sapotaweyak Cree Nation, MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to the indigenous peoples' laws, traditions, custom and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process fully.
- B.** The federal Additions to Reserve (ATR) policy and process have consistently been an impediment to First Nations adding lands to reserve in a timely and efficient manner.
- C.** Beginning in 2009, the Assembly of First Nations (AFN) and Canada began a joint working group process (JWG) to review and renovate the federal ATR policy.

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- D. In 2012, the Chiefs-in-Assembly passed Resolution 26/2012, *Additions to Reserve Policy and Process Reform*, supporting the ongoing joint work between Canada and the AFN on ATR policy reform, and also calling for:
- i. A revised ATR process that would ensure that the implementation of all settlement agreements that include ATR commitments take precedence over other interests (e.g. municipal tax loss, etc.), uphold the honour of the Crown and respect the constitutional status of First Nations Aboriginal and Treaty Rights.
  - ii. The cooperative examination of legislation, in accordance with the standard of free, prior and informed consent, that would both expand the current legislative models available in Saskatchewan, Alberta and Manitoba to First Nations in other provinces and territories, and include other legislative measures that, in conjuncture with the revised ATR policy, make the process more efficient, effective and transparent.
- E. In 2014, the JWG submitted a final updated ATR policy to the Minister for acceptance. This policy was not immediately released. In 2016, the Chiefs-in-Assembly passed AFN Resolution 17/2016, *Call on Canada to Update the Additions to Reserve Policy*.
- F. In July 2016, the Minister of Crown Indigenous Relations Canada announced that the new policy would take effect. However, while the updated policy was released, Canada did not include the AFN in policy interpretation, implementation and oversight, leading to a general breakdown in communication and a period where no joint work was taking place.
- G. During the summer of 2018, Canada indicated that it would be tabling potential ATR legislation and presented potential options for ATR legislation through a series of presentations across Canada. This work was not undertaken jointly with the AFN.
- H. On October 29, 2018, Canada unilaterally introduced the *Addition of Land and Reserves and Reserve Creation Act* (the Act) within the omnibus *Budget Implementation Act, 2018, No. 2 (C-86)*.
- I. The development of the Act does not reflect a joint development model or approach and is therefore inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples.

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

1. Reaffirm their support for Assembly of First Nations (AFN) Resolution 26/2012 *Additions to Reserve Policy and Process Reform*, which calls for:
  - a. A revised Addition to Reserve (ATR) process that would ensure that the implementation of all settlement agreements that include ATR commitments take precedence over other interests (e.g. municipal tax loss, etc.) and uphold the honour of the Crown and respect the constitutional status of First Nations Aboriginal and Treaty Rights.

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- b. The cooperative examination of legislation, in accordance with the standard of free, prior and informed consent, that would both expand the current legislative models available in Saskatchewan, Alberta and Manitoba to First Nations in other provinces and territories, and include other legislative measures that, in conjuncture with the revised ATR policy, make the process more efficient, effective and transparent.
2. Call on the AFN to immediately begin undertaking a comprehensive analysis of the *Budget Implementation Act, 2018, No. 2*, focusing specifically on the *Addition of Land and Reserves and Reserve Creation Act* (the Act) to determine how the Act might impact First Nation inherent rights.
3. Call on the AFN to immediately look for opportunities to intervene and comment on the Act, and where possible, outline First Nation concerns with the process through which the Act was developed and introduced.
4. Call on Canada to refrain from characterizing the development of the Act as being done in consultation or collaboration with First Nations or the AFN, and for Canada to immediately undertake a detailed explanation of its legislative intent to be presented to the AFN Chiefs Committee on Lands, Territories and Resources for further discussion.
5. Call on Canada to ensure that any future ATR legislation be subject to joint oversight implementation with First Nations.

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**TITLE:** Inherent and Treaty Based Funding Agreements

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**SUBJECT:** Funding Agreements

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**MOVED BY:** Onekanew, Christian Sinclair, Opaskwayak Cree Nation, MB

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**SECONDED BY:** Reynold Cook, Proxy, Sapotaweyak Cree Nation, MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
  - i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- B. The Crown recognized First Nations sovereignty in the *Royal Proclamation*, 1763 and subsequently made Treaties with First Nations on a Nation-to-Nation basis.
- C. The Government of Saskatchewan and the Government of Canada have a number of Federal-Provincial funding arrangements that include the Treaty and Registered First Nations populations to determine the funding provided under these agreements.
- D. The Government of Saskatchewan and the Government of Canada have a number of Federal-Provincial funding arrangements that include the Treaty and Registered First Nation populations to determine the funding provided under these agreements. In Saskatchewan, health transfer funding comprises approximately 23% of the total expenditures on the provincial health system.
- E. Federal transfer payments made directly to First Nations, rather than the province and based on First Nations populations would be consistent with upholding the honour of the Crown, the spirit and intent of Treaty, the principles of the United Nations Declaration on the Rights of Indigenous Peoples and would reaffirm the Nation-to-Nation relationship between Canada and First Nations.

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

1. Direct the Assembly of First Nations (AFN) to call upon provincial and federal governments to uphold the honour of the Crown and their Treaty obligations by consulting with First Nations before allocating any federal transfer payments to the province for any reason.
2. Direct the AFN to advocate for First Nations to have direct access to funding in a way consistent with First Nations' Treaty and inherent rights.

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<b>TITLE:</b>	<b>Support for TRC Call to Action #79 (iii)</b>
<b>SUBJECT:</b>	Reconciliation
<b>MOVED BY:</b>	Chief George Cote, Cote First Nation, SK
<b>SECONDED BY:</b>	Ted Quwezance, Proxy, Keeseekoose First Nation, SK
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples 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.
- B. Assembly of First Nations (AFN) Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action*, mandates the AFN to call 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 Truth and Reconciliation Commission of Canada (TRC), released on June 2, 2015.
- C. AFN Resolution 31/2016, *Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds*, directs the AFN to urge the federal government to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage.
- D. AFN Resolution 106/2017, *Support for International Repatriation of Sacred Items*, directs the AFN to advocate on behalf of First Nations across Canada to ensure that the issue of international repatriation is addressed nationally and internationally.

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- E. Principle 3 of the *United Nations Principles for the Protection and Promotion of Human Rights to Combat Impunity* affirms that “A peoples’ knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.”
- F. Call to Action #79 (iii) of the TRC calls upon the National Historic Sites and Monuments Board of Canada to develop and implement a national heritage strategy to commemorate Residential School sites in fulfillment of Canada’s own duty to “preserve evidence of human rights violations.”
- G. There are few Residential Schools sites recognized as National Historic Sites and those Residential Schools sites that are recognized fail to address histories from the perspectives of First Nations..
- H. National Centre for Truth and Reconciliation (NCTR) Resolution NCTR-SC-02-18 affirms that the Survivors Committee of the NCTR supports a national commemorative strategy for Residential Schools in the country.

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

1. Direct the Assembly of First Nations (AFN) to support the Truth and Reconciliation Commission (TRC) Call to Action #79 (iii) – a national heritage strategy to commemorate all Residential School sites.
2. Direct the AFN to support the National Centre for Truth and Reconciliation (NCTR) bringing forward a survivor and community focused submission to the National Historic Sites and Monuments Board (NHSMB) calling for Canada to officially designate all Residential Schools sites as National Historical Sites.
3. Direct the AFN to support the NCTR making a submission to the NHSMB based on the following principles:
  - a. communities be in control of any monuments erected on the sites of residential schools
  - b. communities have full agency over determining the scope, form and content of any monuments including having agency to decline a monument
  - c. communities be empowered to develop community narratives supportive of this work in accordance with TRC Call to Action #78, which calls upon the Government of Canada to commit to making a funding contribution of \$10 million over 7 years to the NCTR, plus an additional amount to assist communities to research and produce histories of their own Residential Schools experience and their involvement in truth, healing, and reconciliation
  - d. there is an ongoing need to honour and acknowledge the children that never returned home from the schools

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- e. there remains the continued existence of hundreds of unmarked burial sites associated with Residential School sites
- 4. Direct the AFN to call upon the National Historical Sites and Monuments Board to recognize Residential School sites as national historic sites.
- 5. Direct the AFN to call upon the Government of Canada to encourage the NCTR to develop a fulsome response and plan for responding to TRC Calls to Action #72-76 and the realization of community narratives outlined in Call to Action #78.

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**TITLE:** Support for compensation for past flooding and meaningful consultation and accommodation of affected First Nations on Manitoba's proposed Lake Manitoba and Lake St. Martin Outlet Channels Project

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**SUBJECT:** Emergency Management

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**MOVED BY:** Onekanew Christian Sinclair, Opaskwayak Cree Nation, MB

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

**A.** The United Nations Declaration on the Rights of Indigenous Peoples 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.
- ii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- iv. Article 20 (2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

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- v. Article 28 (1): Indigenous peoples have the right to redress by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
  - vi. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - vii. 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 Government of Canada has committed to support Bill C-262, *An Act to Ensure that the Laws of Canada are in Harmony with the United Nations Declaration of the Rights of Indigenous Peoples*, which has been passed by the House of Commons and is currently before the Senate.
- C.** Our First Nations' Treaty and Aboriginal rights are protected by section 35 of the *Constitution Act, 1982*.
- D.** During flooding events in Manitoba, First Nations' reserves and traditional territories in the Interlake Region have been repeatedly sacrificed to limit damage to Manitoba's urban centres.
- E.** In 2011, more than 2000 of our members were evacuated because of the diversion of water to our territories. Hundreds of our members remain displaced and on-reserve infrastructure and houses destroyed by the flood haven't been fully rebuilt. Repeated flooding of our territories has adversely impacted our members' abilities to exercise our Treaty rights, destroyed our reserve lands, and hurt our members' ability to earn a livelihood from commercial fishing.
- F.** Most of the affected First Nations have not yet been compensated for the damage from the 2011 flood.
- G.** The Government of Manitoba has applied for federal and provincial approval to build the Lake Manitoba and Lake St. Martin Outlet Channels Project (Channels Project) to deal with future flooding.
- H.** Once again, First Nations will bear the brunt of the impacts of the Channels Project. The Channels Project will result in water transfers between lakes and will have significant environmental, social and economic impacts. It will lead to changes in how and when we can exercise our Treaty rights, and it may impair the viability of the commercial fisheries that our members rely on to earn a livelihood. It will also reduce the lands available for Treaty Land Entitlement selection.

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- I. Despite public statements to the contrary, the Government of Manitoba has not properly consulted, much less accommodated affected First Nations. The Government of Canada announced funding for the Channels Project without first talking to First Nations.
- J. Affected First Nations are concerned that the federal and provincial governments will once again move forward without partnering with those most impacted, namely First Nations, in the planning, design and operation of the Channels Project.

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

1. Call upon the Government of Canada and Government of Manitoba to negotiate a fair settlement of all outstanding First Nations compensation claims arising from the 2011 flood and other past floods.
2. Call on the Assembly of First Nations (AFN) to support First Nations in Manitoba in the assertion of their rights to be directly involved, as true partners, with the Governments of Manitoba and Canada in designing and implementing a long-term solution to flooding in the region.
3. Direct the AFN to advocate for the development of a true partnership between affected First Nations and the Government of Manitoba and the Government of Canada in designing and implementing a long-term solution to flooding in the region.
4. Call upon the Governments of Canada and Manitoba to work with First Nations to develop a consultation and accommodation process on the Channels Project consistent with obtaining First Nations' free, prior, and informed consent.

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<b>TITLE:</b>	<b>Health Canada 1,4-Dioxane Guideline Consultation</b>
<b>SUBJECT:</b>	Health, Water
<b>MOVED BY:</b>	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON
<b>SECONDED BY:</b>	Chief Greg Nadjiwon, Chippewas of Nawash First Nation, ON
<b>DECISION</b>	Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples:
- 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 and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B.** Health Canada completed a 60 day national public consultation that ended on November 9, 2018, with the intent of establishing a drinking water guideline and guideline technical document for 1,4-Dioxane, a known carcinogen.
- C.** The draft guideline technical document proposes to establish a maximum acceptable concentration (MAC) of 0.050 mg/L (50 µg/L) for 1,4-Dioxane in drinking water.
- D.** Dr. Poh Gek Forkert, an independent toxicologist who reviewed the Health Canada draft technical guideline document, recommended the drinking water guidance level be set at or below 3 µg/L for a lifetime cancer risk of  $1 \times 10^{-6}$ .
- E.** Dr. Poh Gek Forkert commented in her review of the proposed Health Canada technical document proposing 50 µg/L, the associated health risk of cancer from 1,4-Dioxane exposure.

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- F. Dr. Poh Gek Forkert found in her research of the United States that established Reasonable Use Limit (RUL) for 1,4-Dioxane, the water guideline level is at about 3 µg/L or less for a lifetime cancer risk of  $1 \times 10^{-6}$ .
- G. In Ontario, there are numerous large landfill sites located close to First Nations who rely on groundwater as a source for drinking water and servicing homes.
- H. The establishment of a higher 1,4-Dioxane threshold has significant implications for First Nations who are located adjacent to these large private or municipally owned naturally attenuating unlined landfill sites and landfill sites with faulty or failing liners.
- I. 1,4-Dioxane has a long life in the natural environment and does not degrade quickly, lasting for a long duration in ground and surface water increasing the likelihood of bio accumulation and harm to First Nations and non-human beings.

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

1. Call on Health Canada to consult with First Nations on the proposed guideline and technical document for 1,4-Dioxane.
2. Direct the Assembly of First Nations (AFN) National Chief to write a letter to the Federal-Provincial-Territorial Committee on Drinking Water Secretariat requesting:
  - a. Consultation with First Nations on the proposed 50 µg/L guideline and technical document prior to approving the guideline.
  - b. Apply the “precautionary principal” and not adopt a drinking water guideline above 3 µg/L.
3. Direct the AFN National Chief to request Health Canada provide funding for First Nations to engage experts in the 1,4-Dioxane drinking water guideline initiative so that they may meaningfully provide input on this guideline.

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