
Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 19/2022

TITLE: Executive Committee Representation, Newfoundland

SUBJECT: AFN Charter

MOVED BY: Chief Misel Joe, Miawpukek Mi'kamaway Mawi'omi, NL

SECONDED BY: Chief Brendan Mitchell, Qalipu First Nation, NL

DECISION Carried; 20 objections; 38 abstentions

WHEREAS:

- A. Newfoundland Mi'kmaq are represented by the Miawpukek First Nation Chief and Councilors, the Qalipu First Nation Chief and Councilors, the Flat Bay Band Inc. Chief and Councilors, and Glenwood First Nation Chief and Councilors.
- B. In addition to their First Nation specific leadership, the Newfoundland First Nation Chief and Councilors work together on shared Newfoundland Mi'kmaq issues, including Mi'kmaq Rights and Governance matters.
- C. As with every provincial First Nation leadership in the country, the Newfoundland Mi'kmaq leadership has governance processes and unique interests that are specific to the province.
- D. The Newfoundland First Nations Chiefs are proud members of the Mi'kmaq Nation leadership, but also recognize the modern realities of provincial level Mi'kmaq governance.
- E. Since the creation of the Prince Edward Island regional office, Newfoundland and Nova Scotia Chiefs are now the only Chiefs in the country that do not have individual provincial representation on the Assembly of First Nations (AFN) Executive Committee.
- F. The Newfoundland Mi'kmaq Chiefs and their respective Councils believe that the current shared AFN Executive Committee representation has not evolved to reflect the role and governance responsibilities of

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

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the Newfoundland First Nation Chiefs and leadership, and is neither sustainable nor in the best interests of the Newfoundland First Nations, or the AFN as a whole, and are therefore seeking respectful representation at the AFN Executive Committee, with a Newfoundland Regional Chief selected in accordance with a process acceptable to the Newfoundland First Nations leadership.

- G. The Newfoundland Chiefs recognize that in accordance with Article 27 of the AFN Charter written notice to present a resolution at the next Annual or Special meeting of the First Nations-in-Assembly is required to amend Article 17 of the Charter to change the composition of the Executive Committee and allow for a Newfoundland Regional Chief.
- H. The Newfoundland Chiefs further recognize that a consultation process related to Charter Renewal is being implemented, but do not support this matter being deferred while the process is underway.
- I. The Newfoundland Chiefs are seeking the support of the First Nations-in-Assembly to recognize and respect their roles and responsibilities and unique interests at the Provincial level.

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

- 1. Direct that Article 17 Composition of the AFN Charter and any other Articles that refer to the number of Regional Chiefs be amended to include Newfoundland as a Region represented under the Charter.
- 2. Direct that the AFN Secretariat's (National Indian Brotherhood) By-laws and all other relevant corporate documentation be amended to reflect the regional participation of Newfoundland.
- 3. Affirm their ongoing and strong support for regional AFN Executive representation.
- 4. Direct the AFN Secretariat to advance funding advocacy efforts and call on Canada to increase financial support to facilitate the work of the AFN Executive.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 20/2022

TITLE: Charter Amendment - Corporate Name Change

SUBJECT: Amending the Assembly of First Nations (AFN) Charter to update the corporate name for the Assembly of First Nations (also known as the National Indian Brotherhood) and providing direction to the AFN Executive Committee and AFN Secretariat to support a corporate name change.

MOVED BY: Council Chairperson Khelsilem, Squamish Nation, BC

SECONDED BY: Naa Sháade Eric Háni Morris, Teslin Tlingit, BC

DECISION Carried by consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) Charter is a living document that can be amended from time to time.
- B. First Nations leaders believe in the importance of First Nations women and gender-diverse people in our national organization and in the need to use welcoming and inclusive language that promotes harmony and equality.
- C. Article 18 of UNDRIP states: 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.
- D. Formed in 1978, the National Indian Brotherhood (NIB) was an umbrella group for provincial and territorial organizations (PTOs) that acted as a national political body comprised of the leadership of the various PTOs, which lobbied for changes to federal and provincial policies.

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- E. After its creation, the NIB was not meeting the needs and interests of member First Nations, as their only access to influencing the national First Nations agenda was through their respective PTOs. The chiefs, as elected representatives of their nations, wanted a seat at the table and their voices to be heard.
- F. First Nations Chiefs held their first assembly as "the Assembly of First Nations" (AFN) in Penticton, British Columbia, in April 1982, where, at that time, First Nations leaders established a political arm to the organization as the AFN and correspondingly retained the NIB as a corporate entity overseen by a board of directors, which was responsible for the administration of the organization.
- G. The new structure, adopted in July 1985, gave membership and voting rights to individual First Nation Chiefs rather than PTOs through the adoption of the AFN Charter.
- H. In 2005, an AFN report that reviewed AFN's operating structure made recommendations for the renewal of the national organization, including a name change to the corporate/administrative arm of the organization.
- I. Recommendation #24 in the 2005 Renewal Commission Report states:
 - a. The National Indian Brotherhood applies for a corporate name change and files supplementary articles of incorporation consistent with the recommendations of this report.
 - b. The National Indian Brotherhood be renamed the Assembly of First Nations Secretariat.
- J. The AFN Charter establishes the board of directors for the NIB corporation (commonly known as the AFN) as being comprised of the National Chief and the Regional Chiefs.
- K. The NIB operates and is known as the AFN, but the official legal name remains "National Indian Brotherhood".
- L. First Nations leaders have identified a need to align the corporate name for the administrative secretariat that serves the AFN with its commonly known name in order to better reflect the values and composition of the AFN and the communities it serves.

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

- 1. Direct that the Assembly of First Nations Charter and corporate registration be amended to remove the term **National Indian Brotherhood** and replace it with **Assembly of First Nations**.

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2. Direct the AFN Executive Committee in its capacity as the National Indian Brotherhood (to be renamed AFN) board of directors to:
 - a. Apply for a corporate name change of the National Indian Brotherhood to be officially named the Assembly of First Nations Inc., and file supplementary articles of incorporation consistent with the intent of this resolution, and
 - b. Do all such acts and things, provide such instructions and execute and deliver all such other documents and instruments as necessary or advisable to carry out the resolution's intent.
3. Supports the National Indian Brotherhood Trust Fund board of trustees in its efforts to identify and register a name change that reflects the organizations goals, purpose, and mandates.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 21/2022

TITLE:	Charter Amendment - Conflict of Interest
SUBJECT:	Introduce a definition and requirement for rules regarding conflict of interest and perceived conflict of interest by members of all AFN Principal Organs
MOVED BY:	Council Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Naa Sháade Eric Háni Morris, Teslin Tlingit, BC
DECISION	Carried; 1 objection; 1 abstention

WHEREAS:

- A. The Assembly of First Nations (AFN) employs many people, administers considerable resources, and is regularly called upon to advocate for and take positions with potentially broad impacts on First Nations and their members across Canada;
- B. In order to be effective in the fulfillment of its mandates, the AFN must operate with integrity and must have the confidence of First Nations, their leaders, other governments, and the public;
- C. The First Nations in Assembly have directed and expect that any business, governance, and advocacy undertaken by the AFN and its Secretariat should be undertaken with integrity and in the best interests of First Nations peoples in Canada;
- D. Actual and perceived conflicts of interest on the part of individual leaders, managers, and staff engaged in decision-making on behalf of the AFN can reasonably be expected to undermine the integrity of the AFN and First Nations and other governments, and the public's confidence in the AFN, and the AFN's ability to fulfill its mandates on behalf of First Nations.

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

1. Direct that a new section be inserted after Section 26 - Functions of the AFN Charter, which shall state:

Conflict of Interest

Article 27

1.1 All members of principal organs of the AFN with a direct conflict of interest or appearance of a conflict of interest must adhere to Section 27 of this Charter.

1.2 Conflict of interest are or may be:

- a. defined as situations in which personal, business or financial considerations may affect, or appear to affect a member of the Principal Organ's objectivity, judgement or ability to act in the best interests of the Assembly of First Nations.
- b. real, potential or perceived in nature:
 - i. A real conflict of interest arises where a member of a Principal Organ has a private or personal interest, for example, a close family connection or financial interest.
 - ii. A potential conflict of interest may arise when a member of a Principal Organ has a private or personal interest, such as an identified future commitment.
 - iii. A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a member of a Principal Organ has a conflict of interest, even if there is no real conflict. Full disclosure, in itself, does not remove a conflict of interest.

1.3 Conflicts of interest should be declared as soon as is practicable to the respective body, and that person must recuse themselves from deliberation and decision on that topic.

1.4 Where a conflict of the issue is raised by any members of principal organs of the AFN, the AFN may choose to retain the advice of legal counsel for advice on the conflict-of-interest matter to uphold the integrity of the applicable process. Each principal organ of the AFN may choose to address and resolve the issue by means identified by that organ to maintain the integrity of the process.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 22/2022

TITLE:	Charter Amendment - AFN Orientation
SUBJECT:	Including a requirement for AFN Orientation for new members, new leaders, Regional Chiefs, First Nations youth, and AFN staff, among others
MOVED BY:	Council Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Naa Sháade Eric Háni Morris, Teslin Tlingit, BC
DECISION	Carried; 3 abstentions

WHEREAS:

- A. In the interest of improving the efficiency and integrity of the Assembly of First Nations (AFN), the Chiefs Committee on Charter Renewal re-affirms the AFN Renewal Report's recommendation that orientation be available to all political representatives and their technicians as appropriate.
- B. The 2005 AFN Renewal Commission recommendation #18 recommended:
 - i. ... *And that each Regional Chief be provided with orientation and ongoing advice as to the appropriate fulfilment of his or her political duties in relation to the AFN's administrative operations, staff and financial resources.*
- C. The 2005 AFN Renewal Commission recommendation #39 recommended:
 - i. ... *And further, that Speakers be provided with orientation and targeted training as required, in advance of an Assembly.*
- D. The 2005 AFN Renewal Commission recommendation #45 recommended:
 - i. *That, as a significant element of its public education function, the Assembly of First Nations provide orientation to First Nation leaders, youth, AFN staff and others, as appropriate. And further, that such*

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orientation encompass introduction to AFN structures, procedures, modes of conduct as well as teachings on First Nation values.

- E. Article 4 of UNDRIP states: 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.
- F. Article 5 of UNDRIP states: 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.
- G. Article 18 of UNDRIP states: 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.
- H. Article 20 of UNDRIP states: 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.
- I. The Assembly of First Nations (AFN) has a role and responsibility to provide orientation on the AFN, including to new members, new leaders, Regional Chiefs, First Nations youth, and AFN staff, among others.
- J. Such orientation should introduce participants to AFN structures and procedures, expectations concerning delegate and participant conduct and interaction at Assemblies, committees, working groups, and AFN gatherings and include education and teachings on AFN principles, traditional values and guiding foundations.

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

- 1. Direct that Section 26(4) be added to the AFN Charter, which shall state:
 - i. *The AFN Secretariat shall provide orientation on behalf of the Assembly of First Nations specifically to support and provide information for official AFN political and/or technical representatives to ensure the efficiency of AFN's operations, gatherings, and assemblies.*

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2. Direct the AFN Secretariat, in the development and delivery of orientation, either through by-laws, policies or resolutions, addresses the following considerations that may include;
 - a. An orientation to introduce official AFN representatives and participants to AFN governance and operations;
 - b. Expectations concerning delegate and participant conduct and interaction at Assemblies, committees, working groups, and AFN gatherings;
 - c. Education and teachings on AFN principles, traditional values and guiding foundations.

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SPECIAL CHIEFS ASSEMBLY
DECEMBER 6,7, and 8, 2022, OTTAWA, ON

Resolution no. 23/2022

TITLE: **Re-Commitment to Co-Development of Replacement Legislation for *Safe Drinking Water for First Nations***

SUBJECT: Health and Water

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

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iv. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

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- v. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive, spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - vi. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - vii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - viii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls has identified the First Nations' water and housing crisis as a source of violence against First Nations' women, girls and 2SLGBTQQIA+ people, responding with Call for Justice 4.1 that states:
- i. We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA+ people by ensuring that Indigenous peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous peoples have access to safe housing, clean drinking water, and adequate food.
- C.** The Assembly of First Nations (AFN) First Nations-in-Assembly have provided extensive direction to the AFN including resolutions addressing drinking water and wastewater issues faced by First Nations:
- i. Resolution 20/2012, *National First Nations Water Strategy*
 - ii. Resolution 29/2014, *Right to Safe Drinking Water on Reserve*
 - iii. Resolution 65/2015, *Support for First Nations for the Safe Water Project*
 - iv. Resolution 70/2015, *Support for Housing, Water and Infrastructure*
 - v. Resolution 74/2015, *First Nations Water*

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- vi. Resolution 76/2015, *Safe Drinking Water for First Nations*
 - vii. Resolution 26/2017, *Safe Drinking Water for First Nations Act (the Act)*
 - viii. Resolution 77/2018, *First Nations led Engagement Process for Safe Drinking Water Legislation*
 - ix. Resolution 01/2018, *First Nations led Process to Develop New Federal Safe Drinking Water Legislation*
 - x. Resolution 26/2018, *Support for a First Nations Safe Drinking Water Legislation – Preliminary Concepts*
- D. AFN Resolution 53/2019, *Human Right to Clean Drinking Water*, recognizes and affirms the human right to clean drinking water. The human right to water and sanitation (HRWS) was recognized as a human right by the United Nations General Assembly on July 28, 2010.
- E. First Nations and all Canadians have the basic human right to clean drinking water. In addition, since the Walkerton Crisis in Ontario in 2000, many provincial governments have made clean drinking water a priority for all municipalities, while the federal government has failed to do the same for First Nations.
- F. First Nations across the country continue to face inadequate access to safe, clean water, sanitation, and adequate infrastructure.
- G. As part of the Safe Drinking Water Class Action Settlement Agreement approved by the courts, the Government of Canada has committed to make all reasonable efforts to develop and introduce replacement legislation, in consultation with First Nations, by December 31, 2022, that includes:
- i. Ensuring sustainable First Nations' water and wastewater systems premised upon defining minimum standards of water quality for First Nation water and wastewater systems, and defining minimum capacity standards for the delivery of water to First Nations;
 - ii. creating a transparent approach to building, improving, and providing drinking water and wastewater services for First Nations;
 - iii. confirming adequate and sustainable funding for First Nations' water and wastewater systems; and
 - iv. supporting the voluntary assumption of water and wastewater infrastructure by First Nations.
- H. In the summer of 2022, AFN and Canada began to co-develop legislation. Canada and the AFN had agreed to a Terms of Reference for a Joint Technical Working Group (JTWG), signed by AFN Chief Executive Officer

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Janice Ciavaglia and then Minister of Indigenous Services Canada Minister Marc Miller, to co-develop safe drinking water and wastewater legislation through the preparation of, among other things, a draft framework and, subject to approval, the draft legislative content of the legislation, and agreed to a confidentiality agreement that committed both parties to maintaining confidentiality throughout the JTWG co-development process.

- I. On November 4, 2022, the AFN was informed that legislative drafting had begun without any prior notice, without permission to include content from the JTWG (an apparent breach of confidentiality) and separate from the agreed-upon approach to co-development (an apparent breach of the terms of reference).
- J. On November 8, 2022, the Chiefs Committee on Housing & Infrastructure (CCoHI) recommended that a number of key issues be addressed by the AFN, including that Canada pause the drafting of legislation and that AFN not participate in JTWG meetings until Canada was able to recommit to a true process of co-development.
- K. Significant concerns remain that Canada's proposed legislation will not address a commitment to funding, establishment of minimum standards, recognition of rights, and the creation of First Nations' governance institutions.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to cease further development of its legislative drafting and release what they have developed thus far on safe drinking water.
2. Direct the AFN to withdraw from the Joint Technical Working Group (JTWG) unless Canada re-commits to the co-development of legislation in a meaningful partnership with First Nations in compliance with the original Terms of Reference of the JTWG and the confidentiality agreement.
3. Direct the AFN to co-develop legislation that includes at a minimum:
 - a. Recognition of First Nations rights and jurisdiction over lands and waters;
 - b. Mandatory requirements for Canada to provide water and wastewater treatment that meets minimum national standards (or where requested, the more stringent of the federal requirements or provincial standards governing residential water quality);
 - c. A commitment to adequate and sustained funding (including at a minimum, capital, operations & maintenance and inspections) to address water and wastewater;

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- d. Mechanisms to address transboundary waters;
 - e. Liability protection for owners and operators; and,
 - f. Governance structures that ensure First Nations are decision-makers in the provision of water and wastewater services.
4. Direct the AFN to call on Canada to ensure there are no criminal charges and/or penalties against the owner(s) or operator(s) of a public water system where Canada has failed to provide adequate funding for the operations, capital maintenance and independent inspection of their public water system.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 24/2022

TITLE: AFN's Commitment to Transparency and Proactive Disclosure of Procurement Records

SUBJECT: Governance and Finance

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

SECONDED BY: Council Chairperson Khelsilem, Squamish Nation, BC

DECISION Carried by consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) was created for First Nations; for advancing the aspirations of First Nations and to remain subordinate in strength, power, and resources to the First Nations jurisdiction for which it is established to serve.
- B. There is a need for greater transparency and accountability to the Chiefs for which the AFN was created.
- C. The 2005 AFN Renewal Commission report recommendations for change address:
 - i. place of First Nation values, principles, traditional knowledge and practices within the AFN;
 - ii. relationship-building with other First Nation organizations by way of written protocols or agreements;
 - iii. reform of AFN structures and procedures;
 - iv. communications plans and strategies that work;
 - v. equal participation in Confederation (p.8).
- D. An on-going goal of the current sitting National Chief is working toward evolutionary and positive change at the Assembly of First Nations embedded in accountability and transparency.

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- E. In the AFN Financial Policies and Procedures Manual (2021), Section B (Expense Management), policy, *Expense Authorization and Delegation*, stipulates the following:
- i. Defines the delegation and the assignment authorities and provides accountability with respect to financial authorization and the authority to bind the AFN to legal obligations (p.27).
 - ii. No employee or officer of the NIB/AFN shall exercise any element of Financial Signing Authority in connection with any payment from which s/he can personally benefit or in respect of which s/he is in conflict of interest (p.27).
 - iii. Any purchase greater than \$200,000 must be approved by the Executive Committee, based on a recommendation from the CEO (p.29).
 - iv. Contracts that materially affect the direction or the finances of the AFN requires the approval of the Executive Committee. This includes but is not restricted to any contract including amendments with the same vendor with an accumulated value greater than \$100,000 (p.30).
 - v. The CEO is required to report all approved additional expenditures to the Executive Committee so that they may be informed of major purchases or potential negative financial impacts to the AFN (p.31).
- F. In the AFN Financial Policies and Procedures Manual (2021), Section B (Expense Management), policy, *Contracts*, stipulates the following:
- i. For contracts greater than \$50,000.00 (tax excluded), a competitive bidding process is required through a Request for Proposal (p.54)
 - ii. For contracts greater than \$100,000.00, an RFP is required where the Branch will make a recommendation for approval by the Executive Committee (p.54).
- G. The AFN Financial Policies outlined above do not include procedures that facilitate disclosure of information about procurement and awarded contracts to the First Nations-in-Assembly on a timely and routine basis.
- H. The AFN's existing structure must evolve in order to gain the respect and confidence of the First Nations across the country and be known not only as the representative of First Nations in national and international forums but an advocate and supporter of nation-building.

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Resolution no. 24/2022

- I. At the AFN's 43rd Annual General Assembly (July 2022), the Chiefs, both on the assembly floor and in the Resolutions they passed, expressed that the healing path forward includes transparency and accountability.

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

1. Direct the Assembly of First Nations (AFN) and AFN Executive Committee to issue and share a confidential quarterly report with the First Nations-in-Assembly, itemizing all awarded contracts and:
 - a. Process (i.e., RFP).
 - b. Sector and/or person requesting the contract.
 - c. Amount and term of the contract.
2. Direct the AFN to create and implement a Summary of Awarded Contracts document, itemized by year and quarter, for greater monitoring of procurement activities.
3. Direct the AFN and AFN Executive to complete an annual analysis of procurement to ensure that the principles of accountability, transparency and fairness are reflected in procurement decisions.
4. Direct the AFN and Executive Committee to add to the current procedures of the policy, *Contracts*, the preceding new activities.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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**Special Chiefs Assembly
December 6,7,8, 2022, Ottawa, ON**

Resolution no. 25/2022

TITLE: Advancing Gender Equity in Leadership for Women and Families

SUBJECT: Gender Equity

MOVED BY: Naa Shaáde Háni Eric Morris, Teslin Tlingit Council, YT

SECONDED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind.
 - ii. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
 - iii. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
 - iv. 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.
 - v. Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.
- B. First Nations Women, Elders, Youth and the 2SLGBTQQIA+ represent vulnerable sectors within society.

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- C. The Assembly of First Nations (AFN) leadership has a responsibility to ensure that the governance of the organization does no harm and that the AFN organization and administration:
- i. take action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the AFN organization or administration; and
 - ii. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment and violence and achieve gender equity.
- D. The roles of the AFN Regional Chiefs are identified in the AFN Charter. The AFN provides funding to all regions for the role of Regional Chief and core operations. There is ongoing work required to ensure that there is gender equity as well as equity between Regions and that these compensation packages are reviewed both by the Chiefs in Assembly and regionally.
- E. Over the past 20 years, the AFN has commissioned several reports on Regional Chief compensation but fell short of bringing these reports before the First Nations-in-Assembly for endorsement. Although these Reports have yet to be endorsed, they have produced some important recommendations. These include:
- i. AFN Renewal Commission Report of 2005 proposed, in recommendation #17, the establishment of a Regional Chiefs' compensation formula which states:
 - a. *"That a formula for compensating Assembly of First Nations Regional Chiefs be developed to include a base salary that is associated with the office of AFN Regional Chief, and salary increments based on each region's First Nation population, the number of First Nations in the region, portfolio responsibilities held and associated levels of engagement with portfolio responsibilities"; and*
 - ii. The AFN Secretariat engaged the Stratford Group in 2020 to conduct an independent Compensation Review for the role of Regional Chief, which resulted in a report that provided an independent perspective on fair, reasonable compensation for this role, including recommendations on leave benefits, including maternity and parental leave. ("Stratford Report").

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- F. Women in leadership positions are often challenged to be able to continue their careers and to balance family obligations and work obligations as a result of barriers for women to take maternity and parental leave.
- G. The AFN Charter, Executive Committee Code of Conduct, and other AFN governance tools are silent on equitable compensation, including maternity and parental leave.
- H. The National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice state:
 - i. 1.3: We call upon all governments, in meeting human and Indigenous rights obligations, to pursue prioritization and resourcing of the measures required to eliminate the social, economic, cultural, and political marginalization of Indigenous women, girls, and 2SLGBTQQIA people when developing budgets and determining government activities and priorities.
 - ii. 1.4: We call upon all governments, and in particular Indigenous governments and Indigenous representative organizations, to take urgent and special measures to ensure that Indigenous women, girls, and 2SLGBTQQIA people are represented in governance and that their political rights are respected and upheld. We call upon all governments to equitably support and promote the role of Indigenous women, girls, and 2SLGBTQQIA people in governance and leadership. These efforts must include the development of policies and procedures to protect Indigenous women, girls, and 2SLGBTQQIA people against sexism, homophobia, transphobia, and racism within political life.
 - iii. 1.6: We call upon all governments to eliminate jurisdictional gaps and neglect that result in the denial of services or improperly regulated and delivered services that address the social, economic, political, and cultural marginalization of, and violence against, Indigenous women, girls, and 2SLGBTQQIA+ people.
 - iv. 3.1: We call upon all governments to ensure that the rights to health and wellness of Indigenous Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA+ people, are recognized and protected on an equitable basis.

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

- 1. Support the recommendation found in the Stratford Report that AFN Regional Chiefs' compensation should include benefits coverage, which would include maternity and parental leave.

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2. Support the principle that AFN Executive Members, regardless of their gender, should be supported by the AFN to pursue growing families, and direct the AFN to:
 - i. provide the AFN Regional Offices with financial support to provide for coverage (which may include a Regional Chief's designate) for maternity and parental leave.
 - ii. create a policy and special fund that would support AFN Executive Members to take maternity/parental leave, long-term leave due to sickness or bereavement, and/or leave in emergency situations, and be supported to do so.
 - iii. look at options for providing childcare at AFN Assemblies for AFN Executive Members, AFN Staff, and Chiefs and Proxies to ensure that all staff and elected officials who have families have the ability to fully participate in Assembly proceedings. These options must be brought before the AFN Management Committee for recommendation to the AFN Executive.
3. Express their support of women in leadership and direct the National Chief and the AFN to:
 - i. continue to advocate to remove barriers for women, and those who identify as women, to pursue leadership.
 - ii. provide an update to the First Nations-in-Assembly at the 2023 AFN Annual General Assembly on specific actions taken by the AFN to support women in leadership.
4. Direct the AFN to develop an advocacy strategy to advocate for the federal government to provide financial resources to First Nations to be able to provide maternity and parental benefits for elected First Nation leaders.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 26/2022

TITLE: Plan for National Community Safety Reform: Political Support and Resourcing

SUBJECT: Policing

MOVED BY: Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB


SECONDED BY: Kevin Hart, Proxy, Little Grand Rapids First Nation, MB

DECISION Carried; 1 abstention

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
 - iii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation for the enjoyment of the rights contained in this Declaration.
- B.** The recent tragedy in the James Smith Cree Nation and the recent epidemic of suicides, public safety, and substance abuse issues, which are faced by First Nations, are illustrative of the requirement for a broad, considered, and meaningful response by First Nations that will provide for the safety, policing, and health of First Nations and First Nations citizens.

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- C. First Nations across Canada are calling for the creation of a pragmatic and effective plan for addressing safety, policing, and well-being wherever we may be.
- D. First Nations are in dire need of resources, staffing, and facilities, which include policing centers, places of safety, health centers, recreational infrastructure, substance abuse treatment facilities, and emergency housing.
- E. First Nations-in-Assembly are supportive of fostering these investments in infrastructure and other community supports to address these concerns around safety, policing, and health.

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

1. Call upon the federal, provincial, and territorial governments to support First Nations-led solutions in responding to the epidemic of suicides, public safety challenges, and substance abuse issues faced by First Nations and First Nations citizens.
2. Direct the Assembly of First Nations (AFN) to advocate for and seek appropriate resources to:
 - a. Engage in or carry out activities for the creation and implementation of a *Plan for National Community Safety Reform*, which is intended to assess the need to provide resources and support to First Nations to address community safety, policing, and wellbeing wherever we may be, to be presented to First Nations-in-Assembly; and
 - b. Support the establishment of a Chiefs Committee on Community Safety, which will provide advice and direction on the development and implementation of a national survey to be distributed to First Nations that will assess the priorities of First Nations in relation to their community wellbeing, safety, and policing needs, with the results informing the drafting of the *Plan for National Community Safety Reform*.
3. Direct that the Chiefs Committee on Community Safety will be comprised of one (1) Chief representative from each AFN Region, who shall be appointed in collaboration with Chiefs, former RCMP and Justice workers.
4. Direct the Chiefs Committee on Safety Committee to report back to the First Nations-in-Assembly upon their progress, such as indicators of advances made, funding sources, and the priorities of First Nations (in aggregate).

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 27/2022

TITLE: Support for the Family of Chantel Moore and Implementation of the 231 Calls for Justice

SUBJECT: Safety and Security of Indigenous Women, Girls, and 2SLGBTQQIA People

MOVED BY: Chief Shelley Sabattis, Oromocto First Nation, NB

SECONDED BY: Chief Joanne Miles, Flat Bay First Nation, NL

DECISION Carried by consensus

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii.** Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** The Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) in August 2016. The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- C.** The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women, girls and 2SLGBTQQIA peoples. The Final Report also contains four

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overarching findings relating to rights recognition, justice, security, and health and wellness. It also contains 231 *Calls for Justice* which include recommendations to governments, institutions, industries, service providers, partners, and all Canadians.

- D. Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus, based on the made in Manitoba Families First initiative, to honour the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systematic change;
 - ii. Recognize that any process, including roundtable or inquiry, must listen and hear the voices of the families of MMIWG, adequately support families and communities in their healing journeys, and honour the MMIWG; and
 - iii. Recognize that a one-day roundtable on MMIWG is not sufficient.
- E. AFN Resolution 67/2019, *Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQQIA+*, mandates the AFN to:
- i. Call upon the Federal government to ensure that all engagement on a National Action Plan be carried out using the "Families First" approach.
 - ii. Direct the AFN to seek out appropriate funding and resources to:
 - i. Attend and participate in all Roundtable meetings in every region; and
 - ii. Coordinate its own engagement with First Nations on a National Action Plan.
 - iii. Direct the AFN to develop its own First Nations-led National Action Plan with input from the regions and First Nations survivors, families and the First Nations Coalition for Grassroots Families and advocate for all governments to adopt it.
 - iv. Call upon the federal government to ensure that AFN Women's Council participates in the selection process for any representative appointed to implement the National Inquiry's Final Report *Calls for Justice*, including the development and implementation of a National Action Plan.

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- v. Direct the AFN to ensure the First Nations Action Plan is respectful of any Nation, women, or regional-led processes in regard to their planning.
- F. On June 3, 2021, the AFN released its First Nations-led national action plan report called *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People*, which highlights priority areas identified by survivors and families to immediately address violence against First Nations women, girls, and 2SLGBTQQIA+ people.
- G. AFN Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*, mandates the AFN to:
 - i. Call upon the federal government to ensure that all activities with respect to the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA+ people be carried out using a "Families First" and distinctions-based approach.
 - ii. Direct the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of the implementation of the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA+ people.
- H. On June 3, 2021, Canada released their *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (National Action Plan) and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People* (Federal Pathway).
- I. To date, progress to implement the National Action Plan, Federal Pathway, and 231 Calls for Justice has been slow, and many First Nations people have yet to see real on the ground changes to end violence against Indigenous women, girls, and 2SLGBTQQIA+ people.
- J. Tragically on June 4, 2020, Chantel Moore, a mother, and member of the Tla-o-qui-aht First Nation, was shot and killed by police dispatched to her apartment in New Brunswick to conduct a "wellness check."
- K. On May 19, 2022, a New Brunswick coroner's inquest into the fatal shooting of Chantel Moore ruled her death as a homicide.
- L. The AFN Women's Council strongly condemns any acts of violence perpetrated against any Indigenous women, girls, and 2SLGBTQQIA+ people.

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

1. Direct the Assembly of First Nations (AFN) to advocate for greater RCMP accountability and justice for the family of Chantel Moore and call for the implementation of the recommendations from the New Brunswick Coroner's Inquest regarding police intervention, training, and equipment.
2. Call upon the AFN to strongly denounce any acts of violence perpetrated by police against Indigenous women, girls, and 2SLGBTQQIA+ people and advocate for greater police reform and accountability.
3. Call upon the federal government to accelerate the implementation of the National Action Plan and 231 Calls for Justice and to disclose in a transparent manner how the funding for implementation of the National Action Plan is being allocated.
4. Call upon the federal government to establish an independent third-party oversight body mandated to provide accountability for the implementation of the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.
5. Call on the federal government to work with the provinces and territories in a role as a convenor to ensure that the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* is implemented fully, and that this work is prioritized equally as the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

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Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 28/2022

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

SUBJECT: Child and Family Services

MOVED BY: Council Chairperson Khelsilem, Squamish Nation, BC.

SECONDED BY: Chief Patsy Corbiere, Aundeck Omni Kaning First Nation

DECISION Carried by consensus

WHEREAS:

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

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SPECIAL CHIEFS ASSEMBLY

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Resolution no. 28/2022

- 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.
- C. The First Nations Child and Family Caring Society (Caring Society), as represented by Cindy Blackstock, and AFN, as represented by the former National Chief Phil Fontaine, filed a human rights claim in 2007 alleging that Canada's inequitable provision of First Nations child and family services and its choice not to implement Jordan's Principle was discriminatory.
- D. The Canadian Human Rights Tribunal (CHRT) substantiated the claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families.
- E. Consistent with the direction of the First Nations-in-Assembly *AFN Resolution 85/2018, Financial Compensation for Victims of Discrimination in the Child Welfare System* pursuant to the Canadian Human Rights Act, the CHRT ordered Canada to pay \$40,000.00 per eligible victim for Canada's "willful and reckless" discrimination of the worst kind.
- F. On September 28, 2021, the Federal Court dismissed the Government of Canada's application for judicial review of the Canadian Human Rights Tribunal's compensation orders.
- G. The Government of Canada then appealed the 2021 Federal Court Decision and announced it wished to address the human rights damages within two larger class actions: *Moushoom et al. v. Attorney General of Canada* and the Assembly of First Nations class action.
- H. In 2022, the AFN and Canada engaged in negotiations and concluded a settlement of \$20 billion for compensation to be paid to victims of Canada's discrimination. The agreement provided additional compensation above that which the CHRT awarded and deviated from the CHRT orders in some regards.
- I. Canada and AFN filed a joint motion to have their Final Agreement approved by the Tribunal, and on October 24, 2022, the CHRT issued a letter decision confirming that the Final Settlement Agreement on compensation signed by Canada, the AFN, and other class action parties does not fully satisfy its orders.

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

1. Support compensation for victims covered by the proposed Final Settlement Agreement (FSA) on compensation and those already legally entitled to \$40,000 plus interest under the Canadian Human Rights Tribunal (CHRT) compensation orders to ensure that all victims receive compensation for Canada's willful and reckless discrimination.
2. Direct Canada to fund post-majority supports tailored to the specific needs of each child and young adult victims up to age 26 who are eligible for compensation until such time that community-based supports funded by Canada can adequately support all victims for the duration of the compensation period.
3. Direct the Assembly of First Nations (AFN) to immediately seek a minimum of 12 months following the announcement of a revised Final Settlement Agreement for claimants to determine whether they will participate in the class action. Persons entitled to compensation shall determine whether they will participate in the class action based on complete information, including the terms of any settlement.
4. Call upon Canada to immediately place the minimum of \$20 billion earmarked for compensation in an interest-bearing account held by an independent and reputable major financial institution and immediately pay the compensation to all victims of Canada's discrimination, including those eligible under the class action and under the CHRT orders.
5. Support the principles on which the FSA is built, including taking a trauma-informed approach, employing objective and non-invasive criteria, and ensuring a First Nations-driven and culturally-informed approach to compensating individuals.
6. Continue to support the Representative Plaintiffs and all victims of Canada's discrimination by ensuring that compensation is paid as quickly as possible to all those who can be immediately identified and to continue to work efficiently to compensate those who may need more time.
7. Ensure that the AFN returns to the First Nations-in-Assembly to provide regular progress reports and seek direction on any outstanding implementation issues.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 29/2022

TITLE: Establishment of an AFN Chiefs Committee on Indian Residential Schools

SUBJECT: Residential Schools

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11 (1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. Article 12: Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to use and control their ceremonial objects; and the right to the repatriation of their human remains.
- B. On May 27, 2021, Tk'emlúps te Secwépemc announced that through efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School, 215 unmarked graves of children were located utilizing ground-penetrating radar.
- C. Additional unmarked graves were later found across Canada at former residential school sites, including Brandon Indian Residential School, Marieval Indian Residential School, Kootenay Indian Residential Schools, St. Joseph's Indian Residential School, Kuper Island Residential School, and to include Indian hospitals and areas that may be found through further investigation
-

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- D. The information has now come forward regarding the loss of life of children at the schools, disappearances, and instances where there was a failure to document or protect the deceased children, who were deprived of their identity, culture and values, and raising evidence of mass human rights violations of national and international concern.
- E. The Crown's racist, colonial laws and policies towards Indigenous Peoples, many of which continue despite the termination of the Residential School System, were acknowledged in the June 2008 apology issued by former Prime Minister Harper in the House of Commons to survivors of Indian Residential Schools across Canada (the "Apology"). The Apology acknowledged that the objective of the Residential School System was to remove and isolate children from the influence of their homes, families, traditions, and cultures and to assimilate them into the dominant settler culture.
- F. The UN Declaration, which the governments of Canada and British Columbia have adopted without qualification and passed into federal and provincial law, affirms the fundamental human rights of Indigenous peoples to practice and revitalize our cultural traditions and customs. This includes, but is not limited to, the right to maintain, protect and develop the past, present and future manifestations of our culture, such as historical sites, the right to privacy in our religious and cultural sites, as well as the right to the repatriation of the human remains of our people.
- G. Information and evidence on the loss of life must be gathered, protected, and made known to Canada and the world within an appropriate context that does not minimize or deny the magnitude of the wrongs committed.
- H. Churches have sought to minimize their role and withhold their records pertaining to the operation of Indian Residential Schools in an attempt to reduce their financial liability and avoid fulsome engagement with First Nations through impactful investments in reconciliation initiatives.
- I. On April 1, 2022, His Holiness Pope Francis apologized to the Canadian Indigenous Delegation for the role of the Catholic Church and the impact of the horrific abuses and forced assimilation committed against Indigenous children in the Residential School System.
- J. Whereas the RCMP have been involved in the transportation (kidnapping) of the children from their homes to the Residential School System, and they should not be involved as investigators for the crimes committed.
- K. Through AFN resolutions, the First Nations-in-Assembly have cited the numerous horrors of Residential Schools and the need for comprehensive healing supports for survivors, families, and communities.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

- L. The Truth and Reconciliation Commission of Canada dedicated a specific volume to the missing children and unmarked graves of Indigenous children who did not return from Canada's Residential Schools and issued several Calls to Action (71-76) to the Federal Government and the churches to identify the locations of these unmarked graves and to identify the missing children.
- M. A Chiefs' Committee on Indian Residential Schools is needed to help share and track information between First Nations who are undertaking ground searches for unmarked graves at former sites of Residential Schools and advocate to fully implement the Truth and Reconciliation Commission's Calls to Action.
- N. Article 7 (3) of the AFN Charter states:
- i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - b) The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - d) The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee, and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
 - e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.

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

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

1. Establish an Assembly of First Nations (AFN) Chiefs Committee on Indian Residential Schools to:
 - a. Help share and track information between First Nations who are undertaking ground searches for unmarked graves at former sites of Residential Schools;
 - b. Advocate to fully implement the Truth and Reconciliation Commission's Calls to Action; and
 - c. To work with AFN Executive Committee, Federal, Provincial and Territorial Governments, and the newly appointed Special Interlocutor to address and investigate matters related to the Indian Residential School System.
2. Call on the AFN to ensure the Chiefs' Committee on Indian Residential Schools shall draft their terms of reference, which will include an annual report, ensure that composition of the committee will include participation from residential school survivors and will establish a mechanism for First Nations to share information with the Chiefs' Committee on Indian Residential Schools.
3. Call on the AFN to work with the newly created Chiefs' Committee on Indian Residential Schools to urge the federal government, in full partnership with First Nations, to:
 - a. Call on Canada and Church entities to identify and release records in their control to ensure the records are available to inform the investigations needed at former Residential School sites; and
 - b. Call on Canada and Church entities to provide records to the National Centre for Truth and Reconciliation to ensure that Indian Residential School Survivors, their families and First Nations have full and complete access, including funding the necessary resources to access, review and analyze the records held by Canada, Church entities and any third parties.
4. Call on the AFN to ensure the Chiefs Committee on Indian Residential Schools will work to ensure that the federal government and involved Churches take active steps towards providing consistent and substantive supports to Residential School Survivors, families and First Nations in their efforts of investigation, as well as comprehensive supports for the dynamic and evolving needs of survivors in their journey towards healing from the horrific trauma inflicted by the Residential School System and memorializing the sites where First Nations children were recovered.
5. Direct the AFN to advocate for and seek appropriate resources to engage in or carry out activities to support the Chiefs Committee on Indian Residential Schools in carrying out their mandate.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 30/2022

TITLE: Call to Formally Repudiate the Doctrine of Discovery

SUBJECT: Justice

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 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.
 - iv. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

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- v. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - vi. Article 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 Doctrine of Discovery and *terra nullius* are based on the presumed racial superiority of European Christian peoples and has been used to dehumanize, exploit, and subjugate Indigenous peoples and dispossess Indigenous peoples of their lands and rights.
- C.** Canadian courts, such as the case of *St. Catherine's Milling and Lumber Company v. The Queen*, have relied on early United States Supreme Court decisions, such as *Johnson v. McIntosh*, that are based on the discovery doctrine. The Supreme Court of Canada has grounded its interpretation of section 35 of the Canadian Constitution on the racist and unjust legal principles that underlay the Doctrine of Discovery.
- D.** In the landmark *Tsilhqot'in Nation v. British Columbia* ruling, the Supreme Court ruled, "The doctrine of *terra nullius* (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the Royal Proclamation (1763)."
- E.** The federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 (Canada's Declaration Act) includes a clear statement that "all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the doctrines of discovery and *terra nullius*, are racist, scientifically false, legally invalid, morally condemnable and socially unjust."
- F.** Under section 6 of Canada's Declaration Act, the Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the UN Declaration and must include specific measures to address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination against Indigenous peoples.
- G.** The very first recommendations of the 1996 Report of the Royal Commission on Aboriginal People are as follows

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1.16.1 To begin the process, the federal, provincial and territorial governments, on behalf of the people of Canada, and national Aboriginal organizations, on behalf of the Aboriginal peoples of Canada, commit themselves to building a renewed relationship based on the principles of mutual recognition, mutual respect, sharing and mutual responsibility; these principles to form the ethical basis of relations between Aboriginal and non-Aboriginal societies in the future and to be enshrined in a new Royal Proclamation and its companion legislation.

1.16.2 Federal, provincial and territorial governments further the process of renewal by:

- a) acknowledging that concepts such as *terra nullius* and the doctrine of discovery are factually, legally and morally wrong;
- b) declaring that such concepts no longer form part of law making or policy development by Canadian governments;
- c) declaring that such concepts will not be the basis of arguments presented to the courts;
- d) committing themselves to renewal of the federation through consensual means to overcome the historical legacy of these concepts, which are impediments to Aboriginal people assuming their rightful place in the Canadian federation; and
- e) including a declaration to these ends in the new Royal Proclamation and its companion legislation.

H. The Truth and Reconciliation Commission of Canada's (TRC) Calls to Action state:

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown [which would include]: [...] (i) repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to: [...] (ii) repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra*

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nullius, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*; and

- I. In 2018, the AFN released a paper entitled, "Dismantling the Doctrine of Discovery," which called Canada to act on the following recommendations:
 - i. Acknowledge that this doctrine has had and continued to have devastating consequences for Indigenous peoples worldwide, including First Nations in Canada;
 - ii. Reject doctrines for superiority as illegal and immoral, and affirm that they can never be a justification for the exploitation and subjugation of Indigenous peoples and the violation of human rights;
 - iii. In full partnership with First Nations, examine how Canadian history, laws, practices and policies have relied on the doctrine of discovery;
 - iv. Repudiate all doctrines of superiority in a legislative framework for the implementation of the [UN Declaration], developed together with Indigenous peoples;
 - v. Reinterpret Canadian law in a manner consistent with the [UN Declaration] and other contemporary international human rights standards;
 - vi. Ensure that the violation of First Nations' rights to lands, territories and resources that were taken without their free, prior, and informed consent are effectively redressed; and
 - vii. Ensure that the doctrine is not in any manner invoked in contemporary court cases or negotiations.

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

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SPECIAL CHIEFS ASSEMBLY

December 6,7,8, 2022, Ottawa, ON

Resolution no. 30/2022

1. Fully reject the racist and colonial Doctrine of Discovery as a justification for the forceful dispossession of sovereign Indigenous Nations from their territories.
2. Fully support and endorse the findings and recommendations outlined in the Truth and Reconciliation Commission's Calls to Action related to the Doctrine of Discovery and *terra nullius*, recommendations 1.16.1 and 1.16.2 of the 1996 Report of the Royal Commission on Aboriginal people, and the Assembly of First Nations' *Dismantling the Doctrine of Discovery* report.
3. Call on King Charles III to renounce the Doctrine of Discovery and likewise to renounce all doctrines of moral superiority asserted in aid of colonialism, so the Crown does not continue to rely upon or use these doctrines in aid of colonial purposes, especially as the Crown has distinct and lasting fiduciary obligations to the Indigenous peoples in Canada and around the world.
4. Direct the Assembly of First Nations (AFN) to call on the federal Minister of Justice to include formal rescinding and repudiation of the Doctrine of Discovery in Canada's United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan and to ensure the policy and legislation measures in this action plan reflect the rescinding and repudiation of the Doctrine of Discovery.
5. Direct the AFN to continue to call on the Pope to rescind and repudiate the Doctrine of Discovery and *terra nullius* and recognize Indigenous inherent sovereignty, jurisdiction and self-determination.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 31/2022

TITLE: Establishment of an Indian Residential Schools Museum

SUBJECT: Indian Residential Schools

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group;
 - ii. Article 8(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; (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.
- B. On May 8, 2006, Canada and the Assembly of First Nations (AFN) entered into the Indian Residential Schools Settlement Agreement (IRSSA).
- C. On June 2, 2015, Justice Murray Sinclair released the TRC's document titled, *Honoring the Truth, Reconciling for the Future: A Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. The summary report contained 94 Calls to Action to all levels of government and must be implemented as the bare minimum to respect, recognize and reconcile for the sake of our future generations.

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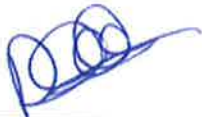
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- D. While Calls to Action #67-70 call on Museums and Archives to fully adopt the UN Declaration, ensure holdings are accessible to the public and commit resources to educating the public, survivors of Indian Residential Schools deserve to have their stories, history, and hardship documented and preserved in a First Nations controlled environment that respects worldview, protocol and culture.
- E. Saskatchewan has among the highest number of survivors of Indian Residential Schools in the country, a still standing former residential school, and a strong history of seeking justice for survivors and their families.

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

1. Support the establishment of a First Nations-controlled national museum in Saskatchewan with a mandate to explore the subject of residential schools in order to preserve the stories of survivors and enhance public understanding of residential schools and encourage reflection and dialogue.
2. Call on the federal government to fund the planning, development, implementation and permanent ongoing operations of the museum.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 32/2022

TITLE: Extension of Day School Claims (McLean Class Action) Application Deadline for 1 year

SUBJECT: Day School Claims

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. On March 12, 2019, plaintiffs in the Mclean case announced the Settlement of a nationwide class action lawsuit against Canada brought to compensate survivors for harms they suffered while attending federally operated Indian Day Schools; and:
- B. On August 19, 2019, the Federal Court approved a Canada-wide out-of-court settlement between the government of Canada and Class Members in relation to Canada's establishing and funding of Federal Indian Day Schools and Federal Day Schools and its subsequent control and management of those Day Schools; and
- C. As part of the Approved Settlement of this Class Action, Canada will provide compensation to Eligible Class Members; that is, those students who attended a Federal Indian Day School or Federal Day Schools; and
- D. Class Members can now apply for an extension until January 13, 2023; and
- E. Due to the COVID-19 pandemic and its subsequent waves of infection and the resulting First Nation, provincial and federal Health Orders affecting travel, enacting facility closures, and restricting access to in-office services, claimants have had difficulty completing their applications for compensation, including obtaining government-recognized personal identification.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 32/2022

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

1. Direct the Assembly of First Nations (AFN) to request an extension for the Day School Claims applications from January 13, 2023, to January 12, 2024, through the Minister of the Crown-Indigenous Relations and Northern Affairs Canada department.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 33/2022

TITLE: Healing Forum for Residential School Survivors/Veterans/Thrivers

SUBJECT: Justice

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

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

- i. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- ii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- 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;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

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- B.** The recent discovery of the remains of thousands of children who were forced to attend the former Indian Residential Schools across Canada in unmarked graves has provided evidence of state-sanctioned genocide, human rights and humanitarian law violations and further proves an ongoing pattern of violence inflicted upon Indigenous peoples by the government of Canada and the churches through the Residential School system and colonial laws and policies.
- C.** Those that experienced and lived through the atrocities of the Residential School system, including Day Scholars and Day Students, endured the loss of culture and language and were subjected to emotional, spiritual, sexual, physical, and psychological abuse and other injustices that severely affected them and their families for generations – for which many have not been compensated or received reparations due to many survivors dying before the settlement agreements are approved by the courts, the settlement agreement deadlines, lack of public awareness on the settlements and arbitrary guidelines and dates that determine eligibility.
- D.** The Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools (IRS) nationwide, identifying that more than 4,100 children died at these facilities – although Survivors and families have maintained that number is much higher.
- E.** Some Residential School Survivors, including intergenerational survivors, prefer to be referred to by other terms, including “veterans” and “thrivers,” to better reflect their resiliency and agency, to better capture the respect and honour they deserve to be treated with, and to better reflect the calculated, violent cultural eradication and hostile forces they confronted and emerged from with their dignity and strength intact.
- F.** The ongoing recoveries of missing and unidentified Indigenous children at former Residential School sites have triggered and re-traumatized Residential School survivors, veterans and thrivers, including intergenerational survivors, and have highlighted and brought to public attention the immense trauma, violence, and abuse Indigenous peoples and communities continue to heal from with strength, courage, and resolve.
- G.** The need for healing supports is greater than ever before, yet existing services and resources for survivors/veterans/thrivers remain piecemeal, inadequate, and not widely available within communities. The lack of a coordinated approach to ensuring culturally appropriate healing services to all survivors has put an undue financial and social burden on First Nations, community-based organizations, families, and survivors to resource and offer their own healing spaces. Survivors are often forced to heal on their own, where services are

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not offered in a culturally safe manner, or there is a lack of understanding of their experiences. They deserve unfettered access and funding for every possible healing support, including cultural, mental, emotional, spiritual, and physical.

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

1. Call upon the federal and provincial governments to fully resource and provide capacity support for First Nations-led and hosted healing forums in alignment with their obligations under the UN Declaration and the *United Nations Declaration on the Rights of Indigenous Peoples Act*.
2. Direct the Assembly of First Nations (AFN) to advocate for and seek appropriate resources to engage in or carry out activities to support hosting national and regional forums for residential school and day school survivors/veterans/thrivers, intergenerational survivors, and their invited guests and supports, to come together and identify their collective needs for healing.
3. Direct the AFN to call on like-minded organizations, including the Indian Residential School Survivors Society, to help plan and host the national and regional forums to ensure that a "trauma informed" approach is used.
4. Direct the AFN to approach the Government of Canada to develop a National Recognition Pin for Survivors of the Indian Residential School System to honour their bravery, courage, and strength, designed in collaboration with Survivors, Indian Residential School organizations, and the arts community.
5. Direct the AFN to advocate for a National honouring ceremony to bring Survivors to the forefront to receive these National Recognition Pin for Survivors, if they so wish

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 34/2022

TITLE: Justice and Reconciliation for Indian Residential School Survivors and Missing Children and Unmarked Graves

SUBJECT: Justice and Reconciliation for Indian Residential School Survivors/Claimants

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. To date, 1,700 unmarked and undocumented graves of Indigenous children have been located around former Indian Residential Schools (IRS), reopening wounds for survivors and their families. Crimes have been committed against Indigenous people by the Government of Canada and the Churches.
- B. Although Canada's Indian Residential Schools were initially referred to as a form of cultural genocide by the Truth and Reconciliation Commission (TRC) (2015), that has since been amended to be described as a form of genocide by Indigenous groups as well as acknowledged by Pope Francis (2022) and officially recognized by the Canadian House of Commons as an act of genocide against Indigenous people in Canada (2022).
- C. The Government of Canada and Churches are both bound by the Indian Residential Schools Settlement Agreement (IRSSA) and are responsible for providing access to documents for researchers and disclosing its documents but have failed to comply fully, including the withholding of records and evidence to support claims of child abuse throughout the entire adjudication and compensation processes for the Claims made by IRS survivors thereby denying fair process and justice, failure to comply with Canada's Privacy Act (R.S.C., 1985, c. P-21) and suppressing the true history of IRS in Canada.
- D. The human rights of Indigenous children were violated by the Government of Canada, which is in contravention of the International Convention on the Rights of the Child.

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- E. The implementation of the IRSSA was problematic and revictimized survivors due to a breach of the settlement agreement, including the waiver by Canada of \$25 million owed by the Roman Catholic Church to survivors.
- F. The Supreme Court of Canada has denied hearing an appeal by survivors of St. Anne's IRS in their ongoing legal battle with the Government of Canada, and judicial processes in Canada appear to be exhausted.
- G. Many children who attended residential schools were sent to TB sanatoriums, and many of those children never returned home.
- H. Provincial Law Societies across Canada have failed to investigate and hold accountable the actions of lawyers accused of withholding evidence and having professional conflicts.
- I. The Assembly of First Nations previously passed resolutions 01-2021 on the examination of international processes to pursue the crimes against humanity committed by the accused and 02-2021 concerning "the appointment of a unique legal entity or guardian" that includes "the participation by an appropriate United Nations agency representative."
- J. Article 40 of the United Nations Declaration on the Rights of Indigenous People states that *"Indigenous peoples have the right to access 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."*
- K. Reconciliation cannot be achieved without justice for all Indigenous people.

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

1. Direct the Assembly of First Nations (AFN) to prioritize the international actions included in resolutions 01-2021 and 02-2021.
2. Direct the AFN to advocate for the establishment of an independent international commission, such as utilizing the UN Special Rapporteur to examine how IRS survivors were failed by the IRSSA on their individual complaints, conduct studies, provide advice on technical cooperation and undertake visits to assess specific human rights issues or situations in Canada.
3. Direct the National Chief, Executive Committee, and AFN Secretariat to intervene in the legal matters of IRS survivors of national importance with the Government of Canada and the Roman Catholic Church, including calls

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 34/2022

for support from the international community on behalf of survivors to obtain relevant documents, have their claims reopened and re-adjudicated and appropriate compensations be awarded to them in a trauma-informed process.

4. Direct the AFN to seek justice through international processes to hold the Government of Canada and the Churches accountable for their actions and for the violation of human rights pursuant to the Convention on the Rights of the Child, the UNDRIP and the UNDA, without delay, in recognition that survivors are aging and are passing away before they receive justice.
5. Direct the AFN to commission an academic review, subject to funding, of the IRSSA to determine whether the IRSSA has fulfilled social justice obligations.
6. Direct the AFN to pursue the release of all related evidence and documents in full to the National Centre of Truth and Reconciliation.
7. Direct the AFN to adopt a definition of reconciliation which enhances and strengthens the TRC's definition of reconciliation with an emphasis that true reconciliation cannot be achieved until justice is served for Indigenous People.
8. Direct the AFN to report back annually at the Annual General Assembly on any progress made.

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 35/2022

TITLE: Reimbursements of Legal Costs for Residential School Survivors

SUBJECT: Residential Institutions

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - i. (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; and
 - ii. (d) Any form of forced assimilation or integration.
- B. Prior to, during, and after the ratification of the Indian Residential Schools Settlement Agreement in May 2006, thousands of Survivors brought forward claims to Canadian courts regarding the emotional, sexual, and physical abuse they experienced while attending Residential Schools (Survivor litigants).
- C. By bringing these matters before the courts and into the public eye, these Survivor litigants' actions led to the negotiation of the Indian Residential Schools Settlement Agreement (the Settlement) and the establishment of the Truth and Reconciliation Commission.

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- D. As noted by Honorary Witness and former lieutenant governor of British Columbia, the Honourable Steven Point, in *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015):
- i. "We got to this place, to this time, because Aboriginal Survivors brought this [Residential Schools] to the Supreme Court of Canada."
- E. The Final Report also states, "The Commission believes that Survivors, who took action to bring the history and legacy of the residential schools to light, who went to court to confront their abusers, and who ratified the Settlement Agreement, have made a significant contribution to reconciliation."
- F. These Survivor litigants each paid thousands of dollars in legal costs to have their cases heard in the Canadian justice system.

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

1. Direct the National Chief and the Assembly of First Nations (AFN) Executive Committee to call on the federal government to compensate those Survivor litigants who were not reimbursed for the legal fees that they incurred by bringing their individual Residential School claims through the courts.
2. Direct the National Chief and the AFN Executive Committee to call on the federal government to ensure that the families of those Survivors litigants, who have since passed on, are eligible to receive the compensation.
3. Direct the National Chief and the AFN Executive Committee to call on the federal government to resolve this outstanding issue for Survivor litigants as expeditiously as

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Ottawa, Ontario K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 36/2022

TITLE: Reopening of Indian Residential Schools Settlement Agreement

SUBJECT: Indian Residential Schools

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Declaration on the Rights of Indigenous Peoples Nations (UN Declaration) states:
- i. Article 8, (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
 - d) Any form of forced assimilation or integration.
- B. The Indian Residential School Settlement Agreement (IRSSA) was implemented in September of 2007 and included a process for Residential School Survivors to receive the Common Experience Payment (CEP) for residing at an Indian Residential School; and compensation for severe claims of physical and sexual abuse suffered in connection with a Residential School under the Independent Assessment Process (IAP).
- C. The deadline to submit a claim to the IAP was September 19, 2012.
- D. Survivors and their families suffered and continue to suffer long-term harmful effects from their attendance at Residential Schools.
- E. Thousands of Residential School survivors did not submit a claim by the deadline due to the harmful effects of Residential School and difficulties obtaining adequate mental health, wellness, cultural and legal support.

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- F. The deadline of September 19, 2012, did not provide survivors with adequate time to file their claims in the IAP as thousands suffered from mental health and wellness issues, homelessness, issues of remoteness and incarceration, among other things.
- G. Thousands of Residential School survivors did not submit a claim or otherwise missed the deadline.
- H. Thousands of survivors who did submit a claim did not receive adequate compensation for their experience at Residential School and the ongoing harm it caused to themselves and their families.
- I. Thousands of survivors who submitted claims in the IAP were not treated fairly and were subjected to re-traumatization, which impacted their ability to get the amount of compensation they were entitled to under the IAP.
- J. The ongoing severe harmful impacts of Residential Schools on individuals, families and communities persists.
- K. There is an ongoing need for healing and wellness support in the form of First Nations-led measures and institutions to address ongoing systemic issues caused by Residential Schools.
- L. Insufficient funds, whether by surplus or otherwise, were not appropriately allocated to compensate survivors or address ongoing needs through healing, wellness and substance abuse treatment facilities and services, housing, education, post-secondary education, and cultural revitalization.

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

1. Call on the Government of Canada to immediately reopen the Indian Residential School Settlement Agreement (IRSSA) for survivors that missed the Deadline to file a claim for their experiences at Residential School or to facilitate a process, in consultation with First Nations leaders, to provide adequate compensation to which survivors are entitled.
2. Call on the Government of Canada to immediately ensure that sufficient monies, either by surplus under the IRSSA or otherwise, be allocated to First Nations-led measures and institutions to promote and foster healing for survivors and their families.
3. Call on the Assembly of First Nations to negotiate, as a party to the IRSSA, to reopen the IRSSA or negotiate a process, in consultation with First Nations leaders, to provide adequate compensation to which survivors are entitled.

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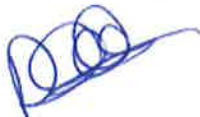
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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 36/2022

4. Call on the Government of Canada to allocate further financial resources to First Nations-led measures and institutions for the purpose of addressing the ongoing harmful effects of Residential Schools.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 37/2022

TITLE: Support for a First Peoples Monument on the Grounds of Parliament

SUBJECT: Culture

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other violence, including forcibly removing children of the group to another group.
 - ii. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- B. With the arrival of European traders, missionaries, settlers, and the creation of Canada, First Nations, Inuit, and Métis (First Peoples) across Canada have endured racism and oppressive colonial attitudes from the British and Canadian governments, Roman Catholic and Anglican churches, and businesses. This resulted in negative dealings and grievances with all layers of Canadian society, including but not limited to:
- i. The elimination of the Beothuk People from Newfoundland who had bounties put on their heads and were hunted by British colonizers until their last member, Shanawdithit, a Beothuk woman, died of tuberculosis in 1829;
 - ii. The British Government placed scalp bounties on the Mi'kmaq in Nova Scotia;

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- iii. The forced relocation of Quebec Inuit to the High Arctic and the Sayisi Dene to Churchill, Manitoba;
 - iv. The burning of Métis homes in Madeline, Manitoba and the starvation of the Plains People;
 - v. The disappearance of many First Nations communities in Manitoba and Alberta;
 - vi. The removal of the people and theft of land from Papaschase First Nation from their reserve in Edmonton, Alberta;
 - vii. The outlawing of the Potlatch ceremony in British Columbia;
 - viii. The hanging of six Chilcotin Chiefs in central British Columbia;
 - ix. The forced removal of the Blondin family and their relatives from the Norman Wells oilfield in central Northwest Territories;
 - x. Mercury poisoning of the Ojibway at Grassy Narrows in Ontario;
 - xi. The establishment and operation of the Residential School System and the carrying out of the 60's Scoop;
 - xii. The mistreatment of World War I and World War II veterans when they returned home;
 - xiii. The building of Indian hospitals where medical experiments were performed; and,
 - xiv. Systemic inequalities resulting in missing and murdered Indigenous women, men, and 2SLGBTQQIA+ people.
- C. There are a number of statues and monuments located on the grounds of Parliament; however, none of them recognize the First Peoples of Canada and their contributions.
- D. Heritage Canada administers the *Commemorate Canada* program to provide funding to initiatives that commemorate and celebrate historical figures, places, events, and accomplishments of national significance.

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

1. Call upon the federal government to allocate funds to create a national monument that is meant to commemorate all First Peoples and their contributions to Canadian society.

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2. Call upon all levels of government to support the creation of a First Peoples Monument, which will serve as a reminder to all members of Parliament to support First Peoples and to serve as a symbol of reconciliation and redress for past injustices and wrongs.
3. Direct the Assembly of First Nations (AFN) to work with First Peoples leaders, the local First Nations Kitigan Zibi Anishnabeg and Algonquins of Pikwakanagan, Elders, youth, and artists to design a concept of a First Peoples Monument which would provide for commemoration and support for healing from intergenerational trauma, and to build for a stronger future.
4. Direct the AFN to approach Heritage Canada to fund an initiative that will result in the design, construction, and installation of a First Peoples Monument on the grounds of Parliament with input from First Peoples leaders, Elders, youth, and artists.

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Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 38/2022

TITLE: Support to Further Actions Post-Papal Apology

SUBJECT: Indian Residential Schools Portfolio

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondék Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration):
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - 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;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

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- iii. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- B. The Papal admission of genocide on July 30th, 2022, resulted in further activities with the Canadian Conference of Catholic Bishops (CCCB) and actions required to honour commitments to Residential School Survivors. Each "whereas" is a reason for the resolution and each reason requires a separate clause.
- C. The actions required to engage with the CCCB and Canada must;
 - i. meet expectations of all residential school survivors, elders, and address social, cultural, and economic harms;
 - ii. further advocate and develop funding for reconciliation actions by the Assembly of First Nations (AFN);
 - iii. contribute to the family and reconciliation actions that guide reparative actions;
 - iv. Ensure cohesive relationships with survivors, leaders, and the families in all NIO's that support the work ahead;
 - v. Support initiatives that advance the rights and interests of First Nations in relation to the Churches and Canada, like the Covenant and Calls to Action 46 and 53;
- D. Support consultation and ongoing communication, engagement, consultation with National Indigenous Organizations, Survivors and Leadership, with guidance from Grandmothers to respect protocols and processes important to reconciliation with First Nations women.

THEREFORE be it resolved that the First Nations-in-Assembly

1. Call upon the Holy Father to renounce and formally revoke the "Inter Caetera" 1493 Doctrine of Discovery and replace it with a new Papal Bull that decrees Indigenous Peoples and cultures are valuable, worthy, and must be treated with dignity and respect.
2. Call upon the federal government and church entities to provide additional investments into long-term healing initiatives beyond the recent commitments of \$ 30 million announced on September 27, 2021, to ensure support programs and services for survivors and their descendants.

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3. Direct the Assembly of First Nations (AFN) to advocate for and seek appropriate resources to develop an AFN National Strategy on Residential School Reconciliation following the Papal Encounters, which will address the following:
- a. Analysis of the Papal apology speeches to identify commitments and support initiatives;
 - b. Advocacy strategy for the return of diocese land properties back to First Nations on whose traditional lands they are situated;
 - c. Seek commitments from church entities to release records and related materials of Residential School institutions, including death records of students;
 - d. Analysis of the constitutional impacts of the Doctrine of Discovery and its relationship with the Church and Canada;
 - e. Seek commitments for the return of artifacts from church entities;
 - f. Educating church entities and Canada with gaining a true understanding of the impact of the Church on Indigenous Peoples and our ways of knowing and being.

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55 Metcalfe Street, Suite 1600
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Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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SPECIAL CHIEFS ASSEMBLY
December 6, 7, and 8, 2022, Ottawa, ON

Resolution no. 39/2022

TITLE: Opposition to Bill C-21 Federal Gun Control Legislation

SUBJECT: Justice

MOVED BY: Chief Russell Wesley, Cat Lake First Nation, ON

SECONDED BY: Frank McKay, Proxy, Koocheching First Nation, ON

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 18: Indigenous peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
 - iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

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- B. The United Nations Declaration on the Rights of Indigenous Peoples Act (S.C. 2021, c. 15) states:
- i. Section 5: The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the [UN] Declaration.
- C. Bill C-21, *An act to amend certain Acts and to make certain consequential amendments (firearms)*, was introduced as a comprehensive strategy to address gun violence and strengthen gun control and has completed second reading in the House of Commons.
- D. Bill C-21 notably does not address the illegal sale of handguns, but instead attempts to further restrict the legal sale and ownership of handguns, creating “red flag” and “yellow flag” laws enabling suspension of firearms license, and allowing police to obtain a court order for a warrantless search and seizure with no provision for a targeted person to defend themselves.
- E. On November 24, 2022, the House of Commons Standing Committee on Public Safety and National Security met to do a “clause by clause” reading of Bill C-21, and shortly after amendments were introduced adding long guns (rifles) to the banned list, potentially criminalizing many of the types of firearms currently used by First Nations peoples for sustenance hunting.
- F. The Assembly of First Nations (AFN) appeared before the House of Commons Standing Committee on Public Safety and National Security and raised concerns with respect to Bill C-21’s implications for First Nations’ inherent, Constitutional and Treaty rights to sustenance hunt and harvest.
- G. Sustenance hunting is an integral part of First Nations culture, traditions and has implications for food security in rural, remote, and northern First Nations. First Nations in Canada possess inherent Aboriginal and Treaty rights to sustenance hunting that are recognized in the Canadian Constitution, 1982.

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

1. Publicly oppose Bill C-21, *An act to amend certain Acts and to make certain consequential amendments (firearms)*, which potentially criminalizes long guns (rifles) used by First Nation peoples in exercising their Aboriginal and Treaty rights to sustenance hunt and harvest.

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2. Call upon the Government of Canada to conduct proper and adequate consultation with First Nations as is required under the *United Nations Declarations on the Rights of Indigenous Peoples Act*, prior to enacting laws that impact First Nations inherent, Constitutional and Treaty rights to sustenance hunt and harvest.
3. Direct the Assembly of First Nations to advocate for amendments to Bill C-21, including:
 - a. Removing from the list of prohibited weapons, the long guns commonly used by First Nations sustenance hunters in exercising their inherent Aboriginal, Treaty and Constitutionally recognized rights, contained in the adopted amendment to Bill C-21;
 - b. Amending the “red flag” and “yellow flag” provisions to ensure that First Nations inherent, constitutional, and treaty rights are respected, and clarify how the “red flag” and “yellow flag” provisions will apply to First Nations and First Nations citizens;
 - c. Creating an oversight mechanism to ensure that the Chief Firearms Officer consult with First Nations to ensure that orders do not restrict First Nations access to firearms commonly used in sustenance hunting;
 - d. Ensuring additional provisions to support First Nations police services and ensure that the resources they require to maintain law and order within their jurisdictions is provided, specifically in relation to root causes of gangs and gun violence; and
 - e. Ensuring additional provisions be implemented to support First Nations prevention programs for youth in relation to gang violence and illegal guns, as well as prevention programs targeting gender-based violence and violence against First Nations women, girls, and 2SLGBTQQIA+ people.
 - f. Removing the requirement for Possession and Acquisition Licence (PAL) for First Nations citizens.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 40/2022

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

SUBJECT: Child and Family Services

MOVED BY: Kukpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Kevin Hart, Proxy, Little Grand Rapids First Nation, MB

DECISION Carried by consensus

WHEREAS:

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

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**SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON**

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Schools and the Federal Court's dismissal of two of Canada's appeals, the federal government finally admitted that the discrimination was ongoing and asked the parties to negotiate a resolution.

- F. In fall 2021, the complainants (the Caring Society and AFN), the interested parties (Chiefs of Ontario & Nishnawbe Aski Nation) and Canada entered into negotiations to resolve outstanding discrimination pursuant to the CHRT orders.
- G. On December 31, 2021, an Agreement in Principle (AIP) was signed as a framework for the negotiation of a Final Settlement Agreement on First Nations child and family services, Jordan's Principle, and the reform of Indigenous Services Canada.
- H. The CHRT issued an order (2022 CHRT 8) by consent of the parties providing funding for prevention, post-majority services, and other measures. This funding, combined with an order on capital (2021 CHRT 41) and other previous CHRT orders, amounts to over 75% of the \$19.807 billion over 5 years announced as part of the AIP.
- I. Community-driven research to inform long-term funding solutions for child and family services for First Nations with and without agencies is not due to be completed until the Spring of 2023, and dates for a final funding approach on Jordan's Principle are still being defined.
- J. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities.

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

- 1. Direct Canada to ensure that funding and other mechanisms related to long-term reform measures regarding child and family services enable First Nation Child and Family Services (FNCFS) Agencies and First Nation child and family service providers to deliver services based on substantive equality, best interests of the child, that is culturally appropriate and takes into full account the distinct circumstances of their communities.
- 2. Direct Canada to ensure that any interim and long-term reform measures, including the Reformed CFS Funding Approach, do not reduce or disrupt current funding levels and are sufficiently flexible to respect First Nations authorized service providers to deliver child and family services at a level that protects and promotes the best

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interests of their children in keeping with the principles of sovereignty, inherent jurisdiction, and nation-to-nation building.

3. Direct the Parties to develop evidence-and policy-based options for the long-term reform of Jordan's Principle that will include mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval.
4. Call upon Canada to extend the timeframes for signing the Final Settlement Agreement (FSA) on long-term reform. The First Nations-in-Assembly must approve the FSA on long-term reform.
5. Call upon Canada to increase funding commitments above the currently allocated \$19.807 billion, over 5 years and beyond, that is needs-based to ensure substantive equality, the best interests of the child, and services that are culturally appropriate and reflective of the distinct needs and circumstances of individual First Nation communities.
6. Direct Canada to fund the Assembly of First Nations National Advisory Committee on First Nations Child and Family Services Program Reform and regional and other technical experts to inform the FSA.
7. Call upon Canada to ensure Chiefs shall be provided with all available options and related supporting financial resources and materials to ensure First Nations can exercise their Free, Prior and Informed Consent on long-term reforms.
8. Ensure that the FSA does not detract from the right of the Parties to the current complaint before the CHRT from seeking orders from the Tribunal to ensure that all First Nations children, youth, and families will be free from discrimination and its recurrence for all generations to come.
9. Call upon Canada to develop legislative protections to ensure that First Nations have sufficient liability coverage over the services they provide.
10. Call upon Canada to continue funding capital at actual costs for First Nations, FNCFS Agencies and First Nation Service Providers, pursuant to 2021 CHRT 41, until otherwise ordered by the Tribunal.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7, and 8, 2022, OTTAWA, ON

Resolution no. 41/2022

TITLE: Rejection of The Saskatchewan First Act and Sovereign Alberta within a United Canada Act

SUBJECT: Lands and Resources

MOVED BY: Heather Bear, Proxy Lac La Ronge Indian Band, SK

SECONDED BY: Chief Nelson Genaille, Sapotaweyak Cree Nation, MB

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination, and good faith.
 - ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - iii. Article 2: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.

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- iv. 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.
 - v. 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.
 - vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.
- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, as legal imperatives called upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (like UNDRIP and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- C.** On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent. The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- D.** The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada, "in consultation and cooperation with Indigenous Peoples", to:
- i. take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration pursuant to Section 5.
- E.** Indigenous Peoples have the inherent right to their Aboriginal Title, lands, territories, resources, and waters, which they have historically owned, occupied or otherwise used or acquired.
- F.** Premier Scott Moe introduced The Saskatchewan First Act ("Bill 88") for first reading on November 1, 2022, which asserts Saskatchewan's exclusive jurisdiction over natural resources within the province.
- G.** In 1930, the federal government transferred assumed responsibility to the provinces of Manitoba, Saskatchewan, and Alberta under the Natural Resource Transfer Act, 1930 (NRTA) via the Constitution Act.

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- H. This assumed transfer of the administration and control over the lands and natural resources to the provinces was done without the consent or consultation with the First Nations in the three aforementioned provinces.
- I. First Nations assert that they did not relinquish, cede nor surrender rights to the natural resources at the time of Treaty negotiations, but rather agreed to share the land to open it up for settlement, sharing six inches, or a plough depth, for agricultural purposes.
- J. First Nations in Saskatchewan do not benefit from the resource wealth from their ancestral, traditional, and Treaty territories, despite the fact that much of Canada's economy has been built from the extraction of natural resources from First Nations' territories.
- K. The Chiefs of Saskatchewan have always rejected the NRTA 1930, and its implications, and have called on the provincial and federal governments for decades to enter into Resource Revenue Sharing agreements so that all peoples benefit from the Treaties.
- L. On November 29, 2022, newly elected Premier Danielle Smith of Alberta tabled Bill 1: "Sovereign Alberta within a United Canada Act" (the "Act") in the legislative assembly of Alberta.
- M. The Act will give the Province of Alberta the "right" to ignore federal legislation, regulations, programs, policies or any decisions by the Government of Canada that it deems to overreach onto Alberta's legislative jurisdiction, or it deems that could be "harmful" to Alberta.
- N. The Act also gives the power to cabinet to change legislation unilaterally and behind closed doors, without any debate or transparency, which is inherently a violation of the constitutional structure of a constitutional monarchy.
- O. The Government of Alberta can use the Act to circumvent environmental protections, and any protections over First Nations lands and resources and proceed with resource development without the knowledge or free, prior and informed consent of the Treaty Chiefs.
- P. On November 18, 2022, the Alberta Chiefs rejected the Act.

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

- 1. Support First Nations in rejecting The Saskatchewan First Act (Bill 88) and to immediately repeal its introduction.

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2. Support the First Nations demanding for the withdrawal of the Sovereign Alberta within a United Canada Act.
3. Support First Nations to call on the provinces of Saskatchewan and Alberta to immediately engage in meaningful and respectful dialogue on resource revenue sharing, so that First Nations benefit from the resource wealth in their respective traditional territories.
4. Call on the Government of Canada to immediately address provincial and territorial encroachment on First Nations' sovereignty, rights, and title.
5. Direct the Assembly of First Nations (AFN) to immediately formally reject these laws that abrogate and negate First Nations sovereignty, rights, and title via a letter or official communique.
6. Direct the AFN to commission a comprehensive legal analysis on the issue of territorial and provincial legislative encroachment on First Nations' sovereignty, rights, and title.
7. Direct the AFN to not only include legislation such as the Natural Resource Transfer Act (1930), but to also include the Saskatchewan First Act (Bill 88), and the Sovereign Alberta within a United Canada Act in their comprehensive legal analysis.
8. Direct the AFN to report back to the First Nations-in-Assembly at the next Assembly, on the comprehensive legal analysis on territorial and provincial encroachment on First Nation sovereignty, rights, and title.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 42/2022

TITLE: Demand for Consultation on Amendments to the Indian Act (1985)

SUBJECT: Rights

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

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. The *Indian Act* (1985) is an assimilationist and colonial legislation intended to "rid Canada of the Indian Problem", and is itself a perpetuation of colonial policies and ideals, and is in direct conflict with First Nations' inherent right to manage their own membership, citizenship and identities;
- C. Indigenous Services Canada (ISC) has proposed to table legislative amendments to the *Indian Act* (1985), which significantly impact Indigenous Rights, Title and identity;
- i. ISC sought engagement from community leadership and members regarding the proposed amendments to the *Indian Act* (1985) and failed to communicate this process effectively;

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- D. ISC has failed to uphold the United Nation's International Legal Framework's principle of Free, Prior and Informed Consent through the process of proposed amendments to the *Indian Act* (1985);
- E. The Government of Canada passed Bill C-15, "*An Act Respecting the United Nations Declaration on the Rights of Indigenous People*" on June 21, 2021, requiring all federal legislation, policies, and regulations to be amended to align with the United Nations Declaration on the Rights of Indigenous Peoples;
- F. The Government of Canada has a duty to consult Indigenous groups when it considers conduct that may adversely impact potential or established Aboriginal or treaty rights;
 - i. ISC has not engaged in formal consultation with Indigenous communities and has therefore failed to uphold the duty to consult on these proposed amendments and uphold the Honour of the Crown through the amendment process;
- G. The Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (2007) is the mechanism through which the Government of Canada must consult with the Mi'kmaq of Nova Scotia on all changes to legislation, policies, regulations, and contemplated projects which may impact the Rights of the Mi'kmaq of Nova Scotia.

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

- 1. Direct the Assembly of First Nations (AFN) to call on Canada to consult directly with First Nations communities pursuant to community-specific consultation processes and pursuant to the duty to consult regarding any and all proposed amendments to the *Indian Act* (1985) and uphold Crown obligations to the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (2007).
- 2. Direct AFN to support First Nations in their consultation processes with the Government of Canada regarding proposed amendments to the *Indian Act* (1985).
- 3. Call on Canada to adhere to the principle of Free, Prior and Informed Consent, as per the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), through the process and engagements of any proposed amendments to the *Indian Act* (1985).

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4. Direct the AFN to call on Canada to ensure that any amendments to the Indian Act (1985) are consistent with the international and fundamental human rights enumerated in UNDRIP, as specifically required in Section 5 of the Declaration.
5. The AFN calls on Canada to adequately and appropriately fund First Nations to participate in formal consultation and to undertake extensive community engagement on any and all proposed changes to the *Indian Act* (1985).
6. The AFN calls on Canada to not table any legislative amendments to the *Indian Act* until such time that all First Nations have adequately and appropriately engaged with members and the duty to consult has been fully upheld.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 43/2022

TITLE: Call for Municipalities to Implement the United Nations Declaration on the Rights of Indigenous Peoples

SUBJECT: Rights

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Council Chairperson Khelsilem, Squamish Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification, and passed legislation affirming:
- i. Article 3: Indigenous peoples have the right to self-determination. This guarantees the right to freely determine their political condition and the right to freely pursue their form of 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 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.

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- iv. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- v. 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.
- vi. 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.
- vii. Article 26(1): Indigenous peoples have the right to the lands, territories and resource which they have traditionally owned, occupied or otherwise used or acquired.

(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.

(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.

- viii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

- B. In 2015, the Truth and Reconciliation Commission (TRC) released its Final Report, including 94 Calls to Action. Call to Action #43 specifically calls on all levels of the Canadian government to fully adopt and implement the UN Declaration.

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- C. Following the release of the TRC's Calls to Action, Canada committed to fully commit, adopt and apply the UN Declaration, taking steps to acknowledge and recognize its legally binding nature through the enactment of the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, which requires all laws in Canada to align with the UN Declaration.
- D. Local governments play a significant role in the lives of Indigenous peoples (land use planning, environmental protection, emergency planning, economic development, delivery of services); however, not all municipalities in Canada have taken action to adopt and implement the UN Declaration, as required by the Declaration Act, and there remain disagreements over what obligations municipalities owe to First Nations.
- E. On October 25th, 2022, the City of Vancouver passed a United Nations Declaration on the Rights of Indigenous Peoples Strategy. It is the first-ever co-developed strategy between a City and First Nations to implement the UN Declaration locally. This Strategy aims to strengthen Indigenous rights and improve life for Indigenous peoples in Vancouver. This agreement encourages all local governments to take note of the work they are doing in Vancouver in implementing the UN Declaration in a meaningful way.
- F. There is an urgent need to review, clarify and deepen First Nations relationships with municipal governments and for municipalities to revise their policies, practices, and approaches to governance to recognize and implement the UN Declaration and an inclusive and distinctions-based approach in its dealings with Indigenous Peoples.
- G. Meaningful implementation of the UN Declaration requires municipal governments to, among other things, obtain the free, prior and informed consent of Indigenous Peoples through their own respective institutions, combat prejudice and eliminate discrimination, take effective and special measures to ensure continuous improvement of the economic and social conditions of Indigenous Peoples, and establish and implement assistance programs for Indigenous Peoples to preserve and protect the environment and the protective capacity of their territories.

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

- 1. Call upon the federal, provincial, and territorial governments to explicitly legislate requirements for municipalities to implement the UN Declaration.

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2. Call upon the federal, provincial, and territorial governments to strengthen UNDRIP accountability measures of municipalities in order to ensure that local governments are taking all measures necessary to meet the minimum standards of the UN Declaration.
3. Call upon the federal, provincial, and territorial governments to ensure that municipalities are reporting on their implementation actions.
4. Call upon the federal, provincial, and territorial governments to ensure that municipal governments do their work in UNDRIP implementation in consultation and cooperation with First Nations of the territories where they exist.
5. Call upon municipal governments to strengthen and develop unique First Nation-municipal relations in order to continuously work in consultation and cooperation with First Nations and to uphold and implement the UN Declaration as required by the Declaration Act.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 44/2022

TITLE: Co-development of Policy Options with Indigenous Services Canada for a Memorandum to Cabinet on the Wholistic Long-term and Continuing Care Framework

SUBJECT: Health, Social Development

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

SECONDED BY: Chief James Hobart, Spuzzum First Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states that:
- 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 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 continuous improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.

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- B. In 2017, the United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on the initial report of Canada, which included recommendations to:
- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - ii. Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 20“0, "Leave No One Behind".
- C. Bill C-81, *An Act to ensure a barrier-free Canada* (the Accessible Canada Act), was passed in the House of Commons on May 29, 2019, and received royal assent on June 21, 2019. The Accessible Canada Act's aim is to make Canada barrier-free by January 1, 2040, by working with provinces and territories to coordinate efforts on accessibility.
- D. Resolution 19/2019, *Developing a Seven Generations Continuum of Care for First Nations by First Nations of Health, Economic and Social Services*, mandated the Assembly of First Nations (AFN) to work with Indigenous Services Canada (ISC) to develop a wholistic continuum of long-term and continuing care framework to ensure stronger health, social, and economic wellbeing for First Nations, including Persons with Different Abilities (PWDA), at all stages of life.
- E. Budget 2019 included up to \$8.5 million for the development of a wholistic long-term care strategy in First Nations and Inuit communities.
- F. Pursuant to Resolution 19/2019 and federal budget investments, Indigenous Services Canada (ISC) provided funding for regional First Nations-led engagements that were hosted between September 2020 and September 2022 that demonstrated the importance of ensuring that improved services and supports for long-term and continuing care at all stages of life are administrated in a wholistic wraparound support method within First Nations, including palliative and end of life care. The findings within the regional summary reports will be synthesized into a national report on a wholistic continuum of long-term and continuing care by the end of December 2022 and are set to be released for First Nations validation in January 2023.
- G. In the 2021 Mandate Letter, the Minister of Indigenous Services was directed to co-develop a distinctions-based Indigenous Long-term and Continuing Care Framework with Indigenous peoples to receive services closer to home and support service navigation.

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- H. ISC has approached the AFN to co-develop policy recommendations for a Long-term and Continuing Care framework. The purpose of co-developing policy recommendations is to address the shortfalls within the Home and Community Care and Assisted Living Programs and establish a First Nations path forward for Long-term and Continuing Care Services within First Nations.
- I. The Home and Community Care and Assisted Living Programs are currently underfunded and leave many gaps in services for First Nations, often forcing individuals on-reserve to leave their homes to seek necessary medical and social supports.
- J. The policy recommendations will inform a Memorandum to Cabinet on the Wholistic Long-term and Continuing Care Framework, which will be submitted by ISC in Fall 2023.

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

- 1. Direct the Assembly of First Nations (AFN) and the Technical Working Group on Social Development (TWGSD) to co-develop policy recommendations with Indigenous Services Canada (ISC) for the reform of the Assisted Living and Home and Community Care Programs, with oversight from the Chiefs Committee on Health (CCOH).
- 2. Direct the AFN to seek funding from ISC for the TWGSD to co-develop policy recommendations for the reform of the Assisted Living and Home and Community Care Programs.
- 3. Direct the AFN Social Development sector to work horizontally with the AFN Health Sector in the co-development of policy options for the reform of the Home and Community Care and Assisted Living Programs into a Long-term and Continuing Care Framework.
- 4. Call upon ISC to report to TWGSD and the CCOH by July 2023 on interdepartmental progress on current and previous engagement related to a Seven Generations Continuum of Care within the federal government, including First Nations' recommendations on the Accessible Canada Act, the United Nations Convention on the Rights of Persons with Disabilities, and the United Nations Sustainable Development Goals.
- 5. Direct the AFN to seek validation of the proposed policy recommendations developed by the TWGSD for the reform of the Home and Community Care and Assisted Living Programs from the First Nations-in-Assembly in July 2023.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 45/2022

TITLE:	Support The Challenge of Quebec's Bill 96, <i>An Act Respecting French, The Official and Common Language of Québec</i>
SUBJECT:	Education, Languages
MOVED BY:	Chief Sipi Flamand, Atikamekw Community of Manawan, QC
SECONDED BY:	Chief John Martin, Micmacs of Gesgapegiag, QC
DECISION	Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iii. Article 14 (1): Indigenous peoples have the right to establish and control their 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.

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- 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.
- B. The Chiefs of the Assembly of First Nations Quebec-Labrador have on many occasions expressed to the Quebec Government their visions and concerns regarding provincial bills, whose provisions constitute serious breaches of Quebec's constitutional duties to First Nations, which is particularly the case for the *Charter of the French Language* and its new iteration Bill 96, *An Act respecting French, the official and common language of Québec*.
- C. The provincial government has refused to take into consideration the political and technical positions that have been formally communicated to it by the Assembly of First Nations Quebec-Labrador and First Nations organizations, and Bill 96, therefore, maintains a set of provisions that are unacceptable to, and contravene the rights of, First Nations governments and their populations.
- D. The National Assembly of Québec, despite the foregoing, adopted Bill 96 on May 24, 2022.
- E. The inherent rights jurisdiction of First Nations in matters of education, language and culture cannot be modified or reduced through provincial legislation, cannot be limited to communities, and must apply to the education received outside the community.
- F. First Nations organizations like the First Nations Education Council have strongly denounced a set of provisions of Bill 96 which maintain if not aggravate the lack of respect for the right to autonomy regarding First Nations education, First Nations languages, and the situations of First Nations people who use the English language.
- G. The consequences of Bill 96 will be major, among other things, in terms of access to services and professional development for many First Nations.
- H. The principles of the UN Declaration continue to be denied by the National Assembly of Québec, even though the latter adopted a motion recognizing the UN Declaration in 2019.
- I. The Regional Chief responsible for education, filed a complaint with the United Nations Commission on Human Rights on September 9, 2022, which requests that the Special Rapporteur on the Rights of Indigenous Peoples, through the mechanisms of the Special Procedures of the Human Rights Council, intervene and communicate directly with the Quebec government regarding Bill 96.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 45/2022

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

1. Reaffirm that the jurisdiction over First Nations languages and education remains with First Nations and thereby reject the Government of Quebec's Bill 96 and its severe impact on the rights of First Nations concerning education, languages and traditions.
2. Support First Nations, the Assembly of First Nations (AFN) Quebec-Labrador and First Nations organizations in Quebec in their efforts toward a potential legal challenge to the Quebec government's Bill 96, *An Act Respecting French, the Official Language of Québec*.
3. Call upon the AFN to strongly denounce the Quebec Government's Bill 96 and support First Nations, the Assembly of First Nations Quebec-Labrador and First Nations organizations in Quebec in their efforts toward a potential legal challenge of Bill 96.
4. Request the AFN National Chief to communicate with Quebec's Premier and demand the recognition of First Nations' language and education rights and that Bill 96 be amended to take these rights into account.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 46/2022

TITLE: Education Infrastructure Capital Reform

SUBJECT: Education

MOVED BY: Proxy Tyrone McNeil, Kwaw Kwaw Apilt First Nation, BC

SECONDED BY: Chief Wayne Desjarlais, Ebb and Flow First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 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. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.
- C. First Nations have unique needs and circumstances in education that must be reflected in their education infrastructure.
- D. Safe, adequate, and sustainable education infrastructure provides 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.
- E. Indigenous Services Canada refuses to include or recognize major capital in transformative education agreements with First Nations which directly contradicts First Nations control of First Nations education.
- F. Since the passing of AFN Resolution 34/2019, *First Nations Education Infrastructure Review*, First Nations have expressed an interest in education infrastructure capital reform or models to align learning spaces with the uniqueness of their education programming, languages, weather, seismic activity, and other regionally specific issues not adequately addressed through a national education infrastructure process.
- G. First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.
- H. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it.

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

- 1. Reaffirm First Nations' inherent and Treaty rights to education, including education infrastructure.

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2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to improve and strengthen partnerships with First Nations that respects First Nations control of First Nations education and First Nations decision-making in all processes concerning education.
4. Support the Chiefs Committee on Education, the National Indian Education Council and the Assembly of First Nations (AFN) to lead a co-development process that would create authorities and reform First Nations education infrastructure capital processes to provide First Nations with the ability to include capital and education infrastructure processes into new or existing education agreements.
5. Support First Nations, regions or Treaty territories who want to independently engage, develop regional models, create new authorities and reform processes for education infrastructure capital needs.
6. Affirm that a co-development approach concerning First Nations education infrastructure capital is not intended to detract or hinder First Nations from advancing their current capital processes.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 47/2022

TITLE: First Nation Languages – A Defined and Enforceable Right

SUBJECT: Languages, Rights

MOVED BY: O'gimaa Kwe Rachel Manitowabi, Wiikwemkoong Unceded Territory, ON

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) explicitly recognizes the language rights of First Nations in Articles 13, 14, 15 and 16. In May 2016 Canada removed its permanent objector status to the UNDRIP and committed to fully adopt and implement it within the laws of Canada;
- B. In 2019, the Parliament of Canada passed the Indigenous Languages Act. It purports to recognize that section 35 of the Constitution Act, 1982 includes "rights related to Indigenous languages". However, this Act fails to identify any specific First Nation language rights or provide mechanisms for their enforcement. The language rights of Canada's official language minorities, on the other hand, are clearly defined and enforceable since they were adopted in the Constitution Act, 1982;
- C. In 2021, the Parliament of Canada passed the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA), which commits the Government of Canada to "take all measures necessary to ensure that the laws of Canada are consistent with UNDRIP";
- D. Accordingly, the Government of Canada has now committed itself to take "effective measures" to implement Article 14 of UNDRIP, which reads as follows:
 - 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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- 2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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.
- E. Language rights are at the heart of almost every other right recognized by UNDRIP, whether it be self-determination, identity, culture, customs, spiritual traditions, legal systems, histories, philosophies or ways of knowing and living with land and resources;
- F. The revitalization of First Nation languages in Canada depends on intergenerational transmission. In the modern Canadian context, intergenerational transmission requires state-supported educational systems and institutions that both teach First Nation children their own ancestral languages and that other subjects in those languages. Significantly, Article 14 recognizes that such systems must exist both on and off reserve;
- G. The perilous state of most First Nations languages makes the need for the implementation of Article 14 pressing and urgent. The closing of residential schools, by itself, does nothing to achieve intergenerational transmission of Indigenous languages. Almost all First Nations children are still required by law to attend schools where they not only do not learn to speak their own languages fluently but learn and interact with others in English or French. This amounts to ongoing forced assimilation of these children, contrary to Article 8 of UNDRIP; and
- H. The implementation of Article 14 in Canada can be achieved by amending the *Indigenous Languages Act*, thereby making the Article, and the language rights of First Nations, enforceable in Canadian courts.

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

1. Call on the Government of Canada to work with First Nations to amend the operative clauses of the *Indigenous Languages Act* to adopt the implementation of Article 14, and other articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which mention Indigenous languages, and to ensure that First Nations language rights, including First Nations sign language, are defined and enforceable.

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Resolution no. 47/2022

2. Direct the AFN to call on the Government of Canada, outlining this recommendation, as a means to begin addressing the dire state of First Nations languages as well as a first step for Canada towards implementing its commitment to the UNDRIP Act.
3. Direct the AFN to determine the funding required to engage First Nations and First Nations representative organizations (on and off reserve) in Canada to provide input into the development of the legislative amendments and any subsequent policy, regulatory and/or funding requirements.
4. Direct the AFN to urge the federal government to provide funding to support engagement of First Nations in this process.
5. Direct the AFN to report progress on this initiative regularly until First Nations language rights, including First Nations sign language, are defined and enforceable in federal legislation.

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55 Metcalfe Street, Suite 1600
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Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 49/2022

TITLE: Support for Sustainable Funding and Accountability for the Implementation of the 231 Calls for Justice

SUBJECT: Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ Gender Based Violence

MOVED BY: Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

SECONDED BY: Chief Kyra Wilson, Long Plain First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identify.
- ii. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- iii. Article 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.
- iv. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

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- v. 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.
 - vi. 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 Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) on September 1, 2016.
- C.** The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- D.** The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women and girls. The Final Report also contains:
- i. 4 overarching findings relating to rights recognition, justice, security, health and wellness;
 - ii. *231 Calls for Justice*, including recommendations to governments, institutions, industries, service providers, partners and to all Canadians; and
 - iii. *Seven Principles for Change* to guide the interpretation and implementation of the *231 Calls for Justice* and referred to in the report as, "...the only way forward."
- E.** In response to the Final Report, the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (National Action Plan) and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* (Federal Pathway) were released on June 3 and 4, 2021, respectively, and an implementation planning phase is currently in progress.
- F.** Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honor the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systemic change.

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- ii. Recognize that any process including a national roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support the families and communities in their healing journeys and honor the MMIWG.
- G. AFN Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations*, orders an independent, fair, and impartial review of the AFN to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination".
- H. Since time immemorial, Indigenous women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples have had substantive and sacred roles and responsibilities within their nations' governance systems, laws, and practices.
- I. The *231 Calls for Justice* and National Action Plan outline immediate actions, approaches, and strategies to support the rights of First Nations women, girls, and 2SLGBTQQIA+ peoples and to restore matriarchal and gender roles as integral to nationhood building.
- J. AFN Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, was approved by AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for long-term sustainable funding to address and prevent all forms of gender-based violence targeting First Nations women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples.
- 2. Direct the AFN to advocate that all levels of government, and all others with obligations to act on the *231 Calls for Justice* from the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Final Report), implement the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*

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and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* according to the *Principles for Change* from the *Final Report*, including but not limited to:

- a. The Principle of, "Nothing about Us, Without Us", which centers the inclusion of families of Missing and Murdered Indigenous Women and Girls, survivors of gender-based violence, and First Nations women, girls, and 2SLGBTQQIA+ people, with lived experience, and as rights holders and citizens of their self-determining Nations. This approach involves full engagement for guidance according to their lived experience and expertise;
 - b. Distinctions-based through a regional approach accounting for geographical (e.g., northern, remote, isolated, urban, etc.) realities, needs, and priorities. A First Nations-based approach ensures the lived realities stemming from systemic and societal impacts and influences, past, present, and future, are accounted for and considered in determining the best path forward to address distinct needs and actions; and
 - c. Self-determined, sustainable, and resourced First Nations-led solutions and services through the promotion of Indigenous data sovereignty strategies to measure, monitor, and report on the implementation process and outcomes for transformative change.
3. Establish an independent accountability mechanism within the AFN to produce and publish an annual report on the implementation of the *231 Calls for Justice*, including tracking to specifically break down the actions and items that have been undertaken and those still outstanding and report back to the First Nations-in-Assembly.
 4. Establish an accountability mechanism for the development, application, monitoring, and annual reporting on organizational gender-based policies and strategies that promote gender balance and the safety, security, self-determination, and restoring power and place of First Nations women, girls, and 2SLGBTQQIA+ peoples. This would include outcomes from "The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination".

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 50/2022

TITLE: Support for James Smith Cree Nation's Calls for Indigenous Policing and Addictions Treatment

SUBJECT: Justice

MOVED BY: Kúkpi7 Judy Wilson, Neskonliith Indian Band, BC

SECONDED BY: Chief Wendy Jocko, Algonquins of Pikwakanagan First Nation, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 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 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.

Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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- B. On September 4th, 2022, 18 people were wounded and 10 people killed by two men in a tragic spree of attacks in the community of James Smith Cree Nation. The victims are Bonnie Goodvoice Burns, 48, Gregory Burns, 28, Lydia Gloria Burns, 61, Carol Burns, 46, Thomas Burns, 23, Earl Burns Sr., 66, Lana Head, 49, Christian Head, 54, Robert Sanderson, 49 of James Smith Cree Nation and Wesley Petterson, 78, a resident of Weldon, Saskatchewan.
- C. The attacks have left the community on a long road to healing and highlighted the need for systemic changes and decolonized approaches to health, mental health, and policing, including prevention and awareness, culturally appropriate supports and services, addictions treatment, and Indigenous community policing.
- D. The community reported that one of the suspects, Myles Sanderson, grew up with physical abuse and domestic violence and had turned to drug use at a young age and that the far-reaching and intergenerational impacts of residential schools including widespread addictions were prevalent within the James Smith Cree Nation.
- E. Historic and current policies and systems defined by colonialism, racism, bias, and discrimination are at the root of systemic inequities and intergenerational trauma that continue to manifest disproportionately as issues in health, mental health, housing, environment, violence, gender-based violence, and education and beyond for Indigenous peoples. Colonial police and justice systems are woefully inadequate and unprepared to solve the complex issues caused by colonial Canada and have a legacy of perpetuating harm and violence.
- F. *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* plainly outlines systemic justice issues and makes clear calls for justice reform and decolonized policing. Calls for Justice 3.4, 7.5, 5.4, 9.2, 9.3, 9.4 call upon all governments to fund trauma and addictions treatment programs, self-governing Indigenous policing services and the recruitment of Indigenous peoples to police services, the creation and funding of specialized Indigenous policing units, for all actors in the justice system to build respectful working relationships with Indigenous peoples centered on culturally appropriate service delivery, training and education for all staff and officers in anti-racism, anti-bias, trauma-informed practices.

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

1. Stand in strong support of James Smith Cree First Nation on their road to recovery and overcoming the trauma of this highly violent incident on September 4, 2022.

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2. Call upon the Province of Saskatchewan and the Government of Canada to provide all health, mental health, social and financial assistance that James Smith Cree First Nation may request.
3. Support the calls made by the James Smith Cree First Nation for the governments of Saskatchewan and Canada to fund on-reserve addictions treatment centres and self-governing Indigenous community policing programs in line with their obligations under the UN Declaration.
4. Call on all levels of government, police and justice actors to work with Indigenous Peoples and community-based organizations and uphold James Smith Cree First Nation's right to self-governance. This work must be in alignment with the Calls for Justice to decolonize policing and create culturally safe health, mental health and healing supports and services, on-reserve addictions treatment centres, trauma-informed practices, distinctions-based, and Indigenous-led crisis intervention responses to prevent future acts of violence.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 51/2022

TITLE: First Nation Sovereignty over Policing

SUBJECT: First Nation Policing, Sovereignty, Equity

MOVED BY: Chief Glenn Hudson, Peguis First Nation, MB

SECONDED BY: Chief Dennis Pashe, Dakota Tipi First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 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 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.
 - iv. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. The Assembly of First Nations (AFN) has passed several resolutions on First Nations police services as essential service, policing reform, and justice, including:

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 51/2022

- i. Resolution 34/2021, Support for Regionally Developed First Nations Policing Service
 - ii. Resolution 06/2020, Support for Advocacy on Systemic Racism in Canada
 - iii. Resolution 07/2020, Call for Reform to Address Institutional Racism in the Justice System
 - iv. Resolution 10/2020, Self-Governance & Justice Transformation for First Nations
 - v. Resolution 11/2020, Implementation of the National Indigenous Justice Summit's Immediate Action Points
 - vi. Resolution 44/2018, Enhancing and Supporting Tribal Police Services in First Nations in Canada
 - vii. Resolution 01/2017, Four Corner Table Processes on Community Safety and Policing
- C. The Truth and Reconciliation Commission (TRC) Calls to Action #42 calls upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the [UN Declaration], endorsed by Canada in November 2012.
- D. The Missing and Murdered Indigenous Women and Girls National Inquiry recommends:
- i. Call for Justice 5.1: We call upon all governments to immediately implement the recommendations in relation to the Canadian justice system in: *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, Royal Commission on Aboriginal Peoples (1996); and the *Report of the Aboriginal Justice Inquiry of Manitoba: Public Inquiry into the Administration of Justice and Aboriginal People* (1991)
 - ii. Call for Justice 5.4: We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:

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- i. Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services
- E. The federal government announced Indigenous policing as a priority in the Federal Budget 2021 allocating approximately \$800 million, over five years to fund a co- developed legislative framework on First Nation Policing that will also recognize it as an essential service, to support First Nation communities currently served under the First Nation Inuit Policing Program (FNIPP), and expand the FNIPP to new First Nation communities and strengthen the First Nation Safety Officer Program, among other infrastructure initiatives.
- F. Southern Chiefs' Organization (SCO) is working towards a regional traditional governance model to restore original citizenship, language, laws, institutions, ceremonies, protocols and procedures of governance for Anishinaabe and Dakota nations, thus strengthening our Nations to take on greater sectoral responsibilities and sovereignty in all areas, including justice and policing, for the holistic betterment of our communities and citizens.

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

1. Call upon the federal government in the policing and public safety division to directly negotiate with First Nations, who are seeking a policing service under the First Nation Inuit Policing Program (FNIPP), to determine a funding framework and allocation, that is equitable and fair, based upon the critical need for community and cultural safety, which will ensure quality policing services, infrastructure, and human resources.
2. Directs that the Assembly of First Nations (AFN) recommend that the future FNIPP legislation be modelled after Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, in that federal policing legislation must allow First Nations to enact their own community policing legislation, ensuring true First Nation jurisdiction over justice and policing systems that will serve First Nations in a culturally appropriate and respectful manner free from systemic racism and discrimination.

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55 Metcalfe Street, Suite 1600
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Telephone: 613-241-6789 Fax: 613-241-5808
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Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 52/2022

TITLE: **Mandate to Co-Develop Criminal Code Amendments for the Criminalization of Forced and Coerced Sterilization**

SUBJECT: First Nations Women

MOVED BY: Chief Theresa Nelson, Animbiigoo Zaagi'igan Anishnaabek, ON

SECONDED BY: Chief Constance Big Eagle, Ocean Man First Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and 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 UN Declaration.

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- C. The forced sterilization of Indigenous women falls under the internationally accepted definition of genocide.
- D. In First Nations' worldviews, women are respected as the life-givers and caregivers within their Nations and, based on these beliefs, are viewed as sacred.
- E. Assembly of First Nations (AFN) Resolution 80/2018, *Support for the Criminalization of Forced Sterilization*, directs the Assembly of First Nations to, "...advocate for changes to the *Criminal Code of Canada* to criminalize forced sterilization in Canada."
- F. In July 2022, the Standing Senate Committee on Human Rights released the report, *The Scars That We Carry: Forced and Coerced Sterilization of Persons in Canada – Part II*, which recommends that legislation be introduced to add a specific offence to the *Criminal Code* prohibiting forced and coerced sterilization.
- G. The AFN Women's Council supports the survivors of forced and coerced sterilization and their efforts to raise awareness, seek redress, and to advocate for the criminalization of forced and coerced sterilization in Canada.

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

1. Directs the Assembly of First Nations to engage with the Government of Canada to co-develop amendments to the *Criminal Code of Canada* that will recognize forced and coerced sterilization of First Nations women as a specific criminal offence and an act of genocide.
2. Reaffirm their support efforts to raise awareness about forced and coerced sterilization and reproductive rights in First Nations, as well as efforts to stop the forced sterilization of First Nations women and girls.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 53/2022

TITLE: Fair Resolution of Claims Over \$150 Million

SUBJECT: Specific Claims

MOVED BY: Chief Harvey McLeod, Upper Nicola First Nation, BC

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

DECISION Approved by the AFN Executive Committee by consensus.

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 indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - ii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which 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.
- B. Justice at Last: A Specific Claims Action Plan included a political agreement between the Government of Canada and the Assembly of First Nations (AFN) to establish a new process to address claims over \$150 million, but no joint process has ever been created.
- C. The existing policy approach requires Cabinet review and approval following negotiations with First Nations. Both the deliberation process and the outcome of Cabinet decisions are cloaked in secrecy. In addition, Central

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Agencies, Treasury Board, and the Department of Justice play a key role in evaluating and advising the draft settlement agreement. The result is a process that lacks transparency, does not require justification by the Government of Canada for its decision, and places First Nations at a disadvantage rather than as equal partners seeking reconciliation and redress.

- D. The *Specific Claims Tribunal Act* (the Act) prohibits the Specific Claims Tribunal (Tribunal) from awarding compensation over \$150 million to First Nations.
- E. The \$150 million limit has no principled basis and is therefore arbitrary. Additionally, this limit is inconsistent with applicable principles of domestic and international law and prevents First Nations from resolving historical grievances against the Crown.
- F. The pressure of inflation means that the real value of the \$150 million limit has declined significantly since the Act came into force in 2008. In addition, key Tribunal decisions such as *Huu-Ay-Aht*, *Beardy's and Okemasis*, and the Supreme Court of Canada's decisions in *Williams Lake Indian Band* and *Southwind*, have dramatically changed the landscape for specific claims compensation, pushing many claims above the \$150 million dollar threshold.
- G. First Nations are prevented from resolving these claims through the courts due to the application of technical defenses such as statutes of limitation and the doctrine of laches.
- H. There are no viable or fair options available to First Nations seeking to settle specific claims worth over \$150 million, and the Tribunal, courts, and federal process all push First Nations to accept less. The legal landscape has changed dramatically since 2007 and there are many claims valued at well over \$150 million dollars. It is imperative that the Government of Canada work in partnership with First Nations to identify a fair and transparent process to address large value claims consistent with the UN Declaration.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to remove the \$150 million limit on financial compensation at the Specific Claims Tribunal and ensure that all resolution mechanisms are equitable and consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 53/2022

2. Direct the AFN to work jointly with the Government of Canada to establish principled mechanisms to resolve all specific claims regardless of value through a new, fully independent specific claims process consistent with the UN Declaration.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 54/2022

TITLE: Political and Financial Support for the Western Treaty Nations on the Natural Resource Transfer Agreement Summit

SUBJECT: Treaties, Lands, and Resources

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

SECONDED BY: Chief David Monias, Pimicikamak Cree Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the indigenous peoples concerned.
- B. The Natural Resource Transfer Agreement and Acts (NRTA) represents a significant breach of the Numbered Treaties signed between First Nations and the Crown in the provinces of Manitoba, Saskatchewan, and Alberta, through Canada's attempt to modify the Treaties without First Nations consultation and consent.
- C. The Assembly of First Nations (AFN) has passed five resolutions concerning the NRTA: 22/1993, *Natural Resource Transfer Act-1930*; 79/2008, *Natural Resource Transfer Agreement (NRTA)*; 35/2013, *Support for*

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Resolution no. 54/2022

2014 Natural Resource Transfer Act (NRTA) National Summit; 56/2016, Natural Resource Transfer Act (NRTA) Violation on Inherent Aboriginal and Treaty Rights; 31/2017, Natural Resource Transfer Act.

- D. A Summit of the Western Treaty Nations on the NRTA will be held in -Spring 2023, at Ermineskin Cree Nation. The Secretariat of the Western Treaty Nations on the NRTA will present to the Western Treaty Nations Chiefs a series of resolutions to mandate the Western Treaty Nations Secretariat to perform certain activities. This will begin the process to re-establish First Nations' jurisdiction, authority, and management over the lands, water, wildlife, and natural resources.
- E. The Secretariat of the Western Treaty Nations on the NRTA is seeking the political support of the AFN.
- F. The Secretariat of the Western Treaty Nations on the NRTA is seeking financial support to offset the costs of the convening of the Summit.

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

1. Direct the Assembly of First Nations (AFN) to support the Western Treaty Nations on the Natural Resource Transfer Agreement and Acts (NRTA) in their efforts to re-establish First Nations' jurisdiction, authority, and management over the lands, water, wildlife, and natural resources.
2. Direct the AFN, subject to available funding, to appoint a liaison to assist the Western Treaty Nations on the NRTA secretariat in planning a Summit planned for Spring 2023.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 55/2022

TITLE: Support for First Nations Impacted by Flooding and Droughts

SUBJECT: Environment, Food Security, Emergency Management

MOVED BY: Chief Jason Daniels, Swan Lake First Nation, MB

SECONDED BY: Chief Cornell Mclean, Lake Manitoba First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- ii. Article 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 (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 change is causing once seasonal weather patterns, especially droughts and flooding, to become unpredictable, severe, and frequent, resulting in increasing costs for response and recovery.

C. Severe and frequent seasonal and climate-induced droughts and flooding has had disastrous and disruptive impacts on the lives and livelihoods of affected First Nations, resulting in food and water insecurity, environmental impacts, forced relocation, and loss of traditional ways of life.

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- D. The Assembly of First Nations (AFN) has supported First Nations in Manitoba to mitigate climate impacts, such as flooding, and implement long term solutions to flooding in AFN Resolutions 45/2011, *Support for Manitoba First Nations Experiencing Flooded Lands*; 20/2014, *Support for Manitoba First Nations Affected by Flooding* and; 97/2018 *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.*
- E. First Nations impacted by droughts and flooding must have all available preventative and mitigative options available to them, including infrastructure, to ensure their health, safety, and security. New programs, policies and legislation must be created to protect the environment from further degradation and ensure that First Nations have access to a healthy diet, including traditional food.
- F. Many First Nations across Canada, such as Swan Lake First Nation, are facing food insecurity and lack capacity to engage in effective emergency management without support for proper infrastructure to adequately conserve and protect the environment and waters in their traditional lands.
- G. Swan Lake, located in Manitoba, has supplied the people of Swan Lake First Nation with an abundance of fish for food.
- H. Since the early 1970's the level of the lake has declined, resulting in a decrease in oxygen levels and a severe decline in the fish population.
- I. The people of Swan Lake First Nation have suffered a great loss of a traditional food supply and recreational opportunity as a result of the decline in the lake level.
- J. Of the past seven years the First Nation has had only two winter fishing seasons, with limited numbers of fish being taken. The shallowness of the lake also creates problems for recreational access and navigation, particularly in near-shore areas.
- K. The Swan Lake First Nation in partnership with the Tri-Lakes Group, as represented by the Pembina Valley Watershed District, and surrounding stakeholders and users have conducted a feasibility study on options to save the lake. Of the five recommendations Swan Lake First Nation and its' partners support the following recommendations:
- i. Recommendation #1: Build a control structure at the outlet of Swan Lake to raise the water level resulting in:
 - i. An increase in habitat diversity, benefitting desirable species such as Northern Pike, Yellow Perch, Walleye, and White Sucker;

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- ii. An increase in overwintering habitat for fish;
 - iii. An improvement of buffering of water temperatures in summer; and
 - iv. An improvement of access and navigation.
- ii. Recommendation #4: Develop and implement a Carp exclusion program on Swan Lake as Carp are factors in deteriorating water quality, aquatic habitat quality and diversity, and species richness. Reducing the population of Carp in Swan Lake would remove a significant detriment to the health of the ecosystem in Swan Lake and the Pembina River.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to immediately engage with Swan Lake First Nation and its partners in restoring Swan Lake to a healthy condition.
2. Direct the AFN to call on Canada to provide funding to Swan Lake First Nation to support the stakeholders of Swan Lake in restoring Swan Lake and the Pembina River and implement the recommendations supported by Swan Lake.
3. Call upon Indigenous Services Canada to adequately fund and support future feasibility studies that First Nations communities affected by flooding and drought may need to ensure their right to the conservation and protection of the environment and productive capacity is upheld.
4. Direct the AFN to call upon the relevant ministries to adequately empower and financially support the results of future feasibility studies that First Nations engage in.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 56/2022

TITLE: First Nations Participation at the Fifth International Marine Protected Area Congress (IMPAC 5)

SUBJECT: Water, Environment, Fisheries

MOVED BY: Judith Sayers, Proxy, Toquaht First Nation, BC

SECONDED BY: Chief Terry Richardson, Pabineau First Nation, NB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions
 - ii. Article 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 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 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.

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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.
- B.** The Fifth International Marine Protected Area Congress scheduled for February 3-9, 2023, in Vancouver, British Columbia, will be co-hosted by Canada and the International Union for the Conservation of Nature (IUCN), to bring together ocean conservation professionals, Indigenous Peoples, and high-level officials on the use of Marine Protected Areas (MPAs) as a key tool for the conservation of marine biodiversity.
- C.** IMPAC 5 will be the first major international marine conservation event following the final negotiation of the Post-2020 Global Biodiversity Framework at the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-15) in Montreal, Canada, where Parties are expected to commit to protecting 30% of the world's oceans by 2030.
- D.** Domestically, Canada has committed to protecting 25% of the ocean by 2025 and working towards 30% by 2030. The federal government is increasingly recognizing that these conservation targets cannot be met without the support, consent, and leadership of First Nations.
- E.** Assembly of First Nations (AFN) Resolutions 03/2019, *The Convention on Biological Diversity (CBD)*, and 07/2019, *First Nations' Oceans Priorities at the Convention on Biological Diversity*, directs the AFN to advocate for First Nations involvement both domestically and internationally to prevent biodiversity loss and to ensure that First Nations inherent and Treaty rights, Title, jurisdiction, and responsibilities to their traditional territories, including in marine environments, are recognized and respected.
- F.** Additionally, AFN Resolution 41/2021, *Marine Indigenous Protected and Conserved Areas (IPCAs)*, mandates the AFN to seek a federal commitment to support the establishment of IPCAs in both terrestrial and marine environments, as a means to further Indigenous reconciliation in Canada while contributing to Canada's conservation targets.
- G.** IMPAC 5 is expected to include a high-level leadership event on the last day of the Congress to share results from the event and discuss opportunities for partnership on global marine conservation. Leaders from all over the world, including responsible Ministers are anticipated to make commitments towards marine conservation.

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- H. The event provides a significant opportunity for the AFN to secure a federal commitment to recognize and support the establishment of marine IPCAs and to ensure the full and effective participation of First Nations in policy, program, and regulatory decision-making processes related to Canada's conservation targets.

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

1. Direct the Assembly of First Nations (AFN) to advocate for a federal commitment to First Nations' leadership in marine conservation, such as through the establishment of marine Indigenous Protected and Conserved Areas, during the Fifth International Marine Protected Area Congress (IMPAC 5), scheduled for February 3-9, 2023, in Vancouver, British Columbia.
2. Direct the AFN to work with the Advisory Committee on Climate Action and the Environment and other relevant Chiefs' and technical bodies to identify appropriate First Nations delegates to participate alongside other Indigenous leaders and federal Ministers at the IMPAC 5 Leadership Event on February 9, 2023.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 57/2022

TITLE: First Nations Nature Table

SUBJECT: Environment, Lands and Waters

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YT

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 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.
 - iv. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- B.** The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has assessed the global state of biodiversity and ecosystem services provided to society and determined that nature is declining at rates unprecedented in human history. One million plant and animal species are now threatened with extinction.
- C.** The United Nations Convention on Biological Diversity (CBD) will adopt the Post 2020 Global Biodiversity Framework and set new global biodiversity and conservation targets to the year 2030 at COP-15 in Kunming, China.
- D.** Canada's National Biodiversity Strategic Action Plan and Nature Agenda are driven by its international commitments under the Convention on Biological Diversity (CBD). Historically, this led to the establishment of the federal Species at Risk Act (SARA) and the Pathway to Canada Target 1, including Indigenous Protected and Conserved Areas (IPCAs).
- E.** First Nations have protected, conserved, and sustainably managed our environments, lands, waters, and the biodiversity within since time immemorial, through exercising our inherent rights and responsibilities, associated knowledge systems, and traditional laws.
- F.** First Nations are seeking more formal relationships with all levels of government regarding biodiversity protection and area-based conservation.
- G.** The AFN is committed to the promotion and protection of inherent and Treaty rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection, and conservation of the environment.

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

1. Endorse the creation of the First Nations' Nature Table (FNNT) as a technical body to interface with Environment and Climate Change Canada and other relevant departments on the design and implementation of Canada's National Biodiversity Strategic Action Plan and Nature Agenda in national and international fora, as appropriate, and in a manner that addresses, promotes, and respects First Nations' self-determined nature priorities.
2. Direct the Assembly of First Nations (AFN) to develop a Terms of Reference for the FNNT that ensures balanced regional representation, and alignment with the Advisory Committee on Climate Action and the Environment (ACE).

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3. Direct the AFN to call upon the Government of Canada to ensure that:
- a. First Nations are fully involved in all aspects of the development and implementation of the National Biodiversity Strategic Action Plan and Nature Agenda;
 - b. These modalities recognize and respect First Nations' assertion of their inherent and Treaty rights;
 - c. Adequate funding and resources for these undertakings are provided; and
 - d. The FNNT does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional, or national level on issues related to the National Biodiversity Strategic Action Plan or Nature Agenda.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 58/2022

TITLE: Support for an Annual AFN Water Walk

SUBJECT: Water Stewardship

MOVED BY: Chief Andrea Paul, Pictou Landing Band, NS

SECONDED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 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 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- v. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** In 2003, Grandmothers of the Great Lakes led by Josephine Mandamin came together to answer the call of the water. Later that year, they walked around Lake Superior and in subsequent years around all of the Great Lakes. This work to raise awareness of the sacred relationship with water led to the Water Walk movement wherein many lakes, rivers, streams across Turtle Island have been prayed for, sung to, and walked.
- C.** Since time immemorial, First Nations women have been traditionally known as water protectors and/or water carriers. First Nations characterize water as more-than-human, in which there exists a reciprocal relationship that must be respected. First Nations women share a sacred connection to the spirit of water through their role as child bearers and have particular responsibilities to protect and nurture water.
- D.** Despite colonial disruptions, the sacred relationship with water has endured throughout First Nations across Canada. Communities are situated next to or along bodies of water that serve as vital life sources. The health and well-being of these waterscapes are paramount and directly affect the health and well-being of First Nations communities. In order to holistically address the disconnect to water caused by colonization, First Nations must be given time, space, and resources to nourish these water-based relationships.
- E.** The Water Walk as a ceremonial movement remains a grassroots initiative to bring together the balance between women, men, two-spirit and gender-diverse peoples to strengthen relationships between one another and the water. The sacred roles and responsibilities that each carry are central to the healing and well-being of the First Nations families, communities and nations. Thus, the Water Walks serve as an essential opportunity to reignite unity, foster empowerment, and create awareness.
- F.** With the onslaught of worsening issues related to water, it is increasingly imperative that First Nations leadership and communities come together to collectively reaffirm their responsibility and relationship with the water. The establishment of an Annual day for Water Walks to take place in communities across Canada as well as the establishment of an Annual AFN Water Walk will provide an opportunity for First Nations leadership, women, men, youth, elders, two-spirit and gender-diverse relatives to take meaningful actions for the water.

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SPECIAL CHIEFS ASSEMBLY

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Resolution no. 58/2022

- G. AFN Resolution 43/2021, *Support for First Nations Inherent Rights, Title and Jurisdiction of Water Stewardship, including the Traditional Roles of First Nations Women*, directs the AFN, with guidance from the Advisory Committee on Climate Action and the Environment, to pursue funding to support First Nations water stewardship priorities related to First Nations' inherent rights, title and jurisdiction.

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

1. Support the creation of a National Day of Water Walks that adheres to the customs and protocols of respective Nations.
2. Support the Assembly of First Nations (AFN) Water Sector with guidance from the Advisory Committee on Climate Action and the Environment (ACE) and working with relevant Chiefs' Committees and technical bodies, AFN Councils, and Water Walkers as appropriate, to acquire funding and organize an Annual AFN Water Walk that supports, uplifts, raises awareness of the traditional roles of First Nations women and includes youth and gender-diverse people in water stewardship.
3. Call upon AFN political leadership and staff to participate in the Annual AFN Water Walk and for First Nations leadership to commit to leading Water Walks in their home territories.
4. Direct the AFN Water Sector, with guidance from Water Walkers and relevant Chiefs' Committees, to facilitate and engage with communities who want to participate and to advocate for funding to support communities to organize their own Water Walks.

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 59/2022

TITLE: Transformative Federal Investment Needed in First Nations Housing

SUBJECT: Housing

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations require 25 to 50 year commitments of predictable federal community infrastructure and housing investment both to raise quantity and quality to minimum standards and to sustain them into the future.
- C. The Assembly of First Nations (AFN) has worked jointly with Canada since 2016 resulting in a professionally developed 2021 cost estimate of the minimum needs to resolve the First Nations housing crisis as supported by First Nations-in-Assembly in December 2021 through Resolution 31/2021, *Cost to Address Decades of Federal Housing Neglect* and presented to the Minister of Finance in the pre-budget submission (PBS) process.
- D. AFN 's 2022 Pre-Budget Submission requested a federal investment of \$44 billion for immediate needs, including expected migration, and a further \$16 billion for future needs for a total of \$60 billion.
- E. Federal Budget 2022 made housing a top priority for Canadians while it committed an additional investment of approximately \$3 billion over 5 years to First Nations housing, which is a minimal downpayment towards the total First Nations needs.

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- F. In 2022, AFN research, co-developed with Indigenous Services Canada in the context of Closing the Infrastructure Gap by 2030, added cost factors that were not considered in the AFN's 2021 research. This resulted in an updated minimum First Nations housing investment required of \$135.1 billion. Many First Nations will need additional investments in community infrastructure to match the additional housing to be built.
- G. First Nations are experiencing significant increases in construction, labour, transportation, and other related areas caused by the global COVID-19 pandemic, unprecedented inflation in 2021 and 2022, and other global events.
- H. The Minister of Indigenous Services spoke to Chiefs at the AFN Annual General Assembly in July, 2022 and stated that "closing the infrastructure gap by 2030 is a hard target, not an aspirational goal."
- I. Failure to invest the full amount identified will perpetuate barriers to the economic, social, and cultural development of First Nations and the well-being of their members and will result in the costs required to close the infrastructure gap continuing to increase over time.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to commit in its 2023 budget to invest the full \$135.1 billion from 2023-24 to 2029-30 to fulfill part of the Indigenous Services Minister's mandate to close the infrastructure gap by 2030 as it pertains to housing.
2. Direct the AFN to urge the federal government to invest in the community infrastructure, especially serviced lots, water, wastewater systems, and any other public utilities required to support any new housing built through new and future investments to accommodate growth.
3. Direct the AFN to urge the federal government to transition the insufficient federal housing and infrastructure investment commitment timeframes of 5 to 10 years to long-term commitments of 25 to 30 years or more to provide ongoing, predictable, and sustainable funding.
4. Direct the AFN to seek funds from the federal government to conduct research and engage First Nations to annually identify the cost estimates of additional housing needs, including those that have not yet been costed.

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 60/2022

TITLE: First Nations Involvement in the Urban, Rural and Northern Indigenous Housing Strategy

SUBJECT: Housing

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 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. Strengthening the nationhood of First Nations depends on all First Nations citizens feeling a sense of belonging, having access to supports from their First Nations governments, and having the ability to contribute to the well-being of their community.

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- C. 2021 Census data indicates that First Nations comprise 58% of the Indigenous population in Canada. First Nations represent a majority of urban, rural and northern Indigenous people in Canada.
- D. Many urban and rural housing providers are invaluable in providing housing for First Nations citizens and other Indigenous Peoples, often in challenging situations.
- E. Budget 2022 proposes to invest \$300 million over five years, starting in 2022-23, through the Canada Mortgage and Housing Corporation (CMHC) to co-develop and launch an Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy).
- F. In alignment with the National First Nations Housing and Related Infrastructure Strategy supported by previous Assembly of First Nations (AFN) resolutions, First Nations have the right and jurisdiction to provide housing services to their citizens/members no matter where they live. The URN Strategy must recognize this and provide for increased capacity and administrative means for First Nations to exercise this right and jurisdiction.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to ensure that the Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy) aligns with the National First Nations Housing and Related Infrastructure Strategy and that it does not derogate from First Nations rights, jurisdiction and nationhood.
2. Urge the federal government to ensure the AFN, First Nations regional organizations, and individual First Nations are fully involved in the development of the URN Strategy in a distinctions-based process, and to commit adequate resources to support this involvement.
3. Urge the federal government to ensure First Nations can easily opt to control the use of funds directed to urban, rural and northern housing providers in relation to their members/citizens, and to ensure that First Nations have adequate resources to meet the housing needs of their citizens no matter where they live.
4. Urge the federal government and their partners in the development of the URN Strategy to accommodate the unique circumstances of Dene Nation communities and Yukon First Nations in a manner directed by them.

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 61/2022

TITLE: Reforming Non-Insured Health Benefits Travel Policies

SUBJECT: Health

MOVED BY: Chief Bob Dickson, Kluane First Nation, YK

SECONDED BY: Naa Shaade Eric Morris, Proxy, Teslin Tlingit Council, YK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

B. AFN Resolutions 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*, 126/2016, *Ongoing Commitment for the Non-Insured Health Benefits Joint Review Process*, and 49/2017, *Non-Insured Health Benefits Equitable Access to Health Services*, have given the AFN a mandate to work directly with the First Nations and Inuit Health Branch (FNIHB) to complete a Joint Review of the Non-Insured Health Benefits (NIHB) program.

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- C. First Nations people, particularly those in remote, northern, and isolated areas, are required to travel outside of their communities to large urban centres to receive medical attention.
- D. Travel policies set by NIHB continue to inadequately serve First Nations people by not aligning their reimbursement or per diem rates to the actual cost of travel outside their communities.
- E. These travel policies also restrict the ability of First Nations people to be adequately accompanied and supported, by family members or others, to their medical appointments and treatments outside of their communities.

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

- 1. Reaffirm support for the Assembly of First Nations (AFN) to continue working with the First Nations and Inuit Health Branch (FNIHB) to complete the Joint Review of the Non-Insured Health Benefits program (NIHB), as outlined in previous AFN mandates.
- 2. Direct the AFN and Chiefs' Committee on Health to:
 - a. Ensure the Joint Review of NIHB includes travel policies set by NIHB; and
 - b. Engage First Nations in isolated, northern, and remote areas, as part of this review, to fully understand the challenges they are facing with existing health policies.
- 3. Direct the AFN and Chiefs' Committee on Health to provide recommendations for reforming NIHB policies so First Nations people needing to travel outside their communities for medical attention receive the financial and personal supports they need to be adequately cared for.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 62/2022

TITLE: Direct the AFN to Advocate that the Governments of Canada Increase Funding for Accessible First Nations Mental Health and Addictions Support

SUBJECT: Increase First Nations mental health and addictions support

MOVED BY: Chief Sheldon Kent, Black River First Nation, MB

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. A Statistics Canada report that was released in August 2022 entitled “Unmet health care needs during the pandemic and resulting impacts among First Nations people living off reserve, Métis and Inuit” states:
- i. The pandemic has had significant social, economic and health impacts on Indigenous people (Arriagada, Hahmann, & O'Donnell, 2020; Bleakney, Masoud, & Robertson, 2020; Statistics Canada, 2020). In particular, Indigenous participants, including those with disabilities and long-term conditions, reported worsened overall health and in particular mental health (Arriagada et al., 2020; Hahmann, 2021) at rates higher than non-Indigenous participants;
 - ii. First Nations people and Métis more likely to indicate need for specific health care services than non-Indigenous people;
 - iii. Over 15% of First Nation's people surveyed said they experienced unmet health care needs when it comes to mental health and addictions services;
 - (a) Actual number more than likely higher as not every person who was denied the support of services took the survey

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- iv. First Nations people (10%) and Métis (9%) were about twice as likely as non-Indigenous people (5%) to report pandemic-related scheduling problems for mental health or addiction therapy and counselling services.

B. Truth and Reconciliation Commission Call to Action 19 states:

We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on 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.

C. The Southern Chiefs' Organization's 2021 Survey on the Experiences of Racism in the Manitoba Health Care System found:

- i. Seventy per cent of respondents in the study report that they have experienced instances of racism when accessing services and programs in the Manitoba health care system
- ii. Nearly 80 per cent report witnessing a family member or loved one being discriminated against or treated badly because of their race
- iii. An overwhelming majority, 92 per cent of survey respondents, either agreed or strongly agreed with the statement that racism is a problem in Manitoba's healthcare system

D. The Canadian Medical Association recognizes addiction as a chronic, treatable disease and urges that it be included in national and provincial/territorial efforts to improve chronic disease management.

E. Rehabilitation and recovery centre program spaces are limited, not always accessible, there are long waitlists, and private care is expensive.

F. There is a clear need for more First Nations mental health and addiction services to address the crisis in our communities and our overrepresentation on the margins of Canadian society that is reflected and confirmed in the national statistics.

G. Not adequately funding mental health and addictions services that are local and accessible for First Nations communities will consequently continue the barriers that prevent our community members from getting the healing and support that is needed.

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Resolution no. 62/2022

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

1. Call on the Government of Canada at all levels to increase the funding and supports to equitable levels of service needed for mental health and addictions.
2. Direct the Assembly of First Nations (AFN) call on Canada to establish more First Nations-led resources and programming to help address mental health and addictions crisis in our communities and neighbouring cities.
3. Call on Canada to affirm that First Nations' ways of addressing mental wellness and addictions healing, such as land-based programming, be respected and supported in any program funding criteria that is established by the Governments of Canada.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 42/2022

TITLE: Demand for Consultation on Amendments to the Indian Act (1985)

SUBJECT: Rights

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

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. The *Indian Act* (1985) is an assimilationist and colonial legislation intended to "rid Canada of the Indian Problem", and is itself a perpetuation of colonial policies and ideals, and is in direct conflict with First Nations' inherent right to manage their own membership, citizenship and identities;
- C. Indigenous Services Canada (ISC) has proposed to table legislative amendments to the *Indian Act* (1985), which significantly impact Indigenous Rights, Title and identity;
- i. ISC sought engagement from community leadership and members regarding the proposed amendments to the *Indian Act* (1985) and failed to communicate this process effectively;

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- D. ISC has failed to uphold the United Nation's International Legal Framework's principle of Free, Prior and Informed Consent through the process of proposed amendments to the *Indian Act* (1985);
- E. The Government of Canada passed Bill C-15, "*An Act Respecting the United Nations Declaration on the Rights of Indigenous People*" on June 21, 2021, requiring all federal legislation, policies, and regulations to be amended to align with the United Nations Declaration on the Rights of Indigenous Peoples;
- F. The Government of Canada has a duty to consult Indigenous groups when it considers conduct that may adversely impact potential or established Aboriginal or treaty rights;
 - i. ISC has not engaged in formal consultation with Indigenous communities and has therefore failed to uphold the duty to consult on these proposed amendments and uphold the Honour of the Crown through the amendment process;
- G. The Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (2007) is the mechanism through which the Government of Canada must consult with the Mi'kmaq of Nova Scotia on all changes to legislation, policies, regulations, and contemplated projects which may impact the Rights of the Mi'kmaq of Nova Scotia.

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

- 1. Direct the Assembly of First Nations (AFN) to call on Canada to consult directly with First Nations communities pursuant to community-specific consultation processes and pursuant to the duty to consult regarding any and all proposed amendments to the *Indian Act* (1985) and uphold Crown obligations to the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (2007).
- 2. Direct AFN to support First Nations in their consultation processes with the Government of Canada regarding proposed amendments to the *Indian Act* (1985).
- 3. Call on Canada to adhere to the principle of Free, Prior and Informed Consent, as per the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), through the process and engagements of any proposed amendments to the *Indian Act* (1985).

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4. Direct the AFN to call on Canada to ensure that any amendments to the Indian Act (1985) are consistent with the international and fundamental human rights enumerated in UNDRIP, as specifically required in Section 5 of the Declaration.
5. The AFN calls on Canada to adequately and appropriately fund First Nations to participate in formal consultation and to undertake extensive community engagement on any and all proposed changes to the *Indian Act* (1985).
6. The AFN calls on Canada to not table any legislative amendments to the *Indian Act* until such time that all First Nations have adequately and appropriately engaged with members and the duty to consult has been fully upheld.

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 43/2022

TITLE: Call for Municipalities to Implement the United Nations Declaration on the Rights of Indigenous Peoples

SUBJECT: Rights

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Council Chairperson Khelsilem, Squamish Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification, and passed legislation affirming:
- i. Article 3: Indigenous peoples have the right to self-determination. This guarantees the right to freely determine their political condition and the right to freely pursue their form of 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 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.

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- iv. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- v. 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.
- vi. 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.
- vii. Article 26(1): Indigenous peoples have the right to the lands, territories and resource which they have traditionally owned, occupied or otherwise used or acquired.

(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.

(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.

- viii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

- B. In 2015, the Truth and Reconciliation Commission (TRC) released its Final Report, including 94 Calls to Action. Call to Action #43 specifically calls on all levels of the Canadian government to fully adopt and implement the UN Declaration.

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- C. Following the release of the TRC's Calls to Action, Canada committed to fully commit, adopt and apply the UN Declaration, taking steps to acknowledge and recognize its legally binding nature through the enactment of the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, which requires all laws in Canada to align with the UN Declaration.
- D. Local governments play a significant role in the lives of Indigenous peoples (land use planning, environmental protection, emergency planning, economic development, delivery of services); however, not all municipalities in Canada have taken action to adopt and implement the UN Declaration, as required by the Declaration Act, and there remain disagreements over what obligations municipalities owe to First Nations.
- E. On October 25th, 2022, the City of Vancouver passed a United Nations Declaration on the Rights of Indigenous Peoples Strategy. It is the first-ever co-developed strategy between a City and First Nations to implement the UN Declaration locally. This Strategy aims to strengthen Indigenous rights and improve life for Indigenous peoples in Vancouver. This agreement encourages all local governments to take note of the work they are doing in Vancouver in implementing the UN Declaration in a meaningful way.
- F. There is an urgent need to review, clarify and deepen First Nations relationships with municipal governments and for municipalities to revise their policies, practices, and approaches to governance to recognize and implement the UN Declaration and an inclusive and distinctions-based approach in its dealings with Indigenous Peoples.
- G. Meaningful implementation of the UN Declaration requires municipal governments to, among other things, obtain the free, prior and informed consent of Indigenous Peoples through their own respective institutions, combat prejudice and eliminate discrimination, take effective and special measures to ensure continuous improvement of the economic and social conditions of Indigenous Peoples, and establish and implement assistance programs for Indigenous Peoples to preserve and protect the environment and the protective capacity of their territories.

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

- 1. Call upon the federal, provincial, and territorial governments to explicitly legislate requirements for municipalities to implement the UN Declaration.

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2. Call upon the federal, provincial, and territorial governments to strengthen UNDRIP accountability measures of municipalities in order to ensure that local governments are taking all measures necessary to meet the minimum standards of the UN Declaration.
3. Call upon the federal, provincial, and territorial governments to ensure that municipalities are reporting on their implementation actions.
4. Call upon the federal, provincial, and territorial governments to ensure that municipal governments do their work in UNDRIP implementation in consultation and cooperation with First Nations of the territories where they exist.
5. Call upon municipal governments to strengthen and develop unique First Nation-municipal relations in order to continuously work in consultation and cooperation with First Nations and to uphold and implement the UN Declaration as required by the Declaration Act.

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Ottawa, Ontario K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 44/2022

TITLE: Co-development of Policy Options with Indigenous Services Canada for a Memorandum to Cabinet on the Wholistic Long-term and Continuing Care Framework

SUBJECT: Health, Social Development

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

SECONDED BY: Chief James Hobart, Spuzzum First Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states that:
- 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 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 continuous improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.

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- B. In 2017, the United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on the initial report of Canada, which included recommendations to:
- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - ii. Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 20“0, "Leave No One Behind".
- C. Bill C-81, *An Act to ensure a barrier-free Canada* (the Accessible Canada Act), was passed in the House of Commons on May 29, 2019, and received royal assent on June 21, 2019. The Accessible Canada Act's aim is to make Canada barrier-free by January 1, 2040, by working with provinces and territories to coordinate efforts on accessibility.
- D. Resolution 19/2019, *Developing a Seven Generations Continuum of Care for First Nations by First Nations of Health, Economic and Social Services*, mandated the Assembly of First Nations (AFN) to work with Indigenous Services Canada (ISC) to develop a wholistic continuum of long-term and continuing care framework to ensure stronger health, social, and economic wellbeing for First Nations, including Persons with Different Abilities (PWDA), at all stages of life.
- E. Budget 2019 included up to \$8.5 million for the development of a wholistic long-term care strategy in First Nations and Inuit communities.
- F. Pursuant to Resolution 19/2019 and federal budget investments, Indigenous Services Canada (ISC) provided funding for regional First Nations-led engagements that were hosted between September 2020 and September 2022 that demonstrated the importance of ensuring that improved services and supports for long-term and continuing care at all stages of life are administrated in a wholistic wraparound support method within First Nations, including palliative and end of life care. The findings within the regional summary reports will be synthesized into a national report on a wholistic continuum of long-term and continuing care by the end of December 2022 and are set to be released for First Nations validation in January 2023.
- G. In the 2021 Mandate Letter, the Minister of Indigenous Services was directed to co-develop a distinctions-based Indigenous Long-term and Continuing Care Framework with Indigenous peoples to receive services closer to home and support service navigation.

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- H. ISC has approached the AFN to co-develop policy recommendations for a Long-term and Continuing Care framework. The purpose of co-developing policy recommendations is to address the shortfalls within the Home and Community Care and Assisted Living Programs and establish a First Nations path forward for Long-term and Continuing Care Services within First Nations.
- I. The Home and Community Care and Assisted Living Programs are currently underfunded and leave many gaps in services for First Nations, often forcing individuals on-reserve to leave their homes to seek necessary medical and social supports.
- J. The policy recommendations will inform a Memorandum to Cabinet on the Wholistic Long-term and Continuing Care Framework, which will be submitted by ISC in Fall 2023.

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

- 1. Direct the Assembly of First Nations (AFN) and the Technical Working Group on Social Development (TWGSD) to co-develop policy recommendations with Indigenous Services Canada (ISC) for the reform of the Assisted Living and Home and Community Care Programs, with oversight from the Chiefs Committee on Health (CCOH).
- 2. Direct the AFN to seek funding from ISC for the TWGSD to co-develop policy recommendations for the reform of the Assisted Living and Home and Community Care Programs.
- 3. Direct the AFN Social Development sector to work horizontally with the AFN Health Sector in the co-development of policy options for the reform of the Home and Community Care and Assisted Living Programs into a Long-term and Continuing Care Framework.
- 4. Call upon ISC to report to TWGSD and the CCOH by July 2023 on interdepartmental progress on current and previous engagement related to a Seven Generations Continuum of Care within the federal government, including First Nations' recommendations on the Accessible Canada Act, the United Nations Convention on the Rights of Persons with Disabilities, and the United Nations Sustainable Development Goals.
- 5. Direct the AFN to seek validation of the proposed policy recommendations developed by the TWGSD for the reform of the Home and Community Care and Assisted Living Programs from the First Nations-in-Assembly in July 2023.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 45/2022

TITLE:	Support The Challenge of Quebec's Bill 96, <i>An Act Respecting French, The Official and Common Language of Québec</i>
SUBJECT:	Education, Languages
MOVED BY:	Chief Sipi Flamand, Atikamekw Community of Manawan, QC
SECONDED BY:	Chief John Martin, Micmacs of Gesgapegiag, QC
DECISION	Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iii. Article 14 (1): Indigenous peoples have the right to establish and control their 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.

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- 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.
- B. The Chiefs of the Assembly of First Nations Quebec-Labrador have on many occasions expressed to the Quebec Government their visions and concerns regarding provincial bills, whose provisions constitute serious breaches of Quebec's constitutional duties to First Nations, which is particularly the case for the *Charter of the French Language* and its new iteration Bill 96, *An Act respecting French, the official and common language of Québec*.
- C. The provincial government has refused to take into consideration the political and technical positions that have been formally communicated to it by the Assembly of First Nations Quebec-Labrador and First Nations organizations, and Bill 96, therefore, maintains a set of provisions that are unacceptable to, and contravene the rights of, First Nations governments and their populations.
- D. The National Assembly of Québec, despite the foregoing, adopted Bill 96 on May 24, 2022.
- E. The inherent rights jurisdiction of First Nations in matters of education, language and culture cannot be modified or reduced through provincial legislation, cannot be limited to communities, and must apply to the education received outside the community.
- F. First Nations organizations like the First Nations Education Council have strongly denounced a set of provisions of Bill 96 which maintain if not aggravate the lack of respect for the right to autonomy regarding First Nations education, First Nations languages, and the situations of First Nations people who use the English language.
- G. The consequences of Bill 96 will be major, among other things, in terms of access to services and professional development for many First Nations.
- H. The principles of the UN Declaration continue to be denied by the National Assembly of Québec, even though the latter adopted a motion recognizing the UN Declaration in 2019.
- I. The Regional Chief responsible for education, filed a complaint with the United Nations Commission on Human Rights on September 9, 2022, which requests that the Special Rapporteur on the Rights of Indigenous Peoples, through the mechanisms of the Special Procedures of the Human Rights Council, intervene and communicate directly with the Quebec government regarding Bill 96.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

1. Reaffirm that the jurisdiction over First Nations languages and education remains with First Nations and thereby reject the Government of Quebec's Bill 96 and its severe impact on the rights of First Nations concerning education, languages and traditions.
2. Support First Nations, the Assembly of First Nations (AFN) Quebec-Labrador and First Nations organizations in Quebec in their efforts toward a potential legal challenge to the Quebec government's Bill 96, *An Act Respecting French, the Official Language of Québec*.
3. Call upon the AFN to strongly denounce the Quebec Government's Bill 96 and support First Nations, the Assembly of First Nations Quebec-Labrador and First Nations organizations in Quebec in their efforts toward a potential legal challenge of Bill 96.
4. Request the AFN National Chief to communicate with Quebec's Premier and demand the recognition of First Nations' language and education rights and that Bill 96 be amended to take these rights into account.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 46/2022

TITLE: Education Infrastructure Capital Reform

SUBJECT: Education

MOVED BY: Proxy Tyrone McNeil, Kwaw Kwaw Apilt First Nation, BC

SECONDED BY: Chief Wayne Desjarlais, Ebb and Flow First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 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. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.
- C. First Nations have unique needs and circumstances in education that must be reflected in their education infrastructure.
- D. Safe, adequate, and sustainable education infrastructure provides 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.
- E. Indigenous Services Canada refuses to include or recognize major capital in transformative education agreements with First Nations which directly contradicts First Nations control of First Nations education.
- F. Since the passing of AFN Resolution 34/2019, *First Nations Education Infrastructure Review*, First Nations have expressed an interest in education infrastructure capital reform or models to align learning spaces with the uniqueness of their education programming, languages, weather, seismic activity, and other regionally specific issues not adequately addressed through a national education infrastructure process.
- G. First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.
- H. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it.

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

- 1. Reaffirm First Nations' inherent and Treaty rights to education, including education infrastructure.

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2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to improve and strengthen partnerships with First Nations that respects First Nations control of First Nations education and First Nations decision-making in all processes concerning education.
4. Support the Chiefs Committee on Education, the National Indian Education Council and the Assembly of First Nations (AFN) to lead a co-development process that would create authorities and reform First Nations education infrastructure capital processes to provide First Nations with the ability to include capital and education infrastructure processes into new or existing education agreements.
5. Support First Nations, regions or Treaty territories who want to independently engage, develop regional models, create new authorities and reform processes for education infrastructure capital needs.
6. Affirm that a co-development approach concerning First Nations education infrastructure capital is not intended to detract or hinder First Nations from advancing their current capital processes.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 47/2022

TITLE: First Nation Languages – A Defined and Enforceable Right

SUBJECT: Languages, Rights

MOVED BY: O'gimaa Kwe Rachel Manitowabi, Wiikwemkoong Unceded Territory, ON

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) explicitly recognizes the language rights of First Nations in Articles 13, 14, 15 and 16. In May 2016 Canada removed its permanent objector status to the UNDRIP and committed to fully adopt and implement it within the laws of Canada;
- B. In 2019, the Parliament of Canada passed the Indigenous Languages Act. It purports to recognize that section 35 of the Constitution Act, 1982 includes “rights related to Indigenous languages”. However, this Act fails to identify any specific First Nation language rights or provide mechanisms for their enforcement. The language rights of Canada’s official language minorities, on the other hand, are clearly defined and enforceable since they were adopted in the Constitution Act, 1982;
- C. In 2021, the Parliament of Canada passed the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA), which commits the Government of Canada to “take all measures necessary to ensure that the laws of Canada are consistent with UNDRIP”;
- D. Accordingly, the Government of Canada has now committed itself to take “effective measures” to implement Article 14 of UNDRIP, which reads as follows:
 - 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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- 2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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.
- E. Language rights are at the heart of almost every other right recognized by UNDRIP, whether it be self-determination, identity, culture, customs, spiritual traditions, legal systems, histories, philosophies or ways of knowing and living with land and resources;
- F. The revitalization of First Nation languages in Canada depends on intergenerational transmission, In the modern Canadian context, intergenerational transmission requires state-supported educational systems and institutions that both teach First Nation children their own ancestral languages and that other subjects in those languages. Significantly, Article 14 recognizes that such systems must exist both on and off reserve;
- G. The perilous state of most First Nations languages makes the need for the implementation of Article 14 pressing and urgent. The closing of residential schools, by itself, does nothing to achieve intergenerational transmission of Indigenous languages. Almost all First Nations children are still required by law to attend schools where they not only do not learn to speak their own languages fluently but learn and interact with others in English or French. This amounts to ongoing forced assimilation of these children, contrary to Article 8 of UNDRIP; and
- H. The implementation of Article 14 in Canada can be achieved by amending the *Indigenous Languages Act*, thereby making the Article, and the language rights of First Nations, enforceable in Canadian courts.

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

1. Call on the Government of Canada to work with First Nations to amend the operative clauses of the *Indigenous Languages Act* to adopt the implementation of Article 14, and other articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which mention Indigenous languages, and to ensure that First Nations language rights, including First Nations sign language, are defined and enforceable.

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Resolution no. 47/2022

2. Direct the AFN to call on the Government of Canada, outlining this recommendation, as a means to begin addressing the dire state of First Nations languages as well as a first step for Canada towards implementing its commitment to the UNDRIP Act.
3. Direct the AFN to determine the funding required to engage First Nations and First Nations representative organizations (on and off reserve) in Canada to provide input into the development of the legislative amendments and any subsequent policy, regulatory and/or funding requirements.
4. Direct the AFN to urge the federal government to provide funding to support engagement of First Nations in this process.
5. Direct the AFN to report progress on this initiative regularly until First Nations language rights, including First Nations sign language, are defined and enforceable in federal legislation.

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55 Metcalfe Street, Suite 1600
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Telephone: 613-241-6789 Fax: 613-241-5808
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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 49/2022

TITLE: Support for Sustainable Funding and Accountability for the Implementation of the 231 Calls for Justice

SUBJECT: Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ Gender Based Violence

MOVED BY: Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

SECONDED BY: Chief Kyra Wilson, Long Plain First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identify.
- ii. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- iii. Article 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.
- iv. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

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- v. 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.
 - vi. 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 Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) on September 1, 2016.
- C.** The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- D.** The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women and girls. The Final Report also contains:
- i. 4 overarching findings relating to rights recognition, justice, security, health and wellness;
 - ii. *231 Calls for Justice*, including recommendations to governments, institutions, industries, service providers, partners and to all Canadians; and
 - iii. *Seven Principles for Change* to guide the interpretation and implementation of the *231 Calls for Justice* and referred to in the report as, "...the only way forward."
- E.** In response to the Final Report, the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (National Action Plan) and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* (Federal Pathway) were released on June 3 and 4, 2021, respectively, and an implementation planning phase is currently in progress.
- F.** Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honor the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systemic change.

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- ii. Recognize that any process including a national roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support the families and communities in their healing journeys and honor the MMIWG.
- G. AFN Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations*, orders an independent, fair, and impartial review of the AFN to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination".
- H. Since time immemorial, Indigenous women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples have had substantive and sacred roles and responsibilities within their nations' governance systems, laws, and practices.
- I. The *231 Calls for Justice* and National Action Plan outline immediate actions, approaches, and strategies to support the rights of First Nations women, girls, and 2SLGBTQQIA+ peoples and to restore matriarchal and gender roles as integral to nationhood building.
- J. AFN Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, was approved by AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for long-term sustainable funding to address and prevent all forms of gender-based violence targeting First Nations women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples.
- 2. Direct the AFN to advocate that all levels of government, and all others with obligations to act on the *231 Calls for Justice* from the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Final Report), implement the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*

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and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* according to the *Principles for Change* from the *Final Report*, including but not limited to:

- a. The Principle of, "Nothing about Us, Without Us", which centers the inclusion of families of Missing and Murdered Indigenous Women and Girls, survivors of gender-based violence, and First Nations women, girls, and 2SLGBTQQIA+ people, with lived experience, and as rights holders and citizens of their self-determining Nations. This approach involves full engagement for guidance according to their lived experience and expertise;
 - b. Distinctions-based through a regional approach accounting for geographical (e.g., northern, remote, isolated, urban, etc.) realities, needs, and priorities. A First Nations-based approach ensures the lived realities stemming from systemic and societal impacts and influences, past, present, and future, are accounted for and considered in determining the best path forward to address distinct needs and actions; and
 - c. Self-determined, sustainable, and resourced First Nations-led solutions and services through the promotion of Indigenous data sovereignty strategies to measure, monitor, and report on the implementation process and outcomes for transformative change.
3. Establish an independent accountability mechanism within the AFN to produce and publish an annual report on the implementation of the *231 Calls for Justice*, including tracking to specifically break down the actions and items that have been undertaken and those still outstanding and report back to the First Nations-in-Assembly.
 4. Establish an accountability mechanism for the development, application, monitoring, and annual reporting on organizational gender-based policies and strategies that promote gender balance and the safety, security, self-determination, and restoring power and place of First Nations women, girls, and 2SLGBTQQIA+ peoples. This would include outcomes from "The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination".

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 50/2022

TITLE: Support for James Smith Cree Nation's Calls for Indigenous Policing and Addictions Treatment

SUBJECT: Justice

MOVED BY: Kúkpi7 Judy Wilson, Neskonliith Indian Band, BC

SECONDED BY: Chief Wendy Jocko, Algonquins of Pikwakanagan First Nation, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 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 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.

Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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- B. On September 4th, 2022, 18 people were wounded and 10 people killed by two men in a tragic spree of attacks in the community of James Smith Cree Nation. The victims are Bonnie Goodvoice Burns, 48, Gregory Burns, 28, Lydia Gloria Burns, 61, Carol Burns, 46, Thomas Burns, 23, Earl Burns Sr., 66, Lana Head, 49, Christian Head, 54, Robert Sanderson, 49 of James Smith Cree Nation and Wesley Petterson, 78, a resident of Weldon, Saskatchewan.
- C. The attacks have left the community on a long road to healing and highlighted the need for systemic changes and decolonized approaches to health, mental health, and policing, including prevention and awareness, culturally appropriate supports and services, addictions treatment, and Indigenous community policing.
- D. The community reported that one of the suspects, Myles Sanderson, grew up with physical abuse and domestic violence and had turned to drug use at a young age and that the far-reaching and intergenerational impacts of residential schools including widespread addictions were prevalent within the James Smith Cree Nation.
- E. Historic and current policies and systems defined by colonialism, racism, bias, and discrimination are at the root of systemic inequities and intergenerational trauma that continue to manifest disproportionately as issues in health, mental health, housing, environment, violence, gender-based violence, and education and beyond for Indigenous peoples. Colonial police and justice systems are woefully inadequate and unprepared to solve the complex issues caused by colonial Canada and have a legacy of perpetuating harm and violence.
- F. *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* plainly outlines systemic justice issues and makes clear calls for justice reform and decolonized policing. Calls for Justice 3.4, 7.5, 5.4, 9.2, 9.3, 9.4 call upon all governments to fund trauma and addictions treatment programs, self-governing Indigenous policing services and the recruitment of Indigenous peoples to police services, the creation and funding of specialized Indigenous policing units, for all actors in the justice system to build respectful working relationships with Indigenous peoples centered on culturally appropriate service delivery, training and education for all staff and officers in anti-racism, anti-bias, trauma-informed practices.

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

1. Stand in strong support of James Smith Cree First Nation on their road to recovery and overcoming the trauma of this highly violent incident on September 4, 2022.

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2. Call upon the Province of Saskatchewan and the Government of Canada to provide all health, mental health, social and financial assistance that James Smith Cree First Nation may request.
3. Support the calls made by the James Smith Cree First Nation for the governments of Saskatchewan and Canada to fund on-reserve addictions treatment centres and self-governing Indigenous community policing programs in line with their obligations under the UN Declaration.
4. Call on all levels of government, police and justice actors to work with Indigenous Peoples and community-based organizations and uphold James Smith Cree First Nation's right to self-governance. This work must be in alignment with the Calls for Justice to decolonize policing and create culturally safe health, mental health and healing supports and services, on-reserve addictions treatment centres, trauma-informed practices, distinctions-based, and Indigenous-led crisis intervention responses to prevent future acts of violence.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 51/2022

TITLE: First Nation Sovereignty over Policing

SUBJECT: First Nation Policing, Sovereignty, Equity

MOVED BY: Chief Glenn Hudson, Peguis First Nation, MB

SECONDED BY: Chief Dennis Pashe, Dakota Tipi First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 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 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.
 - iv. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. The Assembly of First Nations (AFN) has passed several resolutions on First Nations police services as essential service, policing reform, and justice, including:

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- i. Resolution 34/2021, Support for Regionally Developed First Nations Policing Service
 - ii. Resolution 06/2020, Support for Advocacy on Systemic Racism in Canada
 - iii. Resolution 07/2020, Call for Reform to Address Institutional Racism in the Justice System
 - iv. Resolution 10/2020, Self-Governance & Justice Transformation for First Nations
 - v. Resolution 11/2020, Implementation of the National Indigenous Justice Summit's Immediate Action Points
 - vi. Resolution 44/2018, Enhancing and Supporting Tribal Police Services in First Nations in Canada
 - vii. Resolution 01/2017, Four Corner Table Processes on Community Safety and Policing
- C. The Truth and Reconciliation Commission (TRC) Calls to Action #42 calls upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the [UN Declaration], endorsed by Canada in November 2012.
- D. The Missing and Murdered Indigenous Women and Girls National Inquiry recommends:
- i. Call for Justice 5.1: We call upon all governments to immediately implement the recommendations in relation to the Canadian justice system in: *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, Royal Commission on Aboriginal Peoples (1996); and the *Report of the Aboriginal Justice Inquiry of Manitoba: Public Inquiry into the Administration of Justice and Aboriginal People* (1991)
 - ii. Call for Justice 5.4: We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:

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- i. Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services
- E. The federal government announced Indigenous policing as a priority in the Federal Budget 2021 allocating approximately \$800 million, over five years to fund a co- developed legislative framework on First Nation Policing that will also recognize it as an essential service, to support First Nation communities currently served under the First Nation Inuit Policing Program (FNIPP), and expand the FNIPP to new First Nation communities and strengthen the First Nation Safety Officer Program, among other infrastructure initiatives.
- F. Southern Chiefs' Organization (SCO) is working towards a regional traditional governance model to restore original citizenship, language, laws, institutions, ceremonies, protocols and procedures of governance for Anishinaabe and Dakota nations, thus strengthening our Nations to take on greater sectoral responsibilities and sovereignty in all areas, including justice and policing, for the holistic betterment of our communities and citizens.

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

1. Call upon the federal government in the policing and public safety division to directly negotiate with First Nations, who are seeking a policing service under the First Nation Inuit Policing Program (FNIPP), to determine a funding framework and allocation, that is equitable and fair, based upon the critical need for community and cultural safety, which will ensure quality policing services, infrastructure, and human resources.
2. Directs that the Assembly of First Nations (AFN) recommend that the future FNIPP legislation be modelled after Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, in that federal policing legislation must allow First Nations to enact their own community policing legislation, ensuring true First Nation jurisdiction over justice and policing systems that will serve First Nations in a culturally appropriate and respectful manner free from systemic racism and discrimination.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 52/2022

TITLE: **Mandate to Co-Develop Criminal Code Amendments for the Criminalization of Forced and Coerced Sterilization**

SUBJECT: First Nations Women

MOVED BY: Chief Theresa Nelson, Animbiigoo Zaagi'igan Anishnaabek, ON

SECONDED BY: Chief Constance Big Eagle, Ocean Man First Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and 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 UN Declaration.

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- C. The forced sterilization of Indigenous women falls under the internationally accepted definition of genocide.
- D. In First Nations' worldviews, women are respected as the life-givers and caregivers within their Nations and, based on these beliefs, are viewed as sacred.
- E. Assembly of First Nations (AFN) Resolution 80/2018, *Support for the Criminalization of Forced Sterilization*, directs the Assembly of First Nations to, "...advocate for changes to the *Criminal Code of Canada* to criminalize forced sterilization in Canada."
- F. In July 2022, the Standing Senate Committee on Human Rights released the report, *The Scars That We Carry: Forced and Coerced Sterilization of Persons in Canada – Part II*, which recommends that legislation be introduced to add a specific offence to the *Criminal Code* prohibiting forced and coerced sterilization.
- G. The AFN Women's Council supports the survivors of forced and coerced sterilization and their efforts to raise awareness, seek redress, and to advocate for the criminalization of forced and coerced sterilization in Canada.

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

1. Directs the Assembly of First Nations to engage with the Government of Canada to co-develop amendments to the *Criminal Code of Canada* that will recognize forced and coerced sterilization of First Nations women as a specific criminal offence and an act of genocide.
2. Reaffirm their support efforts to raise awareness about forced and coerced sterilization and reproductive rights in First Nations, as well as efforts to stop the forced sterilization of First Nations women and girls.

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Assembly of First Nations

55 Metcalfe Street, Suite 1600
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Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 53/2022

TITLE: Fair Resolution of Claims Over \$150 Million

SUBJECT: Specific Claims

MOVED BY: Chief Harvey McLeod, Upper Nicola First Nation, BC

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

DECISION Approved by the AFN Executive Committee by consensus.

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 indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - ii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which 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.
- B. Justice at Last: A Specific Claims Action Plan included a political agreement between the Government of Canada and the Assembly of First Nations (AFN) to establish a new process to address claims over \$150 million, but no joint process has ever been created.
- C. The existing policy approach requires Cabinet review and approval following negotiations with First Nations. Both the deliberation process and the outcome of Cabinet decisions are cloaked in secrecy. In addition, Central

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Agencies, Treasury Board, and the Department of Justice play a key role in evaluating and advising the draft settlement agreement. The result is a process that lacks transparency, does not require justification by the Government of Canada for its decision, and places First Nations at a disadvantage rather than as equal partners seeking reconciliation and redress.

- D. The *Specific Claims Tribunal Act* (the Act) prohibits the Specific Claims Tribunal (Tribunal) from awarding compensation over \$150 million to First Nations.
- E. The \$150 million limit has no principled basis and is therefore arbitrary. Additionally, this limit is inconsistent with applicable principles of domestic and international law and prevents First Nations from resolving historical grievances against the Crown.
- F. The pressure of inflation means that the real value of the \$150 million limit has declined significantly since the Act came into force in 2008. In addition, key Tribunal decisions such as *Huu-Ay-Aht*, *Beardy's and Okemasis*, and the Supreme Court of Canada's decisions in *Williams Lake Indian Band* and *Southwind*, have dramatically changed the landscape for specific claims compensation, pushing many claims above the \$150 million dollar threshold.
- G. First Nations are prevented from resolving these claims through the courts due to the application of technical defenses such as statutes of limitation and the doctrine of laches.
- H. There are no viable or fair options available to First Nations seeking to settle specific claims worth over \$150 million, and the Tribunal, courts, and federal process all push First Nations to accept less. The legal landscape has changed dramatically since 2007 and there are many claims valued at well over \$150 million dollars. It is imperative that the Government of Canada work in partnership with First Nations to identify a fair and transparent process to address large value claims consistent with the UN Declaration.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to remove the \$150 million limit on financial compensation at the Specific Claims Tribunal and ensure that all resolution mechanisms are equitable and consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).

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2. Direct the AFN to work jointly with the Government of Canada to establish principled mechanisms to resolve all specific claims regardless of value through a new, fully independent specific claims process consistent with the UN Declaration.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 54/2022

TITLE: Political and Financial Support for the Western Treaty Nations on the Natural Resource Transfer Agreement Summit

SUBJECT: Treaties, Lands, and Resources

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

SECONDED BY: Chief David Monias, Pimicikamak Cree Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the indigenous peoples concerned.
- B. The Natural Resource Transfer Agreement and Acts (NRTA) represents a significant breach of the Numbered Treaties signed between First Nations and the Crown in the provinces of Manitoba, Saskatchewan, and Alberta, through Canada's attempt to modify the Treaties without First Nations consultation and consent.
- C. The Assembly of First Nations (AFN) has passed five resolutions concerning the NRTA: 22/1993, *Natural Resource Transfer Act-1930*; 79/2008, *Natural Resource Transfer Agreement (NRTA)*; 35/2013, *Support for*

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Resolution no. 54/2022

2014 Natural Resource Transfer Act (NRTA) National Summit; 56/2016, Natural Resource Transfer Act (NRTA) Violation on Inherent Aboriginal and Treaty Rights; 31/2017, Natural Resource Transfer Act.

- D. A Summit of the Western Treaty Nations on the NRTA will be held in -Spring 2023, at Ermineskin Cree Nation. The Secretariat of the Western Treaty Nations on the NRTA will present to the Western Treaty Nations Chiefs a series of resolutions to mandate the Western Treaty Nations Secretariat to perform certain activities. This will begin the process to re-establish First Nations' jurisdiction, authority, and management over the lands, water, wildlife, and natural resources.
- E. The Secretariat of the Western Treaty Nations on the NRTA is seeking the political support of the AFN.
- F. The Secretariat of the Western Treaty Nations on the NRTA is seeking financial support to offset the costs of the convening of the Summit.

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

1. Direct the Assembly of First Nations (AFN) to support the Western Treaty Nations on the Natural Resource Transfer Agreement and Acts (NRTA) in their efforts to re-establish First Nations' jurisdiction, authority, and management over the lands, water, wildlife, and natural resources.
2. Direct the AFN, subject to available funding, to appoint a liaison to assist the Western Treaty Nations on the NRTA secretariat in planning a Summit planned for Spring 2023.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 55/2022

TITLE: Support for First Nations Impacted by Flooding and Droughts

SUBJECT: Environment, Food Security, Emergency Management

MOVED BY: Chief Jason Daniels, Swan Lake First Nation, MB

SECONDED BY: Chief Cornell Mclean, Lake Manitoba First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- ii. Article 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 (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 change is causing once seasonal weather patterns, especially droughts and flooding, to become unpredictable, severe, and frequent, resulting in increasing costs for response and recovery.

C. Severe and frequent seasonal and climate-induced droughts and flooding has had disastrous and disruptive impacts on the lives and livelihoods of affected First Nations, resulting in food and water insecurity, environmental impacts, forced relocation, and loss of traditional ways of life.

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- D. The Assembly of First Nations (AFN) has supported First Nations in Manitoba to mitigate climate impacts, such as flooding, and implement long term solutions to flooding in AFN Resolutions 45/2011, *Support for Manitoba First Nations Experiencing Flooded Lands*; 20/2014, *Support for Manitoba First Nations Affected by Flooding* and; 97/2018 *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.*
- E. First Nations impacted by droughts and flooding must have all available preventative and mitigative options available to them, including infrastructure, to ensure their health, safety, and security. New programs, policies and legislation must be created to protect the environment from further degradation and ensure that First Nations have access to a healthy diet, including traditional food.
- F. Many First Nations across Canada, such as Swan Lake First Nation, are facing food insecurity and lack capacity to engage in effective emergency management without support for proper infrastructure to adequately conserve and protect the environment and waters in their traditional lands.
- G. Swan Lake, located in Manitoba, has supplied the people of Swan Lake First Nation with an abundance of fish for food.
- H. Since the early 1970's the level of the lake has declined, resulting in a decrease in oxygen levels and a severe decline in the fish population.
- I. The people of Swan Lake First Nation have suffered a great loss of a traditional food supply and recreational opportunity as a result of the decline in the lake level.
- J. Of the past seven years the First Nation has had only two winter fishing seasons, with limited numbers of fish being taken. The shallowness of the lake also creates problems for recreational access and navigation, particularly in near-shore areas.
- K. The Swan Lake First Nation in partnership with the Tri-Lakes Group, as represented by the Pembina Valley Watershed District, and surrounding stakeholders and users have conducted a feasibility study on options to save the lake. Of the five recommendations Swan Lake First Nation and its' partners support the following recommendations:
- i. Recommendation #1: Build a control structure at the outlet of Swan Lake to raise the water level resulting in:
 - i. An increase in habitat diversity, benefitting desirable species such as Northern Pike, Yellow Perch, Walleye, and White Sucker;

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- ii. An increase in overwintering habitat for fish;
 - iii. An improvement of buffering of water temperatures in summer; and
 - iv. An improvement of access and navigation.
- ii. Recommendation #4: Develop and implement a Carp exclusion program on Swan Lake as Carp are factors in deteriorating water quality, aquatic habitat quality and diversity, and species richness. Reducing the population of Carp in Swan Lake would remove a significant detriment to the health of the ecosystem in Swan Lake and the Pembina River.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to immediately engage with Swan Lake First Nation and its partners in restoring Swan Lake to a healthy condition.
2. Direct the AFN to call on Canada to provide funding to Swan Lake First Nation to support the stakeholders of Swan Lake in restoring Swan Lake and the Pembina River and implement the recommendations supported by Swan Lake.
3. Call upon Indigenous Services Canada to adequately fund and support future feasibility studies that First Nations communities affected by flooding and drought may need to ensure their right to the conservation and protection of the environment and productive capacity is upheld.
4. Direct the AFN to call upon the relevant ministries to adequately empower and financially support the results of future feasibility studies that First Nations engage in.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 56/2022

TITLE: First Nations Participation at the Fifth International Marine Protected Area Congress (IMPAC 5)

SUBJECT: Water, Environment, Fisheries

MOVED BY: Judith Sayers, Proxy, Toquaht First Nation, BC

SECONDED BY: Chief Terry Richardson, Pabineau First Nation, NB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions
 - ii. Article 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 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 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.

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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.
- B.** The Fifth International Marine Protected Area Congress scheduled for February 3-9, 2023, in Vancouver, British Columbia, will be co-hosted by Canada and the International Union for the Conservation of Nature (IUCN), to bring together ocean conservation professionals, Indigenous Peoples, and high-level officials on the use of Marine Protected Areas (MPAs) as a key tool for the conservation of marine biodiversity.
- C.** IMPAC 5 will be the first major international marine conservation event following the final negotiation of the Post-2020 Global Biodiversity Framework at the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-15) in Montreal, Canada, where Parties are expected to commit to protecting 30% of the world's oceans by 2030.
- D.** Domestically, Canada has committed to protecting 25% of the ocean by 2025 and working towards 30% by 2030. The federal government is increasingly recognizing that these conservation targets cannot be met without the support, consent, and leadership of First Nations.
- E.** Assembly of First Nations (AFN) Resolutions 03/2019, *The Convention on Biological Diversity (CBD)*, and 07/2019, *First Nations' Oceans Priorities at the Convention on Biological Diversity*, directs the AFN to advocate for First Nations involvement both domestically and internationally to prevent biodiversity loss and to ensure that First Nations inherent and Treaty rights, Title, jurisdiction, and responsibilities to their traditional territories, including in marine environments, are recognized and respected.
- F.** Additionally, AFN Resolution 41/2021, *Marine Indigenous Protected and Conserved Areas (IPCAs)*, mandates the AFN to seek a federal commitment to support the establishment of IPCAs in both terrestrial and marine environments, as a means to further Indigenous reconciliation in Canada while contributing to Canada's conservation targets.
- G.** IMPAC 5 is expected to include a high-level leadership event on the last day of the Congress to share results from the event and discuss opportunities for partnership on global marine conservation. Leaders from all over the world, including responsible Ministers are anticipated to make commitments towards marine conservation.

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- H. The event provides a significant opportunity for the AFN to secure a federal commitment to recognize and support the establishment of marine IPCAs and to ensure the full and effective participation of First Nations in policy, program, and regulatory decision-making processes related to Canada's conservation targets.

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

1. Direct the Assembly of First Nations (AFN) to advocate for a federal commitment to First Nations' leadership in marine conservation, such as through the establishment of marine Indigenous Protected and Conserved Areas, during the Fifth International Marine Protected Area Congress (IMPAC 5), scheduled for February 3-9, 2023, in Vancouver, British Columbia.
2. Direct the AFN to work with the Advisory Committee on Climate Action and the Environment and other relevant Chiefs' and technical bodies to identify appropriate First Nations delegates to participate alongside other Indigenous leaders and federal Ministers at the IMPAC 5 Leadership Event on February 9, 2023.

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55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 57/2022

TITLE: First Nations Nature Table

SUBJECT: Environment, Lands and Waters

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YT

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 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.
 - iv. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- B.** The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has assessed the global state of biodiversity and ecosystem services provided to society and determined that nature is declining at rates unprecedented in human history. One million plant and animal species are now threatened with extinction.
- C.** The United Nations Convention on Biological Diversity (CBD) will adopt the Post 2020 Global Biodiversity Framework and set new global biodiversity and conservation targets to the year 2030 at COP-15 in Kunming, China.
- D.** Canada's National Biodiversity Strategic Action Plan and Nature Agenda are driven by its international commitments under the Convention on Biological Diversity (CBD). Historically, this led to the establishment of the federal Species at Risk Act (SARA) and the Pathway to Canada Target 1, including Indigenous Protected and Conserved Areas (IPCAs).
- E.** First Nations have protected, conserved, and sustainably managed our environments, lands, waters, and the biodiversity within since time immemorial, through exercising our inherent rights and responsibilities, associated knowledge systems, and traditional laws.
- F.** First Nations are seeking more formal relationships with all levels of government regarding biodiversity protection and area-based conservation.
- G.** The AFN is committed to the promotion and protection of inherent and Treaty rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection, and conservation of the environment.

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

1. Endorse the creation of the First Nations' Nature Table (FNNT) as a technical body to interface with Environment and Climate Change Canada and other relevant departments on the design and implementation of Canada's National Biodiversity Strategic Action Plan and Nature Agenda in national and international fora, as appropriate, and in a manner that addresses, promotes, and respects First Nations' self-determined nature priorities.
2. Direct the Assembly of First Nations (AFN) to develop a Terms of Reference for the FNNT that ensures balanced regional representation, and alignment with the Advisory Committee on Climate Action and the Environment (ACE).

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3. Direct the AFN to call upon the Government of Canada to ensure that:
- a. First Nations are fully involved in all aspects of the development and implementation of the National Biodiversity Strategic Action Plan and Nature Agenda;
 - b. These modalities recognize and respect First Nations' assertion of their inherent and Treaty rights;
 - c. Adequate funding and resources for these undertakings are provided; and
 - d. The FNNT does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional, or national level on issues related to the National Biodiversity Strategic Action Plan or Nature Agenda.

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Ottawa, Ontario K1P 6L5
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Resolution no. 58/2022

TITLE: Support for an Annual AFN Water Walk

SUBJECT: Water Stewardship

MOVED BY: Chief Andrea Paul, Pictou Landing Band, NS

SECONDED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 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 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- v. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B.** In 2003, Grandmothers of the Great Lakes led by Josephine Mandamin came together to answer the call of the water. Later that year, they walked around Lake Superior and in subsequent years around all of the Great Lakes. This work to raise awareness of the sacred relationship with water led to the Water Walk movement wherein many lakes, rivers, streams across Turtle Island have been prayed for, sung to, and walked.
- C.** Since time immemorial, First Nations women have been traditionally known as water protectors and/or water carriers. First Nations characterize water as more-than-human, in which there exists a reciprocal relationship that must be respected. First Nations women share a sacred connection to the spirit of water through their role as child bearers and have particular responsibilities to protect and nurture water.
- D.** Despite colonial disruptions, the sacred relationship with water has endured throughout First Nations across Canada. Communities are situated next to or along bodies of water that serve as vital life sources. The health and well-being of these waterscapes are paramount and directly affect the health and well-being of First Nations communities. In order to holistically address the disconnect to water caused by colonization, First Nations must be given time, space, and resources to nourish these water-based relationships.
- E.** The Water Walk as a ceremonial movement remains a grassroots initiative to bring together the balance between women, men, two-spirit and gender-diverse peoples to strengthen relationships between one another and the water. The sacred roles and responsibilities that each carry are central to the healing and well-being of the First Nations families, communities and nations. Thus, the Water Walks serve as an essential opportunity to reignite unity, foster empowerment, and create awareness.
- F.** With the onslaught of worsening issues related to water, it is increasingly imperative that First Nations leadership and communities come together to collectively reaffirm their responsibility and relationship with the water. The establishment of an Annual day for Water Walks to take place in communities across Canada as well as the establishment of an Annual AFN Water Walk will provide an opportunity for First Nations leadership, women, men, youth, elders, two-spirit and gender-diverse relatives to take meaningful actions for the water.

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- G. AFN Resolution 43/2021, *Support for First Nations Inherent Rights, Title and Jurisdiction of Water Stewardship, including the Traditional Roles of First Nations Women*, directs the AFN, with guidance from the Advisory Committee on Climate Action and the Environment, to pursue funding to support First Nations water stewardship priorities related to First Nations' inherent rights, title and jurisdiction.

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

1. Support the creation of a National Day of Water Walks that adheres to the customs and protocols of respective Nations.
2. Support the Assembly of First Nations (AFN) Water Sector with guidance from the Advisory Committee on Climate Action and the Environment (ACE) and working with relevant Chiefs' Committees and technical bodies, AFN Councils, and Water Walkers as appropriate, to acquire funding and organize an Annual AFN Water Walk that supports, uplifts, raises awareness of the traditional roles of First Nations women and includes youth and gender-diverse people in water stewardship.
3. Call upon AFN political leadership and staff to participate in the Annual AFN Water Walk and for First Nations leadership to commit to leading Water Walks in their home territories.
4. Direct the AFN Water Sector, with guidance from Water Walkers and relevant Chiefs' Committees, to facilitate and engage with communities who want to participate and to advocate for funding to support communities to organize their own Water Walks.

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Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 59/2022

TITLE: Transformative Federal Investment Needed in First Nations Housing

SUBJECT: Housing

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations require 25 to 50 year commitments of predictable federal community infrastructure and housing investment both to raise quantity and quality to minimum standards and to sustain them into the future.
- C. The Assembly of First Nations (AFN) has worked jointly with Canada since 2016 resulting in a professionally developed 2021 cost estimate of the minimum needs to resolve the First Nations housing crisis as supported by First Nations-in-Assembly in December 2021 through Resolution 31/2021, *Cost to Address Decades of Federal Housing Neglect* and presented to the Minister of Finance in the pre-budget submission (PBS) process.
- D. AFN 's 2022 Pre-Budget Submission requested a federal investment of \$44 billion for immediate needs, including expected migration, and a further \$16 billion for future needs for a total of \$60 billion.
- E. Federal Budget 2022 made housing a top priority for Canadians while it committed an additional investment of approximately \$3 billion over 5 years to First Nations housing, which is a minimal downpayment towards the total First Nations needs.

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- F. In 2022, AFN research, co-developed with Indigenous Services Canada in the context of Closing the Infrastructure Gap by 2030, added cost factors that were not considered in the AFN's 2021 research. This resulted in an updated minimum First Nations housing investment required of \$135.1 billion. Many First Nations will need additional investments in community infrastructure to match the additional housing to be built.
- G. First Nations are experiencing significant increases in construction, labour, transportation, and other related areas caused by the global COVID-19 pandemic, unprecedented inflation in 2021 and 2022, and other global events.
- H. The Minister of Indigenous Services spoke to Chiefs at the AFN Annual General Assembly in July, 2022 and stated that "closing the infrastructure gap by 2030 is a hard target, not an aspirational goal."
- I. Failure to invest the full amount identified will perpetuate barriers to the economic, social, and cultural development of First Nations and the well-being of their members and will result in the costs required to close the infrastructure gap continuing to increase over time.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to commit in its 2023 budget to invest the full \$135.1 billion from 2023-24 to 2029-30 to fulfill part of the Indigenous Services Minister's mandate to close the infrastructure gap by 2030 as it pertains to housing.
2. Direct the AFN to urge the federal government to invest in the community infrastructure, especially serviced lots, water, wastewater systems, and any other public utilities required to support any new housing built through new and future investments to accommodate growth.
3. Direct the AFN to urge the federal government to transition the insufficient federal housing and infrastructure investment commitment timeframes of 5 to 10 years to long-term commitments of 25 to 30 years or more to provide ongoing, predictable, and sustainable funding.
4. Direct the AFN to seek funds from the federal government to conduct research and engage First Nations to annually identify the cost estimates of additional housing needs, including those that have not yet been costed.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 60/2022

TITLE: First Nations Involvement in the Urban, Rural and Northern Indigenous Housing Strategy

SUBJECT: Housing

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 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. Strengthening the nationhood of First Nations depends on all First Nations citizens feeling a sense of belonging, having access to supports from their First Nations governments, and having the ability to contribute to the well-being of their community.

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- C. 2021 Census data indicates that First Nations comprise 58% of the Indigenous population in Canada. First Nations represent a majority of urban, rural and northern Indigenous people in Canada.
- D. Many urban and rural housing providers are invaluable in providing housing for First Nations citizens and other Indigenous Peoples, often in challenging situations.
- E. Budget 2022 proposes to invest \$300 million over five years, starting in 2022-23, through the Canada Mortgage and Housing Corporation (CMHC) to co-develop and launch an Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy).
- F. In alignment with the National First Nations Housing and Related Infrastructure Strategy supported by previous Assembly of First Nations (AFN) resolutions, First Nations have the right and jurisdiction to provide housing services to their citizens/members no matter where they live. The URN Strategy must recognize this and provide for increased capacity and administrative means for First Nations to exercise this right and jurisdiction.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to ensure that the Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy) aligns with the National First Nations Housing and Related Infrastructure Strategy and that it does not derogate from First Nations rights, jurisdiction and nationhood.
2. Urge the federal government to ensure the AFN, First Nations regional organizations, and individual First Nations are fully involved in the development of the URN Strategy in a distinctions-based process, and to commit adequate resources to support this involvement.
3. Urge the federal government to ensure First Nations can easily opt to control the use of funds directed to urban, rural and northern housing providers in relation to their members/citizens, and to ensure that First Nations have adequate resources to meet the housing needs of their citizens no matter where they live.
4. Urge the federal government and their partners in the development of the URN Strategy to accommodate the unique circumstances of Dene Nation communities and Yukon First Nations in a manner directed by them.

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55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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Resolution no. 61/2022

TITLE: Reforming Non-Insured Health Benefits Travel Policies

SUBJECT: Health

MOVED BY: Chief Bob Dickson, Kluane First Nation, YK

SECONDED BY: Naa Shaade Eric Morris, Proxy, Teslin Tlingit Council, YK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

B. AFN Resolutions 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*, 126/2016, *Ongoing Commitment for the Non-Insured Health Benefits Joint Review Process*, and 49/2017, *Non-Insured Health Benefits Equitable Access to Health Services*, have given the AFN a mandate to work directly with the First Nations and Inuit Health Branch (FNIHB) to complete a Joint Review of the Non-Insured Health Benefits (NIHB) program.

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- C. First Nations people, particularly those in remote, northern, and isolated areas, are required to travel outside of their communities to large urban centres to receive medical attention.
- D. Travel policies set by NIHB continue to inadequately serve First Nations people by not aligning their reimbursement or per diem rates to the actual cost of travel outside their communities.
- E. These travel policies also restrict the ability of First Nations people to be adequately accompanied and supported, by family members or others, to their medical appointments and treatments outside of their communities.

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

- 1. Reaffirm support for the Assembly of First Nations (AFN) to continue working with the First Nations and Inuit Health Branch (FNIHB) to complete the Joint Review of the Non-Insured Health Benefits program (NIHB), as outlined in previous AFN mandates.
- 2. Direct the AFN and Chiefs' Committee on Health to:
 - a. Ensure the Joint Review of NIHB includes travel policies set by NIHB; and
 - b. Engage First Nations in isolated, northern, and remote areas, as part of this review, to fully understand the challenges they are facing with existing health policies.
- 3. Direct the AFN and Chiefs' Committee on Health to provide recommendations for reforming NIHB policies so First Nations people needing to travel outside their communities for medical attention receive the financial and personal supports they need to be adequately cared for.

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SPECIAL CHIEFS ASSEMBLY
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Resolution no. 62/2022

TITLE: Direct the AFN to Advocate that the Governments of Canada Increase Funding for Accessible First Nations Mental Health and Addictions Support

SUBJECT: Increase First Nations mental health and addictions support

MOVED BY: Chief Sheldon Kent, Black River First Nation, MB

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. A Statistics Canada report that was released in August 2022 entitled “Unmet health care needs during the pandemic and resulting impacts among First Nations people living off reserve, Métis and Inuit” states:
- i. The pandemic has had significant social, economic and health impacts on Indigenous people (Arriagada, Hahmann, & O'Donnell, 2020; Bleakney, Masoud, & Robertson, 2020; Statistics Canada, 2020). In particular, Indigenous participants, including those with disabilities and long-term conditions, reported worsened overall health and in particular mental health (Arriagada et al., 2020; Hahmann, 2021) at rates higher than non-Indigenous participants;
 - ii. First Nations people and Métis more likely to indicate need for specific health care services than non-Indigenous people;
 - iii. Over 15% of First Nation's people surveyed said they experienced unmet health care needs when it comes to mental health and addictions services;
 - (a) Actual number more than likely higher as not every person who was denied the support of services took the survey

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- iv. First Nations people (10%) and Métis (9%) were about twice as likely as non-Indigenous people (5%) to report pandemic-related scheduling problems for mental health or addiction therapy and counselling services.

B. Truth and Reconciliation Commission Call to Action 19 states:

We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on 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.

C. The Southern Chiefs' Organization's 2021 Survey on the Experiences of Racism in the Manitoba Health Care System found:

- i. Seventy per cent of respondents in the study report that they have experienced instances of racism when accessing services and programs in the Manitoba health care system
- ii. Nearly 80 per cent report witnessing a family member or loved one being discriminated against or treated badly because of their race
- iii. An overwhelming majority, 92 per cent of survey respondents, either agreed or strongly agreed with the statement that racism is a problem in Manitoba's healthcare system

D. The Canadian Medical Association recognizes addiction as a chronic, treatable disease and urges that it be included in national and provincial/territorial efforts to improve chronic disease management.

E. Rehabilitation and recovery centre program spaces are limited, not always accessible, there are long waitlists, and private care is expensive.

F. There is a clear need for more First Nations mental health and addiction services to address the crisis in our communities and our overrepresentation on the margins of Canadian society that is reflected and confirmed in the national statistics.

G. Not adequately funding mental health and addictions services that are local and accessible for First Nations communities will consequently continue the barriers that prevent our community members from getting the healing and support that is needed.

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

1. Call on the Government of Canada at all levels to increase the funding and supports to equitable levels of service needed for mental health and addictions.
2. Direct the Assembly of First Nations (AFN) call on Canada to establish more First Nations-led resources and programming to help address mental health and addictions crisis in our communities and neighbouring cities.
3. Call on Canada to affirm that First Nations' ways of addressing mental wellness and addictions healing, such as land-based programming, be respected and supported in any program funding criteria that is established by the Governments of Canada.

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