



ASSEMBLY OF FIRST NATIONS
DECEMBER 2024 SPECIAL CHIEFS ASSEMBLY
DRAFT RESOLUTIONS

#	Title
01	First Nations Leadership in Impact Assessment
02	Support for Confederacy of Treaty Six First Nations Legal Action Against the Greenhouse Gas Pollution Pricing Act
03	Advancing First Nations-Led Marine Conservation and Indigenous Protected and Conserved Areas
04	Reaffirming Support for the Joint Committee on Climate Action
05	First Nations Labour Market Information
06	First Nations Economic Reconciliation Framework
07	Recognize The First Mile Connectivity Consortium as a Network of Professionals for the Support of First Nations Telecommunications
08	Right to the Improvement of Housing, a Social Condition
09	Support for the Recognition of the As'in'i'wa'chî Ni'yaw Nation, also known as Kelly Lake Cree Nation
10	Full Involvement of First Nations in Additions to Reserve Re-Design
11	Support for the Advancement of First Nations Self-Determined Solutions at the Canada – United States Border
12	Call for Immediate Prioritization of Eliminating the Second-Generation Cut-Off Rule and Meaningful Action Towards Citizenship Self-Determination
13	Recognition of First Nations' Inherent Jurisdiction Over Citizenship
14	Rejecting the Accessible Canada Act and Advancing Distinct First Nations Accessibility Legislation
15	Support for First Nations Schools Class Action
16	Treaty Right to Tax Exemption
17	Treaty Annuities Value
18	Expanding Non-Insured Health Benefits Coverage to Include Allied Health Services
19	Non-Insured Health Benefits Medical Transportation Policy Discriminatory to First Nations
20	Support for Greater Investment into the Reclamation of Childbirth
21	Developing a First Nations Tuberculosis Elimination Strategy in Canada
22	Enhanced Health Emergency Management Funding and Naloxone Access to Address First Nations Dying at Higher Rates
23	Call for Sustainable and Predictable Funding in First Nations Health Services and Emergency Response Services
24	Call for National Cultural Safety and Humility Standard
25	Addressing Trauma from Indian Residential Schools, Day Schools, MMIWG2S+ and Burial Sites for Unknown Persons
26	Support for the Criminalization of Forced and Coerced Sterilization
27	Ensure Full Implementation of the Indigenous Justice Strategy First Nations Chapter

#	Title
28	Support Special Interlocutor's Indigenous-Led Reparations Framework
29	Support Bill C-413 to Provide Protection Against Anti-Indigenous Hate Speech and Residential School Denialism
30	Support for Gender Inclusive Advocacy to Address Missing and Murdered Indigenous Peoples
31	First Nations Indicators of Poverty and Wellness
32	Renewed Capacity-Building Funding Commitment for <i>An Act Respecting First Nations, Inuit and Metis children, youth and families</i>
33	Extending the Age of Eligibility for Jordan's Principle from the Age of Majority to 30 Years of Age
34	Ensuring Transparency, Fair Representation, and Accountability in the Settlement Implementation Committee
35	Ensuring Justice for First Nations Children: Support for the CHRT Non-Compliance Motion on Jordan's Principle
36	Adoption of the Resolution 13 Panel Final Report: Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations
37	Solidarity with Palestine and Palestinian Self-Determination
38	Implementing the Chief's Direction to End Canada's Discrimination in First Nations Child and Family Services
39	Our Children, Our Future – Draft Agreement on reforming the First Nations Child and Family Services Program
40	Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement

DRAFT RESOLUTION # 01 / 2024

AFN Special Chiefs Assembly, December 3 – 5, 2024

TITLE:	First Nations Leadership in Impact Assessment
SUBJECT:	Environment; Impact Assessment
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 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.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Since 2016 the First Nations-in-Assembly have passed ten resolutions concerning the law and policy making processes relating to the *Impact Assessment Act* (IAA or the Act) including, most recently: Resolution 06/2019, *Respecting First Nations inherent and constitutionally-protected rights in the Project List for the Impact Assessment Act*; Resolution 69/ 2018, *First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development*; and Resolution 07/ 2018, *Addressing First Nations Rights, Title, and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*.
- C. Following a period of two and a half years throughout which First Nations participated in a House of Commons committee, a Senate committee, two expert panels, a federal discussion paper, and in - person technical sessions, *Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts* received Royal Assent on June 21, 2019.

DRAFT RESOLUTION # 01 / 2024

AFN Special Chiefs Assembly, December 3 – 5, 2024

- D. On October 13, 2023, the Supreme Court of Canada issued an opinion, *Reference re Impact Assessment Act* (“SCC Opinion”), on constitutional challenges to the IAA raised by the Province of Alberta. A majority of the Court found most of the IAA and its underlying regulations to be unconstitutional because it was outside the scope of federal jurisdiction.
- E. On June 20, 2024, the *Budget Implementation Act, 2024*, received Royal Assent and brought into force amendments to the IAA that were made in response to the SCC Opinion. The Impact Assessment Agency of Canada (IAAC) has indicated they will review and update regulations, policies, procedures and guidance documents that need to be updated following amendment to the IAA.
- F. Five years after IAA entered into force, First Nations, the Government of Canada, IAAC, and proponents, have gained experience with the Act and its requirements and processes. First Nations across Canada are strengthening their capacity to participate in and lead impact assessments.
- G. IAAC has initiated a 5-year review of *Physical Activities Regulation* (Project List), as required by the IAA, and a draft regulation with amendments is expected to be released in *Canada Gazette I* in Spring/Summer 2025. Further, IAAC has initiated engagement on Indigenous Co-Administration of federal impact assessment. The IAA contains a new provision enabling the Minister of Environment and Climate Change Canada (ECCC) to enter into agreements with Indigenous Governing Bodies to authorize the Indigenous Governing Body to exercise powers, duties or functions related to impact assessment on lands specified in the agreement. These agreements would enable Canada and First Nations to formally share governance and decision-making at key points throughout the impact assessment process. There is a self-imposed limitation in the IAA, requiring that a regulation must be adopted before these agreements can be negotiated.
- H. There are a growing number of First Nations leading their own assessments of major projects in their territories pursuant to First Nations laws and protocols. First Nation-led assessments can inform whether a community provides or withholds free, prior and informed consent for a project and the IAA requires the federal impact assessment to consider these First Nation-led assessments.

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

1. Urge the Government of Canada to implement the changes proposed by First Nations in their calls for improvements to the *Physical Activities Regulation* (Project List) in order to ensure that projects that may impact First Nations rights, title, and jurisdiction, including, but not limited to, in situ oil sands projects and small nuclear reactors, remain subject to federal impact assessment under the *Impact Assessment Act* (IAA).
2. Call on the Government of Canada to, in partnership with First Nations, amend the IAA to bring it in line with the minimum standards articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
3. Call on the Government of Canada, in the implementation of the IAA to:
 - a. Uphold its commitments under the UN Declaration;
 - b. Utilize joint development processes to strengthen consultation and collaboration with First Nations for any future regulatory or policy development under the IAA;

DRAFT RESOLUTION # 01 / 2024

AFN Special Chiefs Assembly, December 3 – 5, 2024

- c. Ensure that any future amendments, regulations or policies maintain or enhance the existing protections and opportunities for First Nations in federal impact assessment;
 - d. Promptly adopt *Indigenous Co-Administration Agreement Regulations* to enable the negotiation of co-administration agreements with those First Nations who wish to pursue them;
 - e. Prioritize capacity support for First Nations and allocate a specific funding envelope to support First Nation-led impact assessments;
 - f. Recognize, respect, implement and enforce First Nation-led impact assessments where First Nations have taken self-determined action to adopt and apply their own process;
 - g. Ensure that the requirement to conduct a federal impact assessment is maintained for all major projects that have the potential to impact the rights and interests of First Nations, including those projects that are deemed to be “clean” or “green” or necessary for the transition to net-zero energy; and
 - h. Provide adequate funding directly to First Nations to support their full, direct, and unfettered participation in joint regulatory and policy drafting processes under the IAA.
4. Call on the Assembly of First Nations to:
- a. Share information and facilitate dialogue with First Nations to support joint development of regulations and policies related to federal impact assessment;
 - b. Convene a community of practice with First Nations leaders, technicians, representatives, academics, and practitioners with experience in First Nation-led impact assessment to share experiences and lessons in First Nation-led impact assessment;
 - c. Develop a toolkit to support First Nations in their work to adopt their own impact assessment procedures, processes, and requirements, while building on existing First Nations-led toolkits; and
 - d. Advocate for the maintenance, as a baseline, of the protections and opportunities for collaboration afforded to First Nations in the current version of the IAA and amendment that any changes in law, policy or regulation are as strong or stronger than the current protections for the rights and interests of First Nations.

DRAFT RESOLUTION # 02 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Support for Confederacy of Treaty Six First Nations Legal Action Against the Greenhouse Gas Pollution Pricing Act
SUBJECT:	Environment; Rights; Jurisdiction
MOVED BY:	Okimáw Cody Thomas, Enoch Cree Nation, AB
SECONDED BY:	Chief Delbert Wapass, Thunderchild First Nation, SK

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.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples and obtain their free, prior, and informed consent (FPIC) before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement programmes for Indigenous peoples for such conservation and protection, without discrimination.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories
 - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.
- B. The First Nations-in-Assembly have passed several resolutions related to carbon pricing, the centrality of First Nations jurisdiction and authority, and the importance of exemptions for First Nations, including (most recently): Resolution 29/2024, *Removing Impacts and Reasserting First Nations Jurisdiction and Authority in Carbon Pollution Pricing*; Resolution 24/2023, *Support for an Equitable Carbon Tax on Industrial Fossil Fuel Protection*; Resolution 25/2023, *Call for an Exemption to the Federal Carbon Levy for First Nation Government in Rural and Remote Communities*; and Resolution 09/2018, *Develop First Nations-Specific Solutions for the Green House Gas Pollution Pricing Act*.
- C. The Chiefs of the Confederacy of Treaty Six First Nations (the Confederacy) represent their Nations and their citizens in upholding the Inherent, international, Treaty and constitutional rights of their respective Nations, including their collective and individual rights.
- D. In addition to upholding such Treaty and Inherent rights, the Confederacy represents Nation-to-Nation agreements among its member First Nations and confirms the self-determination rights of its member First Nations, including the right to be exempt from taxation by the Government of Canada.

DRAFT RESOLUTION # 02 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- E. Those Treaty and Inherent rights are recognized and affirmed in the UN Declaration, Section 35 of the *Constitution Act 1982*, and the *Indian Act*.
- F. Section 87 of the *Indian Act* further includes the right of First Nations and their citizens to be exempt from taxation by the Government of Canada and reflects the historical immunity of First Nations and their citizens from specific types of taxation.
- G. The *Greenhouse Gas Pollution Pricing Act* introduced a federal carbon pricing system (the “Carbon Tax”), which includes fuel charges which purport to be applicable to First Nations and their citizens.
- H. From a First Nations perspective, those charges are essentially and effectively taxes being levied upon First Nations and their citizens, despite the Supreme Court of Canada stating that, for certain constitutional purposes as between the federal and provincial jurisdictions, such fuel charges are “regulatory charges” and not “taxes”.
- I. The Carbon Tax was imposed upon First Nations and their citizens without their free, prior, and informed consent (FPIC) by the Government of Canada, and in clear breach of the Crown’s consultation obligations. These concerns align with a) those identified by the First Nations-in-Assembly in Resolution 09/2018, which calls for respect for First Nations Inherent rights, Treaties, title and jurisdiction, and recognizes First Nations Inherent responsibilities to our traditional territories; and b) the UN Declaration, including reference to the standard of FPIC.
- J. The Carbon Tax causes a disproportionate negative impact on First Nations and their citizens due to the severe infrastructure deficits on First Nations reserves and their consequential reliance on high carbon fuels, and the Confederacy believes it is contrary to the Charter equality rights of First Nations citizens under section 15 of the *Constitution Act, 1982*.
- K. The fuel charges arising from the Carbon Tax exacerbate the poverty and poor conditions of many First Nations and their citizens, and negatively affect the essential services of those Nations.
- L. The federal rebate process for fuel charges under the Carbon Tax, which is implemented through the federal income tax system, effectively denies First Nations and their citizens access to such rebates due to their exemptions from filing federal income taxes.
- M. Chiefs of the Confederacy along with the Indian Resource Council (IRC) have raised these concerns with the Government of Canada without any resolution made to date.
- N. Similar concerns have been raised by First Nations across the country, including the calls in Resolution 24/2023 and Resolution 25/2023 for exemptions and additional transparency in the Carbon Tax.
- O. The Confederacy believes that the Government of Canada, through the imposition and implementation of the fuel charges via the Carbon Tax, has breached the Treaty, Inherent, international, constitutional, and statutory rights of First Nations and their citizens; violated the fiduciary obligations of the Crown; violated the constitutional principles of the Honour of the Crown and reconciliation between Aboriginal Peoples and the Crown; violated First Nations’ citizens’ Charter rights, including their right to equal treatment under the law; violated First Nations’ citizens’ rights under the UN Declaration; and violated the provisions of sections 87 and 89 of the *Indian Act*.

DRAFT RESOLUTION # 0 2 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- P. Furthermore, the imposition of the Carbon Tax upon First Nations and their citizens exacerbates historical injustices suffered by First Nations through the process of colonization, the dishonourable conduct of the Crown in treaty negotiations, the failure in any way to acknowledge First Nations title through resource revenue sharing, the passage of the *Natural Resources Transfer Act* and the persistent failure by the Crown to honour the spirit and intent of treaties and accord First Nations peoples just and equitable treatment.
- Q. The Chiefs of Ontario and Attawapiskat First Nation have filed a judicial review after Canada refused to negotiate with First Nations in Ontario to alleviate the discriminatory and anti-reconciliatory application of the *Greenhouse Gas Pollution Pricing Act* to First Nations.

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

1. Support the Confederacy of Treaty Six First Nations (the Confederacy) in initiating litigation against the Government of Canada in respect of the imposition of the *Greenhouse Gas Pollution Pricing Act* and the federal carbon pricing system (the “Carbon Tax”) on First Nations and their citizens.
2. Direct the Assembly of First Nations to provide the necessary political support to the Confederacy, as well as the Chiefs of Ontario and Attawapiskat First Nation, for their proposed or ongoing litigation.
3. Call on the Confederacy and the Indian Resource Council (IRC) to provide regular updates on this litigation to the First Nations-in-Assembly.

DRAFT RESOLUTION # 03 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Advancing First Nations-Led Marine Conservation and Indigenous Protected and Conserved Areas
SUBJECT:	Environment; Water
MOVED BY:	Chief Doug Neasloss, Kitasoo/Xai'xais, BC
SECONDED BY:	Chief Leroy Denny, Eskasoni First Nation, NS

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 use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous Peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. On June 21, 2023, the Government of Canada released its action plan to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act*. This plan included Action Plan Measures aimed at supporting First Nations-led conservation initiatives, such as Indigenous Protected and Conserved Areas:
- i. Action Plan Measure 38 commits the department of Fisheries and Oceans Canada (DFO) to provide predictable and flexible funding to ensure First Nations have the capacity to meaningfully participate in advisory, co-management, and decision-making processes tied to fisheries, aquatic resources and oceans management.
 - ii. Action Plan Measure 42 commits DFO to advance marine Indigenous Protected and Conserved Areas through meaningful consultation, collaboration, and partnerships with

DRAFT RESOLUTION # 03 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

Indigenous Peoples, supporting Canada's commitments to reconciliation and marine conservation.

- C. Assembly of First Nations (AFN) Resolution 41/2021, *Marine Indigenous Protected and Conserved Areas*, calls on the Government of Canada to actively support First Nations in establishing Indigenous Protected and Conserved Areas (IPCAs) across inland, coastal, and marine waters. This includes adopting a whole-of-government approach, dedicating resources to enhance capacity-building, and facilitating the full participation of First Nations in all aspects of marine governance, including policy, regulations, and legislation decision-making processes.
- D. In February 2023, the AFN released a report entitled *Marine Indigenous Protected and Conserved Areas: Opportunities and recommendations for realizing Canada's commitments to reconciliation in marine conservation* (the Marine IPCA Report), which included 21 recommendations that provide a clear pathway for DFO to follow in removing barriers that prevent First Nations in establishing IPCAs.
- E. Since the release of the Marine Indigenous Protected and Conserved Areas Report and the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, DFO has made only limited progress in supporting First Nations-led marine conservation. This lack of action is stalling urgent efforts to safeguard First Nations' Inherent and Treaty rights, putting both the environment and the recognition of First Nations' sovereignty at risk.
- F. First Nations consistently point out that two key impediments to progress in advancing First Nations-led conservation are a lack of resources and the limitations of Canada's legal and policy frameworks. These barriers also prevent meaningful First Nations participation in federal marine governance, including policy and legislative processes. Their participation is crucial to ensuring that First Nations' rights, jurisdiction, and laws are respected.
- G. Despite the *United Nations Declaration on the Rights of Indigenous Peoples Act* Measure 38 that commits to providing predictable and flexible funding for First Nations, no new dedicated funding was included in the Government of Canada's *Budget 2024: Fairness for Every Generation*.
- H. First Nations need adequate support, resources, and capacity-building tools to advance their marine stewardship and conservation initiatives, including IPCAs, independent of federal processes.

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

1. Direct the Assembly of First Nations (AFN) to continue to collaborate with the Canadian department of Fisheries and Oceans (DFO), to ensure that the 21 recommendations listed in *Marine Indigenous Protected and Conserved Areas: Opportunities and recommendations for realizing Canada's commitments to reconciliation in marine conservation* (the 2023 Marine IPCA Report) are fully implemented.
2. Urge the DFO to fully implement the 21 recommendations from the 2023 Marine IPCA Report, with predictable and flexible funding to empower First Nations in advisory, co-management, and decision-making processes related to fisheries, aquatic resources, and ocean management; and to advance these protected areas through meaningful consultation, collaboration, and partnerships with First Nations, in support of Canada's commitments to reconciliation and marine conservation.

D R A F T R E S O L U T I O N # 0 3 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

3. Call on the DFO to create a cross-departmental leadership committee, including representatives from the AFN and DFO fisheries management and marine conservation, operations, science, and policy, to support the implementation of the 2023 Marine IPCA Report recommendations and the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan Measures for which DFO is responsible, and ensure that First Nations perspectives actively inform marine conservation programs, policies, and legislation.
4. Direct the AFN to develop capacity-building tools related to First Nations-led conservation that are reflective of the diversity of First Nations from coast to coast to coast with the guidance of the Chiefs Advisory Committee on Climate Action and the Environment and other technical bodies as required.

DRAFT RESOLUTION # 04 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Reaffirming Support for the Joint Committee on Climate Action

SUBJECT: Climate Action

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

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The climate crisis represents an enormous risk that continues to alter First Nations' relationships with the lands the Creator has bestowed upon them and upon which First Nations have Inherent and Treaty rights as entrenched in Section 35 of the *Constitution Act, 1982* reaffirmed in the UN Declaration, and grounded in Treaties and other constructive arrangements between First Nations and the Crown.
- C. In December 2016, First Ministers (the Prime Minister and all Premiers across the country) adopted the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), the country's first, pan-Canadian climate plan. Key to the PCF is the agreement between federal, provincial, and territorial governments to recognize, respect, and safeguard the rights of Indigenous Peoples.
- D. Following this, the National Chief of the Assembly of First Nations (AFN) and Prime Minister issued a "Process Document for Ongoing Engagement on the PCF", outlining a process to establish a Joint Committee on Climate Action (JCCA), in order to "...contribute to, and advise the AFN and Canada on, real and meaningful approaches that support meaningful and sustained engagement between the Government of Canada and First Nations on issues related to climate change based on the inclusion of Indigenous Knowledge Systems and the standard of free, prior, and informed consent (FPIC)."
- E. Through AFN Resolution 22/2017, *Joint Committee on Climate Action*, the First Nations-in-Assembly supported the establishment of the JCCA and ensure that First Nations are fully included within discussions on the PCF and other federal climate priorities.

DRAFT RESOLUTION # 0 4 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. The Government of Canada must ensure that the use of a Framework for the Management of Risk (the Framework) is applied as one of the three core frameworks guiding Treasury Board policies and management instruments as regards the impacts of climate change on First Nations.
- G. The Framework provides principles to embed risk management as a critical element in all areas of work and at all levels of organization.
- H. The primary purpose of the Framework is to equip the federal government and its organizations to respond proactively to change and uncertainty by using risk-based approaches and information to enable more effective decision-making.
- I. The Government of Canada must ensure that all frameworks associated with the identification and management of risk fully recognize and incorporate the Rights, Title, and Interests of the First Nations of Canada.
- J. The Government of Canada has yet to develop a Cost-Benefit Analysis Model to measure and effectively manage risks to First Nations Inherent and Treaty Rights nationally and internationally on the effects of climate change.
- K. AFN Resolution 38/2024, *Amending the Statutory instruments Act and Cabinet Directive on Regulation to Require Assessment of a Regulation's Impacts on First Nations*, calls on the federal government to work with First Nations where a proposed regulation may infringe on the rights of Indigenous Peoples.
- L. The JCCA has prepared Annual Reports for the past six years for consideration by the Prime Minister and the AFN National Chief.
- M. The Prime Minister and National Chief have yet to meet to review the JCCA's findings and recommendations, including the outcomes of a five-year review.
- N. Alongside this work, the First Nations-in-Assembly passed Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, reaffirming the declaration of a First Nations Climate Emergency and endorsing the AFN National Climate Strategy.
- O. In 2022, the advocacy of the JCCA led to a federal commitment of \$29.3 million over three years to support the development of a First Nations Climate Leadership Agenda (FNCLA). The process is now coming to a conclusion, with the expected submission of a Memorandum to Cabinet in Fall 2024.
- P. Through AFN Resolution 25/2024, *Advocating for an ambitious, fully funded, and implemented First Nations Climate Leadership Agenda (FNCLA)*, the First Nations-in-Assembly called on Canada to ensure the full, direct, transparent, and unfettered participation of First Nations in the finalization of the First Nations Climate Leadership process, including in the Memorandum to Cabinet and Treasury Board submission.

D R A F T R E S O L U T I O N # 0 4 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

- 1.** Call on the Prime Minister and National Chief of the Assembly of First Nations (AFN) to consider the recommendations in the Annual Reports of the Joint Committee on Climate Action (JCCA) as the basis for joint AFN-Canada climate action, with proposed biennial meetings to review progress.
- 2.** Direct the AFN to ensure discussions at the JCCA reflect the priorities set out in the AFN National Climate Strategy, as well as those identified by First Nations by way of resolution.
- 3.** Call on the Government of Canada to commit to fully implementing and funding the recommendations identified within the First Nations Climate Leadership Agenda (FNCLA), including regional-specific recommendations.
- 4.** Call on the Government of Canada to ensure that discussions from the JCCA, as well as from First Nations rights- and title-holders, are mainstreamed across all federal departments working on climate change related work, including the development of new policy and regulatory guidance.
- 5.** Direct the JCCA to work with First Nations rights- and title-holders to break down the siloes in relevant federal departments and to take a whole-of-government approach to implement the recommendations outlined in the FNCLA in its federal climate policy.

DRAFT RESOLUTION # 05 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	First Nations Labour Market Information
SUBJECT:	Economic Development
MOVED BY:	Chief Roger William, Xení Gwet'in First Nation, BC
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. In 2018, Employment and Social Development Canada (ESDC) began to fund the pilot project for the Indigenous Labour Market Information (ILMI) and Skills Inventory initiative, to test processes and tools to improve the level of detail and timeliness of labour supply information for First Nations Communities which includes information on all First Nations Citizens 15 years of age and older regardless of residence.
- C. Today the ILMI initiative supports limited participation to the First Nations Indigenous Skills and Employment Training (ISET) agreement holders to collect information which assists in identifying workforce gaps and needs, and to better match their members with the right training and jobs.
- D. The First Nations ISET agreement holders have identified the need for long-term funding for the ILMI initiative as it has proven to be a vital tool for understanding and addressing First Nations data gaps, economic trends, analysis, and labour force statistics. The ILMI initiative is limited in funding for ISET agreement holders to provide accurate up to date First Nations labour market information to ESDC. This creates barriers for long-term strategic labour market planning, human resource strategies, and identifying and addressing needs including additional capacity and infrastructure requirements.
- E. Budget 2024 committed \$4.4 million over two years, starting in 2024-25, to continue the ILMI initiative to support labour market participation and ensure prosperous communities. This short-term investment

D R A F T R E S O L U T I O N # 0 5 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

does not provide an opportunity for this initiative to effectively continue and expand to each of the First Nations ISET agreement holders in Canada.

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

1. Call on Employment and Social Development Canada (ESDC) to provide long-term transfer agreement funding for the Indigenous Labour Market Information (ILMI) Survey and Skills Inventory initiative making it a permanent component by April 1, 2026, for First Nation Indigenous Skills and Employment Training (ISET) agreement holders.
2. Call on ESDC to work with the First Nations ISET agreement holders, the Assembly of First Nations (AFN), the Chiefs Committee on Human Resources Development and the Chiefs Committee on Economic Development to work towards the goal long term transfer funding to First Nation ISET agreement holders.
3. Direct the AFN to support the establishment of technical working group comprising First Nations ISET agreement holders to:
 - a. Develop a First Nations labour market information initiative business case to assist in the advocacy in establishing the ILMI initiative as a permanent component with the ISET agreement holders and its delivery.
 - b. Work with ESDC in addressing data collection shortfalls, and the rising costs associated with providing related delivery capacity.
4. Direct the AFN to assign a dedicated staff lead, subject to appropriate and available resources on the ILMI Survey and Skill Inventory file to ensure regular updates towards the desired goal of permanent transfer funding is made to First Nation ISET agreement holders.

DRAFT RESOLUTION # 06 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	First Nations Economic Reconciliation Framework
SUBJECT:	Economic Development
MOVED BY:	Chief Cathy Bellefeuille-Stevens, Nipissing First Nation, ON
SECONDED BY:	Chief Allan Polchies Jr., St. Mary's First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - ii. Article 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 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories or other resources.
- B. Action Plan Measure 74 from the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan commits Indigenous Services Canada (ISC) and various departments to advance economic reconciliation through engagement on key aspects for Indigenous economic development such as initiating discussions on an Indigenous-led investment and financial asset management regime and addressing persistent economic barriers for Indigenous businesses and communities, including the impacts of colonization and inequitable policies.
- C. ISC has committed to working with Inuit Tapiriit Kanatami (ITK), the Métis National Council (MNC), and a group of First Nations economic institutions and organizations to develop an Economic Reconciliation Framework (the Framework) that identifies economic priorities for Indigenous rights holders.
- D. A series of roundtable discussions was held in 2023 and 2024 with ITK, MNC, the Assembly of First Nations (AFN) and First Nations economic development organizations to identify key economic development priorities and identify possible elements to be included in the Framework.
- E. On November 2023, the AFN met with ISC officials and was informed that the AFN was not identified as a primary Indigenous Policy Lead in the Framework, meaning that the AFN would not be engaged in the co-development process but could opt to participate as observers.
- F. As a result, the ITK, MNC and technical First Nations economic development organizations, who are not accountable to first Nations rights-holders, would represent First Nations in the Framework's development.

DRAFT RESOLUTION # 06 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- G. Budget 2023 earmarked \$5 million to co-develop an Economic Reconciliation Framework that will serve as the Government of Canada's public commitment to advancing economic reconciliation. To date, First Nations and the AFN have not received dedicated funding to support the development of this Framework.
- H. ISC intends to release an Economic Reconciliation Policy Statement and principles to guide the Government of Canada's efforts on economic reconciliation, followed by the creation of distinctions-based strategies.
- I. ISC plans to receive policy proposals on First Nations economic development initiatives that will advance framework priorities.
- J. First Nations and the AFN have identified several critical elements to economic reconciliation, such as through AFN Resolution 72/2023, *First Nations-Led Procurement Organization and the National Benefits-Sharing Framework* which mandates the development of a new First Nations-led procurement organization to provide wrap-around procurement services to increase First Nations businesses' success in securing procurement opportunities no matter where they reside, and to develop and implement a First Nations-specific chapter to Canada's National Benefits Sharing Framework to advance meaningful participation and revenue sharing.
- K. Economic reconciliation will not be achieved without significant joint policy and legislative change to support an inclusive economy which recognizes First Nations' rights to use the resources on their traditional territories to benefit to future generations of First Nation children and families. This includes:
 - i. The Return of Lands: the resolution of land claims, the ratification of revenue sharing agreements, return of federal Crown lands, implementation of Treaty Land Entitlement, acceleration of additions to reserve, recognition of First Nations title to unceded lands, and development of a land management regime.
 - ii. Access to Capital: capital provides expanded options for government finance on fair and affordable terms, allows businesses to start, and supports business growth over time. This includes addressing current legal and regulatory barriers to accessing capital, as well as exploring and supporting new and alternative lending options, including rate subsidies and loan guarantees.
 - iii. Governance Capacity Supports: fiscal and institutional supports for First Nations governments including sufficient funding (both transfers from other levels of governments as well as other revenue sources derived from economic activity and benefit) in addition to flexible funding arrangements.
 - iv. Labour and Employment Supports: First Nations economies benefit from their capacity to access the job market and employment prospects. A First Nations labour market and employment model would address current disadvantages and provide possibilities while supporting Canada's commitment to eliminate systematic obstacles in this sector.

D R A F T R E S O L U T I O N # 0 6 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Call on Canada to ensure that the development of an Indigenous Economic Reconciliation Framework prioritizes the unique needs, aspirations and priorities of First Nations rights holders and aligns with First Nations inherent and Treaty rights, title and jurisdiction related to their lands, economies, and citizens.
2. Call on Canada to ensure that an Economic Reconciliation Framework commits to concrete actions to enable First Nations and their economies to thrive, reflective of the need for First Nations access to lands, waters, capital, as well as social, governance, and institutional supports.
3. Call on Canada, provinces, and territories to recognize First Nations as equal partners in discussions and decision-making on policy reform and renewal, with meaningful authority over policy outcomes that impact their economies.
4. Call on Canada to provide necessary resources to First Nations to support the development and implementation of an Economic Reconciliation Framework that reflects First Nations' inherent and Treaty rights, title, and jurisdiction.
5. Direct the Assembly of First Nations (AFN) to urge First Nations economic development organizations and institutions to provide robust technical support to First Nations rights holders in the identification and creation of economic reconciliation priorities and initiatives and to support the primary role of First Nations rights holders in this work.
6. Direct the AFN Chiefs Committee on Economic Development to provide recommendations and guidance to the AFN to support this work.

DRAFT RESOLUTION # 07 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Recognize The First Mile Connectivity Consortium as a Network of Professionals for the Support of First Nations Telecommunications

SUBJECT: Infrastructure; Connectivity

MOVED BY: Chief David Crate, Fisher River Cree Nation, MB

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - iii. 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.
 - 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 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.
 - 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 affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations owned and operated network infrastructures and services provide a critical opportunity to address and resolve ongoing disparities in access to high-speed internet services among First Nations.
- C. According to the Assembly of First Nations (AFN) report, *Closing the Infrastructure Gap by 2030*, and data compiled by Planetworks Consulting, First Nations continue to face a national connectivity gap with only 38% of First Nations attaining Canada's Basic Service Objective of 50 megabits per second download and 10 megabits per second upload speed (50/10 Mbps).

DRAFT RESOLUTION # 07 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- D. In the *Closing the Infrastructure Gap by 2030: Prioritization and Implementation Plan* report, Planetworks Consulting highlighted differing connectivity levels compared to publicly available data due to situations of First Nations being reported as meeting the 50/10 Mbps speeds, but their actual service was sub-50/10 Mbps.
- E. The Canadian Radio-television and Telecommunications Commission's (CRTC) Communications Market Reports identify 50.1% of First Nations reserve areas as having coverage. High-speed, affordable and reliable broadband services are critical to the economic, social, education, health, and cultural development of First Nations across Canada.
- F. Assembly of First Nations (AFN) Resolution 19/2020, *Supporting First Nations with connecting to the Internet* calls on Indigenous Services Canada (ISC) and Innovation, Science and Economic Development Canada (ISED) to support and work with First Nations to improve service-provider capacities, data and market information, spectrum access, and establish a network of professionals and policy to enable affordable access to the internet.
- G. The First Mile Connectivity Consortium (FMCC) is an incorporated independent not-for-profit national association of First Nations internet service providers known as "community/regional intermediary organizations". FMCC is an advocacy group with open membership dedicated to improving and sustaining high-quality broadband services in First Nations communities and territories. FMCC is the only consortium in Canada with members representing a wide range of First Nations organizations that contribute to the development of policy through consultation, participation, and research.

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

1. Call upon the Government of Canada to meet its commitment to connecting all Canadians to high-speed internet by 2030, with a priority on underserved Indigenous communities by connecting 100% of users on First Nations communities. This includes supporting First Nations access to electromagnetic spectrum and the development and ongoing operations of First Nation owned and operated telecommunications infrastructure and services.
2. Direct the Assembly of First Nations (AFN) to recognize telecommunications as a priority and access to digital services as a right, and to include a separate budget and development plan specific to First Nations telecommunications in its pre-budget consultation briefs.
3. Recognize the First Mile Connectivity Consortium (FMCC) as a network of professionals that supports First Nations in the development of First Nations internet service providers and supports the ability of First Nations to build and operate their own telecommunication and connectivity infrastructure and services.
4. Direct the AFN to explore collaboration with the FMCC to bring the voices and experiences of First Nations to inform telecommunications policy on a range of issues, including ongoing support for First Nations owned and operated telecommunications infrastructure and services, extending 911 services, improving network resiliency and reliability, providing roaming agreements, and accessing the spectrum, including through spectrum licensing processes.

DRAFT RESOLUTION # 08 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Right to the Improvement of Housing, a Social Condition
SUBJECT:	Housing and Infrastructure
MOVED BY:	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
SECONDED BY:	Chief David Monias, Pimicikamak Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - ii. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - 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 22(1): Special attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development, particularly in housing, health, and economic and social programs.
- B. First Nations have human, Treaty and Inherent rights to live with dignity and integrity in safe, adequate, and culturally appropriate housing, including on reserve lands.
- C. First Nations face such extreme housing inequities that many are unhoused on the very territories their ancestors have occupied and cared for since time immemorial, a direct result of chronic underfunding and systemic colonial policies.
- D. The Assembly of First Nations' (AFN) comprehensive costing report entitled *Closing the Infrastructure Gap by 2030*, that was co-developed with Indigenous Services Canada and industry-leading engineering and consulting firms, identified a need for \$15.778 billion in federal investment for capital costs to address housing infrastructure for First Nations in Manitoba for the period of 2023-2030, in addition to \$1.715 billion in operations and maintenance funding for new housing.

- E. Since 2022, the federal government has announced approximately \$3.48 billion for housing for all First Nations on reserves across Canada to be spread over several years. Those investments contrast with the \$135.1 billion requested to match the cost estimate to close the housing gap across hundreds of First Nations by 2030. First Nations in Manitoba, like those in all regions, are receiving housing funds that meet less than 15% of their housing needs on-reserves. The current funding processes for on-reserve housing are neither adequate nor equitable, with competitive application processes burdened by unnecessary administrative hurdles, instead of providing direct and sufficient funding to First Nations to meet their housing needs.
- F. The pan-Indigenous housing model for urban, rural, and northern areas does not adequately address the unique and urgent needs of on-reserve First Nations. It fails to account for the rapid population growth rate for First Nations, particularly in Manitoba, where the growth rate surpasses the national average for First Nations in Canada.
- G. Overcrowded housing leads to serious health issues such as the spread of infectious diseases and increased mental health problems, as first outlined by the World Health Organization (WHO) in 1978, and most recently in the *WHO Housing and Health Guidelines (2018)*.
- H. The First Nations-in-Assembly have been calling for action to address the twin housing and infectious disease crises in First Nations for decades.
- I. The ongoing overcrowding crisis results in higher First Nations expenditures in health and mental health services, resources which could be better utilized if the overcrowding issue is alleviated.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to close the First Nations infrastructure gap and invest \$14.493 billion for on-reserve housing for Manitoba First Nations.
2. Direct the AFN to urge the federal government to collaborate directly with the Manitoba First Nations and to support them with sufficient funding to develop and implement region-specific First Nations housing solutions.
3. Direct the AFN to reaffirm the Manitoba First Nations' portion and all other regional portions of the \$135.1 billion investment required to address the housing gap in all First Nations in Canada, as first outlined in AFN Resolution 59/2022, *Transformative Federal Investment Needed in First Nations Housing*, and as per the *Closing the Infrastructure Gap by 2030* comprehensive costing report.
4. Call on the federal government to consider, as it contemplates what to fund through Budget 2025 and beyond, the cross-sectoral impacts such as improved physical and mental health, and the corresponding cost avoidance elsewhere, that result from access to safe and affordable housing for First Nations on reserve.

DRAFT RESOLUTION # 09 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Support for the Recognition of the As'in'î'wa'chî Ni'yaw Nation, also known as Kelly Lake Cree Nation
SUBJECT:	Lands; Recognition and Rights
MOVED BY:	Chief Roger William, Xenî Gwet'in First Nation, BC
SECONDED BY:	Chief Derek Archibald, Taykwa Tagamou Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 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 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 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.
 - vii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.

DRAFT RESOLUTION # 09 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- B. The As'in'ī'wa'chī Ni'yaw Nation, also known as Kelly Lake Cree Nation (KLCN), is a self-determining First Nation possessing the Inherent rights of nationhood who has existed on their territory since time immemorial and has not yet entered into or adhered to Treaty or been acknowledged as an Indian Band under the *Indian Act*.
- C. In 2015, the First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 50/2015, *Support for Kelly Lake Cree Nation Land Settlement*, mandating the AFN to support the KLCN in the advancement of their longstanding land grievance, urging the Government of Canada to pursue negotiations with KLCN, and calling for an urgent meeting between KLCN and the Government of Canada.

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

1. Accept the As'in'ī'wa'chī Ni'yaw Nation, also known as Kelly Lake Cree Nation (KLCN), as a member of the Assembly of First Nations (AFN) and support KLCN in their pursuit of federal recognition and resolution of outstanding grievances.
2. Call on the Government of Canada, and all levels of government, to take immediate and meaningful action, consistent with the Honour of the Crown, to ensure that KLCN can continue to exercise their Inherent and Treaty rights on their ancestral and traditional lands and territories.
3. Direct the AFN to support the convening of a meeting between the leadership of KLCN and the Government of Canada to engage in meaningful, Nation-to-Nation discussions on federal recognition and the resolution of all outstanding grievances.
4. Call on the Government of Canada to recognize and engage directly with the leadership of KLCN in order to establish a discussion, recognition, and negotiation table.

DRAFT RESOLUTION # 10 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Full Involvement of First Nations in Additions to Reserve Re-Design
SUBJECT:	Lands; Policy Development
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Chief Wilfred King, Gull Bay First Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 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 conjunctions 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 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - v. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- B. For decades, First Nations have called for transformative change to Canada's Additions to Reserve (ATR) Policy to address barriers to the efficient and timely conversion of lands to reserve.
- C. In May 2024, through its Board of Directors, the Lands Advisory Board (LAB) recommended to the Minister of Crown-Indigenous Relations nine interim changes to the ATR Policy.
- D. In June 2024, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) initiated a Technical Advisory Committee (TAC) to facilitate the development of options to improve the ATR

DRAFT RESOLUTION # 10 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

Policy. The TAC comprises of the Assembly of First Nations (AFN), the LAB, the National Aboriginal Land Manager's Association (NALMA), Westbank First Nation, CIRNAC, and Indigenous Services Canada (ISC).

- E. In August 2024, the Minister of CIRNAC approved two interim changes to the ATR Policy: First Nations are no longer required to justify their need for land; and First Nations are no longer required to fit their ATR proposals into narrow categories of reserve creation.
- F. Throughout the summer and fall of 2024, the TAC discussed and agreed upon seven additional interim changes to the ATR Policy to recommend to the Minister of Crown-Indigenous Relations. These interim changes include:
 - i. Removing the requirement that environmental site assessments (ESAs) meet federal environmental requirements, and determining whether, an interim change may allow ATR proposals to move forward with provincial and/or First Nation-directed environmental standards.
 - ii. Removing or revising the mandatory 3-month waiting period for other government departments, provinces and territories to provide their comments on ATR proposals.
 - iii. Removing the need for municipal service agreements (MSAs) to be finalized before the issuance of a Ministerial Order approving an ATR proposal.
 - iv. Removing or revising the dispute resolution subsection of the current ATR Policy.
 - v. Reducing the onerous requirements for the creation of joint reserves.
 - vi. Removing or revising the restrictions on improvements to proposed Reserve Lands.
 - vii. Simplifying the application process to submit ATR proposals.
- G. These interim changes are improvements to the existing ATR Policy but are unlikely to significantly expedite the approval of ATR proposals without further investments by the Government of Canada for implementation and capacity building as set out in the AFN's 2025 pre-budget submission to the House of Commons Standing Committee on Finance.
- H. The ATR Policy requires a full re-design to ensure that it meets First Nations' priorities.

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

1. Direct the Assembly of First Nations (AFN) to continue to participate in technical discussions with Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) through the Technical Advisory Committee (TAC) to address challenges to First Nations accessing additional Reserve Lands.
2. Call on the Government of Canada to work collaboratively with First Nations to develop and implement a complete re-design of its Additions to Reserve (ATR) Policy and process to ensure the timely and efficient conversion of lands to reserve.
3. Call on the Government of Canada to adequately resource the ATR process, including by providing capacity funding to First Nations to develop ATR proposals.

DRAFT RESOLUTION # 11 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Support for the Advancement of First Nations Self-Determined Solutions at the Canada – United States Border

SUBJECT: Rights; Border Mobility

MOVED BY: Chief Roy Whitney, Tsuut'ina Nation, AB

SECONDED BY: Kúkpí7 Roseanne Casimir, Tk'emlups te Secwepemc, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 9: Indigenous peoples and individuals have the right to belong to an Indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from exercising such a right.
 - ii. Article 36 (1): Indigenous people, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - iii. Article 36 (2): States, in consultation and cooperation with Indigenous Peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B. Canada's international borders have divided First Nations' territories, communities and families across Canada and the United States (US). First Nations divided by international borders face unique challenges, including loss of culture, access to food, familial division, loss of membership and a loss of access to territory, land and resources.
- C. The 1794 Jay Treaty, signed by the US and Great Britain recognized the Inherent right of free passage by First Nations and their personal goods across what is now the Canada-US border. Though recognized by the US, Canada has not recognized that Inherent right, restricting movement of First Nations from the US into Canada.
- D. The Jay Treaty Border Alliance (JTBA) was formed in 2017 by tribal governments and First Nations communities to collaborate on efforts to protect our rights preserved in the Jay Treaty, create effective working relations with the United States Customs and Border Protection and Canadian Border Services Agency (CBSA), and address issues unique to the Canada-US border.
- E. Assembly of First Nations (AFN) Resolution 73/2016, *Explore Practical Solutions for Canada-U.S. Border Crossing by First Nations Citizens*, directs the AFN to seek resources from the Government of Canada to develop possible solutions for Canada-US border crossing by First Nations including the development of secure Indigenous border security identification cards.

DRAFT RESOLUTION # 11 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. The *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan commits Immigration, Refugees, and Citizenship Canada (IRCC) and the CBSA to undertake the following actions in consultation and cooperation with Indigenous Peoples through Shared Priority Action Plan Measure (APM) 52:
- i. Pursue legislative amendments to the *Immigration and Refugee Protection Act*, amendments to relevant regulations and revisions to policies in order to address complex border crossing and migration challenges faced by Indigenous peoples divided by Canada's international borders, including options to amend Canada's right to entry provisions, and work and study permit requirements.

Engagement with Indigenous Peoples and their representative organizations to implement the action plan measure is being initiated in 2023, with a view to advancing amendments and policy reforms in 2024. In parallel, the Government of Canada will continue discussions with international partners on Indigenous border crossing issues.
- G. To advance APM 52, IRCC and CBSA hosted regional roundtables with First Nations on potential amendments to the right to enter and remain in Canada, traveler modernization, travel documentation and other accompanying issues, including trade and entry of goods, and training of border service agents.
- H. The CBSA is responsible for managing and enforcing over 100+ Acts of Parliament for Canada's international borders and Ports of Entry. CBSA's Indigenous Affairs Secretariat was established in February 2018 to address border crossing issues for Indigenous Peoples, including the facilitation of Indigenous travelers and their sacred goods.
- I. CBSA and IRCC are preparing to develop legislation to address Indigenous Border Mobility Issues, which could:
- i. Provide right of entry to members of certain First Nations, Inuit and Métis collectives in Canada
 - ii. Provide the ability to work and study without a permit
 - iii. Ensure that Indigenous persons with a right of entry are no longer considered 'foreign nationals.'
- J. As legislation is being developed, the Government of Canada has implemented a number of Interim Measures to address the immediate needs of First Nations persons divided by Canada's borders to reunite with family members who already have a right of entry to Canada.

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

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to affirm First Nations Treaty and Inherent rights, title and sovereignty with respect to Border Mobility.
2. Direct the AFN to call on the Government of Canada to meaningfully engage with First Nations on the development and implementation of legislative, policy or regulatory amendments related to Action Plan Measure 52 from the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan.

DRAFT RESOLUTION # 11 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

3. Direct the AFN to seek resources from the Government of Canada to co-develop permanent solutions for Canada – United States border crossing by First Nations for endorsement by First Nations-in-Assembly.

DRAFT RESOLUTION # 12 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Call for Immediate Prioritization of Eliminating the Second-Generation Cut-Off Rule and Meaningful Action Towards Citizenship Self-Determination
SUBJECT:	Citizenship
MOVED BY:	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
SECONDED BY:	Chief Maureen Brown, Opaskwayak Cree Nation, MB

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 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
 - iii. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
- B. Under pre-1975 Treaties, the Treaty Annuity Pay Lists, or “Treaty Paylists”, documented First Nations Band membership and tracked annuity payments as part of Canada’s Treaty obligations. These lists recorded the names of Band members eligible for Treaty payments, providing essential documentation for Canada’s Treaty commitments. In 1951, amendments to the *Indian Act* introduced the Indian Register, a centralized registry overseen by a federal Registrar, replacing the Treaty Paylists as the primary tool for documenting Band membership. The Indian Register became the official record for identifying “Status Indians” in Canada, centralizing control over status designations and Band membership within the federal government, which formalized Canada’s regulatory role of First Nations identity.
- C. In 1985, Bill C-31 amended *Indian Act* rules on Indian registration by creating two new classes of Indian Status under sections 6(1) and 6(2), and two separate systems of Band membership control under sections 10 and 11. Section 10 grants Bands the ability to develop their own membership rules, pending the approval of Canada. The federal government still retains control of the Indian Register. Section 6 directs that after two consecutive generations of one parent without registered Indian status, the third generation is no longer entitled to registration.
- D. Federal funding to First Nations covers only programs and services for individuals registered with *Indian Act* status, creating a financial gap for First Nations citizens and membership outside the Indian Register.
- E. The Second-Generation Cut-Off Rule perpetuates colonial practices that marginalize First Nations and undermine their inherent rights to self-determination and governance over their own citizenship. Rather

DRAFT RESOLUTION # 12/2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

than recognizing, honouring, and implementing Treaties and the Inherent rights of First Nations to define their own citizenship criteria, this rule continues a legacy of assimilation and exclusion, impacting sovereignty, cultural identity, and the treaty relationship. This issue was flagged as the most pressing inequity during the Minister's Special Representative (MSR) Collaborative Process.

- F. There is a pressing need for changes to the *Indian Act* so that First Nations are able to exercise their inherent right to create their own citizenship laws outside the constraints of the *Indian Act*.
- G. Assembly of First Nations (AFN) Resolution 42/2022, *Demand for Consultation on Amendments to the Indian Act (1985)*, calls on the Government of Canada to not table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for engagement. AFN Resolution 34/2024, *Advancing First Nations' Self-Determination by Reforming Indian Act Registration*, directs the AFN to advocate for legislative, regulatory, and policy reforms and to co-develop these options with Canada to address elements of the *Indian Act* surrounding enfranchisement, deregistration and second-generation cut-off.
- H. The 2023 *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan contains Action Plan Measures (APMs) to implement the UN Declaration in Canada. APMs 7, 8, and 9 contained in chapter 2 of the Action Plan commit Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to support the adoption of Bill C-38, which seeks to address discrimination in the registration and membership provisions of the *Indian Act*, co-develop a collaborative consultation process on a suite of broader reforms related to registration and Band membership issues to support the co-development of opt-in alternatives to the *Indian Act*.
- I. In 2024, ISC began the Collaborative Process on the Second-Generation Cut-Off and Section 10 Voting Thresholds. The collaborative process involves two phases: Co-development and information sharing; and consultation activities and events, with activities ongoing.
- J. Representatives from ISC have indicated that ISC has a limited mandate, focusing solely on reforms to First Nations citizenship within the *Indian Act* framework, with no current plans and funds to explore options outside of it. CIRNAC representatives have noted that, while CIRNAC holds a mandate to engage with First Nations on pathways out of the *Indian Act* (opt-in alternatives to the *Indian Act*), it does not have the budget to pursue this work until at least 2026; that is, after the 2025 federal election.
- K. Under the "caretaker convention," once a federal election is called, government actions are limited to routine, non-controversial, urgent, or public-interest matters to avoid binding future governments. Implementing the UN Declaration, pursuing the inherent right and jurisdiction of First Nations to determine their own citizenship and recognizing the First Nations treaty relationship with the Crown, and advancing the Collaborative Process on the Second-Generation Cut-Off are urgent matters in the public interest.

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

1. Re-affirm First Nations' Inherent right and jurisdiction to determine and define their own citizenship, emphasizing the urgency of funding self-determined citizenship laws as identified under the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).

DRAFT RESOLUTION # 12 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

2. Urge Canada to uphold the UN Declaration principles, including as they pertain to First Nations citizenship, treaty membership and approach to the Second-Generation Cut-Off Rule, and to exempt these activities from the caretaker convention.
3. Encourage Canada to prioritize meaningful engagement with First Nations on the Second-Generation Cut-Off Rule, ensuring regional perspectives are fully integrated into policy changes that affect the First Nations-Crown treaty relationship.
4. Demand that Canada provide increased funding to First Nations to support service delivery, particularly considering population growth. This funding should cover First Nations citizens who are not currently registered under the *Indian Act* and support the anticipated increase in the number of citizens with registered status.
5. Call on Canada to take immediate steps to recognize First Nations' inherent jurisdiction over citizenship, that includes treaty membership, as part of the ongoing work under *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan Measures (APMs) 7, 8, and 9. This recognition must:
 - a. Enable First Nations to swiftly and effectively assume their jurisdiction over citizenship outside of the *Indian Act*; and
 - b. Immediately implement APMs 7, 8, and 9 related to citizenship and provide adequate, sustainable funding to support First Nations' self-determination over citizenship matters.
6. Direct the Assembly of First Nations (AFN) to take all necessary steps to actively engage with federal representatives, advocate for the interests of Treaty First Nations, and facilitate inclusive discussions that reflect the diverse perspectives and needs of First Nations regarding First Nations citizenship and *Indian Act* registration.
7. Direct the AFN to develop a comprehensive advocacy strategy involving all member First Nations, including political lobbying and potential legal proceedings, to ensure that First Nations' jurisdiction over citizenship is prioritized and properly funded by Canada.

DRAFT RESOLUTION # 13 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Recognition of First Nations' Inherent Jurisdiction Over Citizenship

SUBJECT: Rights; Citizenship

MOVED BY: Chief Heidi Cook, Misipawistik Cree Nation, MB

SECONDED BY: Chief Maureen Brown, Opaskwayak Cree Nation, MB

WHEREAS:

- A. Since time immemorial, First Nations have self-governed according to their own political and legal values and systems. First Nations have always exercised their inherent jurisdiction to determine and define their citizenship and will continue to do so, regardless of Canada's position, laws, and actions.
- B. Canada has unilaterally imposed its laws and policies over First Nations citizenship principally through the *Indian Act*, which discriminates against First Nations people, denies First Nations their Inherent rights to self-determination, and attempts to erode First Nations citizenship in many ways including by denying status to First Nations people.
- C. Since Bill C-31, *an Act to Amend the Indian Act*, passed into law in 1985, Canada has made amendments to the *Indian Act's* membership provisions to remedy discriminatory provisions. Yet, many discriminatory provisions and impacts endure. As a result, First Nations people continue to lose or be denied status.
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirms that First Nations have the right:
 - i. to autonomy in matters relating to their internal and local affairs in exercising their right to self-determination (Article 4).
 - ii. 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 (Article 5).
 - iii. along with their individual citizens, to belong to a community or nation, in accordance with traditions and customs of the community or nation concerned, and no discrimination of any kind may arise from the exercise of such a right (Article 9).
 - iv. to determine their own identity of membership in accordance with their customs and traditions (Article 33(1)).
 - v. to determine the structures and to select the membership of their institutions in accordance with their own procedures (Article 33(2)).
 - vi. to determine the responsibilities of individuals to their communities (Article 35).
- E. Canada has adopted the UN Declaration into law through the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), which imposes a statutory obligation on the Government of

DRAFT RESOLUTION # 13 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

Canada to align all Canadian laws with the UN Declaration and to achieve its objectives, including through the development and implementation of a UNDA Action Plan.

- F. The UNDA Action Plan includes three Action Plan Measures (APMs) relating to First Nations citizenship:
 - i. APM 2.7: to support the adoption of Bill C-38 which includes the most current amendments to address discrimination in the *Indian Act*'s registration and membership provisions;
 - ii. APM 2.8: to co-develop a collaborative consultation process on a suite of broader reforms relating to registration and membership issues prior to any transition away from the *Indian Act*; and
 - iii. APM 2.9: to consult with First Nations and other impacted Indigenous groups to support co-development of opt-in alternatives to *Indian Act* registration and membership.
- G. Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) have not allocated dedicated funding to implement the UNDA Action Plan Measures on First Nations citizenship.
- H. ISC has the narrow mandate to advance reforms to First Nations citizenship only through the *Indian Act* and does not have a mandate to take steps to engage on First Nations citizenship options outside of the *Indian Act* framework.
- I. CIRNAC has the mandate to engage with First Nations on pathways out of the *Indian Act* ("opt-in" alternatives to the *Indian Act*, for example), yet has not allocated dedicated funding for conducting this work.
- J. Aligning Canada's laws and policies on First Nations citizenship with the UN Declaration is becoming increasingly urgent, in part due to the "second generation cut-off" issue, which prevents First Nations people from passing *Indian Act* status to their children if two generations choose to have children with partners without *Indian Act* status. This issue has led to an increasing number of First Nations children losing *Indian Act* status.

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

1. Affirm First Nations' jurisdiction to determine and define their own citizenship.
2. Direct the Assembly of First Nations (AFN) to call on Canada to immediately take steps to recognize First Nations' inherent jurisdiction over citizenship and membership.
3. Direct the AFN to call on Canada to immediately take steps to recognize and facilitate First Nations asserting and exercising their inherent jurisdiction over citizenship and membership outside of the *Indian Act*, concurrently with necessary reforms within the *Indian Act*.
4. Direct the AFN to call on Canada to immediately provide adequate and sustainable funding to First Nations to support their self-determination, including asserting and exercising their inherent jurisdiction over citizenship and membership, and to call on ISC and CIRNAC to fully implement Action Plan Measures 2.7, 2.8 and 2.9.

DRAFT RESOLUTION # 14 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Rejecting the Accessible Canada Act and Advancing Distinct First Nations Accessibility Legislation

SUBJECT: Health; Accessibility

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

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

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 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.
 - 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.
- B. In 2010, Canada ratified the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), which is an international human rights treaty aimed at protecting the rights and dignity of persons with disabilities without discrimination and on an equal basis with others. Parties to the CRPD are required to promote and ensure the full enjoyment of human rights of persons with disabilities including full equality under the law.
- C. The CRPD and associated United Nations Committee on the Rights of Persons with Disabilities, which is a body of independent experts that monitors the implementation of the CRPD by the States Parties, issued Concluding Observations on Canada's initial (2014) report on the CRPD, including specific 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.

DRAFT RESOLUTION # 14 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- ii. Consider Article 5 of the Convention (Equality and Non-Discrimination) while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind".
- D. The *Accessible Canada Act* (ACA) was enacted in 2019, and First Nations are exempted until 2026 to enable engagements with First Nations regarding the application and implications of the ACA on First Nations persons with disabilities (FNPWD) and on First Nations governments.
- E. The ACA aims to achieve a barrier-free Canada by 2040 through the implementation of accessibility standards in seven key areas: Employment, Built Environment, Information & Communication Technologies, Transportation, Procurement, Service Design/ Delivery and Communications (other than IT).
- F. The ACA grants the authority to fine organizations, including First Nations, up to \$250,000 per violation for non-compliance. The ACA fails to address systemic barriers and further impoverishes FNPWD by creating barriers to access critical services, supports and advancing the human rights of FNPWD. The ACA, as it currently stands, is poised to increase harm and perpetuate existing injustices for FNPWD and for First Nations governments in the following ways:
 - i. **Infrastructure Gap:** The Assembly of First Nations (AFN) worked with Indigenous Services Canada (ISC) and industry-leading experts on a comprehensive estimate (entitled *Closing the Infrastructure Gap by 2030*) of the costs to close the infrastructure gap in First Nations by the year 2030, which the Minister of ISC is mandated to do. At over \$349 billion, the infrastructure gap is monumental and will continue to create barriers to achieving accessibility in First Nations without the provision of meaningful resources to address those gaps.
 - ii. **Misdiagnosis in First Nations:** Disability policy, including the ACA, assumes access to accurate diagnosis to receive disability status. However, diagnostic tools used in psychology, social work and medicine are not validated in First Nations and fail to account for the First Nations culture, world view and intergenerational trauma due to colonization.
 - iii. **Lack of Data:** The current lack of data on FNPWD populations makes it difficult to assess whether funds allocated for disability services or accessibility initiatives are effectively addressing the barriers and meeting the needs of FNPWD. This is also a barrier to ensuring transparency and accountability.
 - iv. **Override of Treaty Rights:** The ACA, as currently drafted, allows for its provisions to override Treaty Rights, infringing on First Nations' sovereignty and First Nations right to self-determination in managing distinct First Nations approaches on accessibility.
- G. The First Nations-in-Assembly have passed numerous resolutions affirming the need for distinct First Nations approaches to disability and accessibility, including Assembly of First Nations (AFN) Resolution 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*.

DRAFT RESOLUTION # 14 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Reject the *Accessible Canada Act* (ACA) and its application to First Nations by 2026, given its colonial framework, its incompatibility with First Nations' cultural worldview and governance systems, its disregard for the significant infrastructure gap that exists within First Nations, and the lack of relevant and necessary infrastructure, data, and culturally appropriate services in First Nations communities.
2. Direct the Assembly of First Nations (AFN) to advocate for First Nations-led development of Distinct First Nations Accessibility Legislation, supported by sustainable funding and adequate mechanisms to hold the Government of Canada accountable for failing to provide the necessary services, programs, and infrastructure for First Nations persons with disabilities (FNPWD), and thereby infringing on their human rights and creating barriers to achieving accessibility in First Nations.
3. Call on the Government of Canada to provide dedicated, long-term and sustainable funding for the creation of accessible infrastructure, healthcare, and disability services on-reserve, recognizing the right of First Nations to design and deliver these services for their citizens if they so choose.

DRAFT RESOLUTION # 15 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Support for First Nations Schools Class Action

SUBJECT: Education; Rights and Justice

MOVED BY: Chief Dr. Stan Bird, Peguis First Nation, MB

SECONDED BY: Chief Tyson Bear, Flying Dust First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - iii. Article 40: Indigenous peoples have the right to access to and prompt decisions 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 decisions shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Truth and Reconciliation Commission's Call to Action #8 states: We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
- C. The Truth and Reconciliation Commission's Call to Action #9 states: We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments for Aboriginal peoples in Canada compared with non-Aboriginal people.
- D. The funding discrepancy for First Nations children living on reserve has existed for decades despite repeated calls for reforms, including from the Auditor General, the Parliamentary Budget Officer, and the Senate Committee on Aboriginal Peoples.
- E. The federal government has continually pledged to provide levels of funding to First Nations schools that are comparable to provincial standards, which have repeatedly fallen short of such standards and resulted in further discrimination against First Nations children.
- F. Indigenous education has unique circumstances that require the federal government to exceed provincial standards, such as the added costs of providing education in remote communities and the need to provide education that supports Indigenous cultures and languages. It is critical for the federal

DRAFT RESOLUTION # 15 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

government to exceed provincial standards in these circumstances, but they have fallen far short of these.

- G. The failure of the federal government to provide adequate resources to First Nations-managed schools is part of a long colonial history of discriminating against Indigenous peoples in the provision of education.
- H. On October 18, 2021, Timothy Catcheway, on behalf of his teenage daughter, Braelyn Catcheway, a member of the Peguis First Nation, filed a proposed class action in federal court. The lawsuit alleges that the federal government has breached the Canadian Charter of Rights and Freedoms (Charter) guarantees of equality in its provisions.
- I. The lawsuit was certified by Justice Manson of the federal court on April 26, 2023. The class definition includes the following:
 - i. "All individual Students who attended a First Nations Managed School for educational purposes at any time during the period from April 17, 1985, until October 18, 2021 (the Class Period)."
- J. The lawsuit seeks damages for students whose Charter rights were violated during the 36-year Class Period.
- K. The lawsuit examines whether Canada fell short of the equality guarantees contained in the Charter. A key common issue in the case, as certified by Justice Manson, is as follows:

"Did Canada, through any Common Conduct found to exist in common issue question (a) create or contribute to a disproportionate impact on the class members based on race, ethnic origin or an analogous ground under subsection 15(1) of the Canadian Charter of Rights and Freedoms?"
- L. Education is a fundamental right. To discriminate against Indigenous children in the provision of education is to perpetuate historic disadvantages experienced by Indigenous peoples in Canada.

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

1. Call upon the federal government to settle the claims of the First Nations Schools class action and to provide compensation to Indigenous students for the discrimination they have suffered.
2. Direct the Assembly of First Nations to engage with the federal government and all appropriate bodies to advocate for the resolution of the First Nations Schools case.

DRAFT RESOLUTION # 16 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Treaty Right to Tax Exemption
SUBJECT:	Rights; Treaties; Taxation
MOVED BY:	Chief Lloyd Buffalo, Day Star First Nation, SK
SECONDED BY:	Chief Michael Starr, Star Blanket Cree Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
 - ii. Article 28(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. Treaty Rights were secured in all parts of what is now Saskatchewan between 1871 and 1906 when the Treaties Numbered 2, 4, 5, 6, 8 & 10 were made between the Crown and First Nations.
- C. In those Treaties, First Nations were promised exemption from taxation by the Crown.
- D. The imposition of taxation by the federal and provincial governments on First Nations Peoples and First Nations lands is a violation of Treaty Rights under those Treaties.
- E. Those Treaties are intended to be beneficial to all people in Saskatchewan as they are mutually beneficial arrangements that guarantee a peaceful co-existence between the Treaty parties.
- F. The federal and provincial governments have an obligation to honour and respect Treaty Rights, including the First Nations Treaty Right to exemption from taxation by the Crown.
- G. That exemption does not apply to taxation by First Nations implemented pursuant to the *First Nations Land Management Act*.
- H. The federal and Saskatchewan provincial governments have illegally imposed significant taxation on First Nations.

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

1. Call upon the federal and Saskatchewan provincial government to fulfil the tax exemption promise made by the Crown under Treaty and exempt all First Nations Peoples from all taxation by the Crown, including hidden and consumption taxes.

D R A F T R E S O L U T I O N # 1 6 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

2. Call upon the federal and provincial government to reimburse First Nations Peoples for past taxes paid.
3. Direct the Assembly of First Nations to provide legal and technical support to Treaty Territories and First Nations in commencing legal action seeking recognition and enforcement of the Treaty Right to tax exemption.

DRAFT RESOLUTION # 17 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Treaty Annuities Value
SUBJECT:	Rights; Treaties
MOVED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
SECONDED BY:	Chief Tanya Aguilar-Antiman, Mosquito, Grizzly Bear's Head and Lean Man First Nations, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 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.
 - iii. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. First Nations have rights that are Inherent Rights that flow from the original occupation of the land that is now Canada.
- C. Treaty Rights were secured in what is now Canada when the Treaties Numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, and their various adhesions, were made between the Crown and First Nations.
- D. First Nations maintain that Treaty First Nations Peoples possess a Treaty Right to Treaty Annuities that maintain the value and purchasing power of said Annuities at the time Treaties were entered into.
- E. Treaty Annuities were intended to benefit Treaty First Nations Peoples by compensating Treaty First Nations Peoples for the loss of the exclusive use of their territory and to ensure the well-being of future generations.
- F. Treaty Annuities were intended to benefit Treaty First Nations people by allowing Treaty First Nations Peoples to purchase goods and resources moving forward and would be maintained for Treaty First Nations Peoples in a fair and equitable manner.
- G. The value of Treaty Annuities has dwindled to a mere nominal or symbolic token.

D R A F T R E S O L U T I O N # 1 7 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- H. There has been a refusal of federal governments to honour the Treaty relationship by raising the value of Treaty Annuities to reflect inflation, or an amount equivalent to the purchasing power of annuities at the signing of Treaty, whichever is greater, which has significantly reduced the value and worth of Treaty Annuities over time.
- I. The refusal to raise the value of Treaty Annuities for First Nations Peoples is an ongoing breach of Treaty.
- J. The federal and provincial governments have an obligation to honour and implement Treaty Rights.
- K. Several First Nations have initiated a class action lawsuit against the Government of Canada seeking to hold the Government of Canada accountable to its Treaty promises by seeking unpaid and underpaid Treaty Annuities and the regular adjustment of Treaty Annuities moving forward.
- L. The Robinson-Huron Treaty Annuity was recently settled in a court action against the Crown and the Government of Ontario.

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

1. Call on the Government of Canada to stop fighting First Nations in court and negotiate the settlement of such lawsuits in good faith in a manner that supports meaningful and genuine reconciliation.
2. Support First Nations Treaty Annuity lawsuits, such as by First Nations in Saskatchewan regarding Treaty 4, and call for any settlements to be excluded from taxation and are not considered income for the purpose of calculating any benefits, such as Social Assistance or Old Age Security benefits.
3. Direct the Assembly of First Nations to support Treaty Territories and First Nations in launching legal action on indexing annuities by providing legal and technical support, including an economic study on the value of Treaty Annuities from the past to the present and in perpetuity for all future generations.

DRAFT RESOLUTION # 18 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Expanding Non-Insured Health Benefits Coverage to Include Allied Health Services
SUBJECT:	Health
MOVED BY:	Chief Roy Whitney, Tsuut'ina Nation, AB
SECONDED BY:	Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. The *Universal Declaration of Human Rights* (UDHR) signed by Canada in December 10, 1948, states:
- i. Article 25: Everyone has the right to a standard of living adequate for the health and well-being, including food, clothing, housing, and medical care.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
- C. The Truth and Reconciliation Commission of Canada's Calls to Action (2015), particularly Calls #28-23, highlight the imperative to address health inequities and ensure First Nations have access to the same quality of health care as other Canadians.
- i. Call to Action 18: We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
 - ii. Call to Action 19: We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. 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.
- D. The National Inquiry into the Murdered and Missing Indigenous Women and Girls Inquiry's Calls for Justice (2019) include #3.2, which states:
- i. We call upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people. The lack of health and wellness services within Indigenous

DRAFT RESOLUTION # 18 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.

- E. Assembly of First Nations (AFN) Resolution 05/20, *Principle for the elimination of racism and discrimination in the services provided to First Nations*, calls on Canada to recognize Joyce's Principle (2020).
- F. In alignment with the Charter of the Assembly of First Nations (AFN Charter), which aims "to promote social progress and better standards of life" among First Nations peoples, the AFN acknowledges the financial constraints and access barriers which significantly hinder many First Nations individuals from obtaining essential allied health services—such as physiotherapy, occupational therapy, speech therapy, audiology, and podiatry. This lack of access not only drives up healthcare costs but also compromises health outcomes, placing an additional burden on the healthcare system.
- G. The AFN recognizes the transformative potential of allied health services to enhance quality of life, promote wellness, manage chronic conditions, improve mobility, and reduce costly healthcare interventions, such as hospitalizations and emergency room visits.
- H. The escalating health challenges among First Nations demonstrate the need for wholistic approaches, including the provision of allied health services to address chronic illnesses and reduce reliance on opioids, thereby mitigating opioid overdoses and preventable mortalities.
- I. The AFN recognizes that the current opioid crisis among First Nations underscores the critical need for expanded Non-Insured Health Benefits Program (NIHB) coverage for allied health services to address pain management, instead of only coverage for opioids. As well, the AFN recognizes that the opioid crisis escalated during the same time period (late 1990's to early 2000's) that the Government of Canada decided unilaterally to remove allied health services from the NIHB Program (1997). As a result, many general physicians' only remaining option to help their patients was to prescribe opioid medications rather than institute allied health services. The government's failure to reinstate or expand these vital health services indicates a lack of proactive measures to combat the crisis. This inaction reflects a broader neglect of the health needs of First Nations communities.

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

1. Direct the Assembly of First Nations (AFN) to advocate for the Government of Canada to expand the Non-Insured Health Benefits Program (NIHB) to cover allied health services, to include but not be limited to physiotherapy, occupational therapy, speech therapy, audiology, and podiatry, to ensure equitable access, wholistic wellness promotion, respect for First Nations healthcare choices, and integrate allied health services into existing healthcare systems.
2. Direct the AFN to engage in dialogue with relevant government authorities, healthcare providers, and First Nations' organizations to advocate for the inclusion of allied health services within the NIHB Program.

D R A F T R E S O L U T I O N # 1 8 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

3. Direct the AFN, and urge the NIHB Joint Review Steering Committee, to collaborate in conducting a thorough review of the existing NIHB Program, specifically evaluating the inclusion of allied health services and collaborate with healthcare professionals, relevant associations, and experts to conduct comprehensive research on the scope and impact of the NIHB coverage for allied health services, considering the diverse healthcare and cultural needs within various regions.
4. Direct the AFN to advocate for adequate resources and funding to support the research and development initiatives aimed at expanding the NIHB coverage to include allied health services.

DRAFT RESOLUTION # 19 / 2024

AFN Special Chiefs Assembly December 3-5, 2024 - Ottawa, ON

TITLE:	Non-Insured Health Benefits Medical Transportation Policy Discriminatory to First Nations
SUBJECT:	Health
MOVED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK
SECONDED BY:	Chief Clarence Easter, Chemawawin Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
 - i. 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. Significant disparities in health outcomes experienced by First Nations exist as a result of historical and ongoing settler-colonial influences and systemic inequities.
- C. The Truth and Reconciliation Commission of Canada's Calls to Action, including specifically Calls #18-23 related to health, emphasize the need to address health inequities and ensure First Nations access to the same quality of health care as other Canadians.
- D. Assembly of First Nations (AFN) Resolution 05/20, *Principle for the elimination of racism and discrimination in the services provided to First Nations*, calls on Canada to recognize Joyce's Principle (2020) that, in response to the tragic and preventable death of Joyce Echaquan, "...aims to guarantee to all Indigenous people the right to equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional and spiritual health."
- E. Section 12 E of the *Non-Insured Health Benefits (NIHB) Medical Transportation Policy Framework for First Nations and Inuit* (the Policy Framework), entitled "Exclusions", specifies that medical transportation will not cover "travel for clients residing in an off-reserve location where the appropriate health services are available locally".
- F. Section 1.6 of the Policy Framework, entitled "General Principles" provides that, "where a client is required to travel repeatedly on a long-term basis to access medical care and treatment, medical transportation benefits will be provided for up to 4 months. Extensions may be considered on an exception basis." This leaves coverage decisions for chronic treatments to be considered only on an exception basis.
- G. First Nation members often have to relocate to urban centres in order access medical treatments not available on-reserve, leaving their social supports behind.

DRAFT RESOLUTION # 19 / 2024

AFN Special Chiefs Assembly December 3-5, 2024 - Ottawa, ON

- H. This NIHB Policy Framework does not cover or reimburse members for urban travel to their medical appointments, whereas it does cover travel costs for those members traveling to medical appointments outside of their community of residence.
- I. First Nation communities with limited resources, most often than not, provide financial support for their members' travel due to this policy gap.
- J. First Nations assert that the Government of Canada has the fiduciary responsibility to uphold the Treaty and Inherent rights to healthcare, which must include the ability to access care.
- K. Section 12 E of the Policy Framework discriminates against First Nations people due to their residency and, by failing to provide for medical transportation, violates the human right to access medical care and necessary social services as outlined in the *Universal Declaration of Human Rights*.

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

- 1. Call on the Government of Canada and the Minister of Indigenous Services Canada to eliminate Section 12 E of the *Non-Insured Health Benefits (NIHB) Medical Transportation Policy Framework for First Nations and Inuit*, as it is discriminatory against First Nations members residing off-reserve.

DRAFT RESOLUTION # 20/2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Support for Greater Investment into the Reclamation of Childbirth
SUBJECT:	Health; Midwifery
MOVED BY:	Chief Cathy Bellefeuille-Stevens, Nipissing First Nation, ON
SECONDED BY:	Chief Maureen Brown, Opaskwayak Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. Section 3.2 in the Calls for Justice issued by the National Inquiry into Missing and Murdered Indigenous Women and Girls calls upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centered and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, 2-Spirit, Lesbian, Gay, Bisexual, Transgendered, Queer, Questioning, Intersex, and Asexual (2SLGBTQQIA) people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan includes Action Plan Measure 12, which commits Indigenous Services Canada to: Support initiatives aimed at increasing First Nations control over service delivery, which represents an opportunity to foster a more accessible health care system for the communities they serve, ensuring health services are high quality and culturally safe.
- D. First Nations Midwives enable access to culturally safe sexual and reproductive health care for Indigenous families, the return of birth to communities, and a reduction in the number of First Nations people forced to evacuate for births. First Nations midwives are primary care providers for pregnancy,

DRAFT RESOLUTION # 20 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

birth and postpartum for pregnant people and newborns. They provide clinically excellent care to Indigenous and non-Indigenous families.

- E. Assembly of First Nations (AFN) Resolution 21/2019, *Support for a Greater Investment into the Reclamation into Childbirth* called for the federal government to increase funding, training opportunities, and replace the outdated mandatory evacuation policy to help empower First Nations women to reclaim the ceremony of childbirth closer to home.
- F. AFN Resolution 22/2021, *Community-based Indigenous-led Midwifery Education Pathways* directed the AFN to call on the federal government to recognize midwives, commit to sustained and comprehensive investments in midwifery and education and to work with the National Council of Indigenous Midwives (formerly the National Aboriginal Council of Midwives) and First Nations to advance Indigenous midwifery.
- G. The National Council of Indigenous Midwives (NCIM) exists to promote excellence in reproductive health care for Inuit, First Nations, and Métis women. NCIM advocates for the restoration of midwifery education, the provision of midwifery services, and choice of birthplace for all Indigenous communities, all in alignment with the UN Declaration. As a national voice for Indigenous midwifery, NCIM supports the advancement of Indigenous midwifery in a variety of ways that include:
 - i. Publishing a Core Competencies Framework for Indigenous midwifery knowledges and skills;
 - ii. Expanding opportunities for community-based Indigenous midwifery education;
 - iii. Leveraging expertise and other strengths to advocate for federal and provincial/territorial funding and regulatory changes to advance bringing birth back to community; and
 - iv. Developing resources and host learning opportunities for health providers and First Nations communities to mitigate anti-Indigenous racism in health and grow First Nations-led health.
- H. Strong, sustainable Indigenous midwifery in First Nations communities can address anti-Indigenous racism in health care education services where primary care and health care provider training would be provided by First Nations midwives within their communities.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal, provincial, and territorial governments to immediately commit to increased and sustained investments in Indigenous midwifery and related infrastructure in Canada.
2. Direct the AFN to call on the federal government to immediately commit to investments in Indigenous-led, community-based midwifery education pathways in First Nations and continue to support opportunities for community-based midwifery education, in partnership with National Council of Indigenous Midwives (NCIM) and First Nations.
3. Direct the AFN to continue to work with NCIM in the mobilization of an Indigenous midwifery-led health human resource strategy. This includes calling upon the federal and provincial governments to collaborate with NCIM and First Nations to end to forced birth evacuations, forced sterilization, and forced apprehensions.

D R A F T R E S O L U T I O N # 2 0 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

4. Call on the department of Indigenous Services Canada to immediately take the measures necessary to ensure that midwives are recognized as essential primary health care providers in federal health jurisdictions.

DRAFT RESOLUTION # 21 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Developing a First Nations Tuberculosis Elimination Strategy in Canada

SUBJECT: Health

MOVED BY: Justin Halcrow, Proxy, Peter Ballantyne Cree Nation, SK

SECONDED BY: Chief Coreen Sayazie, Black Lake Denesuline First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
 - ii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The Truth and Reconciliation Commission's Calls to Action specifically include Call to Action #19, which calls upon the federal government, in consultation with Indigenous peoples, to close the gaps in health outcomes between Indigenous and non-Indigenous communities, including Tuberculosis (TB) rates.
- C. The *Patients' Charter for Tuberculosis Care*, developed by the World Care Council and in collaboration with the World Health Organization and the Stop TB Partnership, declare TB patients and their communities have 'the right to participate as stakeholders in the development, implementation, monitoring and evaluation of TB policies and programs with local, national, and international authorities.'
- D. TB remains a significant public health concern for First Nations communities across Canada, most notably in northern remote communities in Saskatchewan, Manitoba and Ontario. While up to date data and reporting on First Nations TB rates are sporadic, First Nations infection rates are consistently and significantly higher than in non-Indigenous populations. According to Health Canada, in 2022, the incidence of active TB per 100,000 population for First Nations was 21.4, compared to 0.3 for non-Indigenous Canadians. The disproportionate burden of TB in First Nations is linked to factors such as overcrowded housing, lack of access to healthcare, and other social determinants of health resulting from colonialism and systemic inequities.
- E. Currently, Canada does not have a National TB Elimination Strategy, and existing health strategies and federal commitments have not sufficiently addressed the unique needs and conditions in First Nations communities to eliminate TB.

D R A F T R E S O L U T I O N # 2 1 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Direct the Assembly of First Nations (AFN) to establish a First Nations Technical Response for Eliminating All Tuberculosis (FN-TREAT) committee, subject to available financial and staffing resources, that will consist of regional First Nations health organizations, federal and provincial governments, and tuberculosis (TB) related health organizations to develop a First Nations-led TB Elimination Strategy.
2. Direct the AFN to seek and, where possible, secure adequate and appropriate resources from the federal government to support the FN-TREAT committee's work in developing a Strategic Plan, including funding for regional consultations, expert meetings, and data gathering.
3. Direct the AFN to report back to the First Nations-in-Assembly within one year on the progress of developing the TB Elimination Strategy, including key findings from community engagement, and present a First Nations-led TB Elimination Strategy for consideration and approval.

DRAFT RESOLUTION # 22 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Enhanced Health Emergency Management Funding and Naloxone Access to Address First Nations Dying At Higher Rates
SUBJECT:	Health; Opioid Crisis
MOVED BY:	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
SECONDED BY:	Chief David Monias, Pimicikamak Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 24(1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
 - ii. Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The United Nations 2030 Agenda, adopted by all United Nations Member states in 2015, provides a blueprint for peace and prosperity of individuals by setting 17 urgent goals. These goals recognize that ending poverty must go hand-in-hand with strategies to improve health and education, reduce inequality, spur economic growth, and protect the planet. The goals include, notably, Good Health and Well-Being, and Reduced Inequalities, among others.
- C. First Nations have entered into Treaties with representatives of the Crown, at which time representatives of the Crown made promises regarding the right to health and safety for First Nations citizens.
- D. The Truth and Reconciliation Commission of Canada's 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.
- E. Indigenous Services Canada (ISC), the federal department responsible for coordinating funding and services to First Nations, has consistently failed to provide First Nations communities with adequate resources and funding which has contributed to aging infrastructure, weak socioeconomic supports, homes in remote locations, and a history of communities being relocated from traditional lands to flood and wildfire-prone areas. As a result, First Nations continue to die at disproportionate rates, to die younger, and to declare reoccurring states of emergencies in hopes these crises may finally be meaningfully and sustainably addressed.

DRAFT RESOLUTION # 22 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. First Nations people, on and off reserve, experience higher mortality rates compared with the non-Indigenous populations of Canada. Avoidable mortality from assault, suicide, accidental overdoses and unintentional injuries are due to structural colonization and negligence of responsibilities by governments perpetuated by systemic racism in the form of underfunding by Canada.
- G. Health inequities between First Nations and all other Canadians have widened significantly over time. Efforts to manage the health and social consequences among First Nations people have not been sufficiently funded as ISC continues to ignore the dire outcomes of inequities. This includes failing to provide access to safe, affordable and effective means to combat the disproportionate rates of opioid overdose experienced by First Nations, such as NARCAN™ (Naloxone) Nasal Spray.
- H. Under the ISC Non-Insured Health Benefits (NIHB) Program, NARCAN™ (Naloxone) Nasal Spray is listed as an open benefit. However, ISC has discontinued supplying essential equipment directly to First Nations when requested, such as Naloxone, in the midst of an ongoing opioid epidemic where such equipment is desperately needed, resulting in First Nations being required to obtain Narcan individually by seeking out a pharmacist or pharmacy; or, First Nations individuals must apply for funding for essential supplies but, due to stigma and limited access to pharmacies on reserves, experience unnecessary and avoidable barriers and protracted intervention times.
- I. The Health Emergency Management (HEM) program is designed to support communities in their capacity development to prepare for, respond to, and recover from public health emergencies, and health impacts resulting from natural or accidental hazards, such as the spread of communicable diseases, for example:
 - i. measles, syphilis and others,
 - ii. food and water contamination,
 - iii. environmental health hazards such as mold, air quality, and others,
 - iv. suicide clusters, and
 - v. opioid or other drug crises.
- J. The HEM program operates as a reimbursement program; communities respond to the event, incur costs, and then submit a claims package to their ISC-HEM Regional Office with supporting documentation (invoices, paystubs, receipts, etc.) for reimbursement. Communities may also request an advanced payment from ISC to promptly respond to the event and address their cash flow requirements.
- K. The patriarchal requirements and underfunded emergency response to critical situations for First Nations lead to lasting negative impacts on the spiritual, emotional, physical and mental wellbeing of First Nations.

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

1. Call on Canada to work with First Nations to review the Non-Insured Health Benefits (NIHB) policy regarding community access to NARCAN™ (Naloxone) nasal spray, to ensure ease of access to the lifesaving tool when it is most needed.

D R A F T R E S O L U T I O N # 2 2 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

2. Call on Canada to work with First Nations to review and make recommended revisions to the funding criteria of the Health Emergency Management (HEM) program allowing First Nations to access the necessary supplies and equipment during their response to health emergencies.
3. Call on Canada to ensure that the HEM program is supported by a funding envelope that is sufficient to ensure First Nations can manage crises in a timely, reliable manner.

DRAFT RESOLUTION # 23 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Call for Sustainable and Predictable Funding in First Nations Health Services and Emergency Response Services
SUBJECT:	Health
MOVED BY:	Chief John Powell, Mamalilikulla First Nation, BC
SECONDED BY:	Chief Michael Wyse (Xumtilum), Snuneymuxw First Nation, BC

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 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
 - 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. The Truth and Reconciliation Commission's Call to Action #18 states:
- i. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
- C. First Nations people face significant health disparities compared to non-Indigenous Canadians, including higher rates of chronic illness, mental health challenges, and preventable diseases, which are often exacerbated by inadequate healthcare infrastructure, underfunding, and a lack of access to culturally appropriate care. Reducing funding in First Nations' health services would deepen these disparities and hinder First Nations' ability to address urgent health needs effectively.
- D. The COVID-19 pandemic and the ongoing opioid crisis have highlighted severe healthcare accessibility issues for First Nations people, exposing critical gaps in emergency response services, healthcare infrastructure, mental health services, and addiction services. These crises emphasize the urgent need for increased and stable funding to support First Nations, ensuring First Nations are equipped to address both current and future public health challenges effectively.

D R A F T R E S O L U T I O N # 2 3 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- E. The Treaty Right to Health, affirmed in Treaties across Canada, obligates the federal government to provide adequate healthcare services to First Nations. Reductions in funding for health services would undermine these Treaty commitments, as they would impede First Nations' ability to achieve equitable health outcomes and limit access to essential health services.

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

1. Call upon the Government of Canada, including Indigenous Services Canada and Health Canada, to ensure that there are no cuts in First Nations' health and emergency response services or reductions in needed ways to access health and emergency response services.
2. Direct the Assembly of First Nations (AFN) to urge the federal government to co-develop an equitable, sustainable fiscal arrangement that ensures that First Nations have access to responsive, timely, adequate health and emergency response services and will not be impacted by fiscal uncertainty in maintaining these key services.

DRAFT RESOLUTION # 24 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Call for National Cultural Safety and Humility Standard

SUBJECT: Social Programs; Cultural Safety and Humility

MOVED BY: Chief John Powell, Mamalilikulla First Nation, BC

SECONDED BY: Chief Michael Wyse (Xumtilum), Snuneymuxw First Nation, BC

WHEREAS:

- A. On April 6, 2023, in Ottawa, Ontario, the First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 30/2023, *Towards a National Cultural Safety and Humility Standard*, acknowledging:
- i. Widespread Indigenous-specific racism continues to persist at many levels and forms within the provincial and territorial health systems in Canada, evident along the continuum from the personal to the systemic level.
 - ii. Indigenous-specific racism has devastating and far-reaching consequences, including negative impacts on Indigenous access to health care and health outcomes, including avoidable death.
 - iii. Actions and commitments targeted to address Indigenous-specific racism are needed at all levels of the health system.
 - iv. The Health Standards Organization, in partnership with the First Nations Health Authority (FNHA), developed the British Columbia Cultural Safety and Humility Standard, which is the first of its kind in Canada. The Cultural Safety and Humility Standard aims to create culturally safe environments for Indigenous Peoples in the health system, encourages health care providers to provide care with humility, and end Indigenous-specific racism.
- B. Resolution 30/2023 resolved to:
- i. Recognize the importance of enhancing access to quality, culturally safe health care that is free of Indigenous-specific racism and that affirms Indigenous cultures, rights, and identities.
 - ii. Support the adoption of the British Columbia Cultural Safety and Humility Standard or similar standards by federal, provincial, and territorial governments and entities across the country.

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

1. Call on Health Canada and Indigenous Services Canada to lead the Canada-wide adoption of the British Columbia Cultural Safety and Humility Standard as endorsed by the First Nations-in-Assembly through Assembly of First Nations (AFN) Resolution 30/2023, *Towards a National Cultural Safety and Humility Standard*, and to fully fund and implement this initiative in a manner that is responsive to specific regional contexts, in recognition of the importance of enhancing access to quality, culturally safe health care, free of Indigenous-specific racism that affirms Indigenous cultures, rights, and identities.

DRAFT RESOLUTION # 25 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Addressing Trauma from Indian Residential Schools, Day Schools, MMIWG2S+ and Burial Sites for Unknown Persons
SUBJECT:	Health; Indian Residential Schools; MMIWG2S+
MOVED BY:	Chief John Powell, Mamalilikulla First Nation, BC
SECONDED BY:	Chief Michael Wyse (Xumtilum), Snuneymuxw First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 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.
 - v. Article 24 (2): Indigenous individuals have the right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view of achieving progressively the full realization of this right.
- B. Under Article 12 of the *United Nations International Covenant on Economic, Social, and Cultural Rights*, Canada is obligated to, “*recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*”
- C. The Calls to Action from the Truth and Reconciliation Commission of Canada include:
- i. #18: We call upon the federal, provincial, territorial and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
 - ii. #21: We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

DRAFT RESOLUTION # 25 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- iii. # 74: We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
 - iv. # 76: We call upon the parties engaged in the work of documenting, maintaining, commemorating and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
 - i. The Aboriginal community most affected shall lead the development of such strategies; and
 - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
- D. The Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) call upon all governments to address the ongoing crisis of violence experienced by Indigenous women, girls, and Two Spirit/LGBTQQIA+ persons across Canada. These calls include:
- i. [1.3] ...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. [3.2] ...to provide adequate, stable, equitable, and ongoing funding for Indigenous centered and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
 - iii. [3.7] ... to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- E. The National Centre for Truth and Reconciliation (NCTR) highlights the devastating impacts of residential schools and day schools and continues to identify and commemorate burial sites associated with these institutions and unknown persons.
- F. The Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools' final report, *Sites of Truth, Sites of Conscience, Unmarked Burials and Mass Graves of Missing and Disappeared Indigenous Children in Canada*, noted the following obligations:

DRAFT RESOLUTION # 25 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- i. #29. The federal government, in consultation and collaboration with Indigenous Peoples, must establish additional healing lodges and centres in Indigenous communities to fulfill the State's international legal obligations to provide meaningful reparations for the mass human rights violations committed.
 - ii. #30. Federal, provincial, and territorial governments must provide, without discrimination, sufficient health and wellness supports for Survivors, Indigenous families, and communities impacted by the search and recovery efforts for the missing and disappeared children. This requires the development and implementation of distinctions-based, trauma-informed health supports within existing health-care systems.
- G. In the 2021 Speech from the Throne, the Governor General of Canada publicly stated:
- i. "To support communities, the Government will also invest significantly in a distinctions-based mental health and wellness strategy, guided by Indigenous Peoples, survivors, and their families;"
 - ii. Everyone in our country deserves to be safe;"
 - iii. "That is why the Government will accelerate work with Indigenous partners to address the national tragedy of Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People."
- H. Budget 2024 stated that, "Everyone in Canada deserves to have the support they need to live a healthy and prosperous life. Due to the legacies of colonialism, access to opportunities and supports can be further from reach in First Nations, Inuit, and Métis communities. The federal government is committed to supporting Indigenous communities in building healthy communities." It also states, "Budget 2024 is investing in better health care and critical infrastructure, co-developed and co-led with Indigenous communities, to ensure better health outcomes for all Indigenous Peoples."
- I. Through Action Plan Measure 81 in the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, Indigenous Services Canada (ISC) is responsible to "Improve health equity through access to culturally-appropriate health and wellness services and support for holistic approaches to healing, including community-based, land-based, culturally relevant and trauma informed mental health services addressing—among other things—suicide and addictions crises."
- J. Through Assembly of First Nations (AFN) Resolution 39/2024, *Establishment of Funding for a First Nations Healing Fund*, the First Nations-in-Assembly:
- i. Directed the AFN to call on Canada to fully fund and support the creation of a First Nations Healing Fund;
 - ii. Called on the AFN to advocate for this fund to provide resources from all levels of government to support First Nations in creating culturally appropriate and trauma-informed healing centres; and
 - iii. Directed the AFN to seek to secure support and long-term, sustainable, and dedicated funding for the First Nations Healing Fund when engaging in discussions with ISC regarding Action Plan Measure 81.

DRAFT RESOLUTION # 25 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Direct the Assembly of First Nations (AFN) to call upon Indigenous Service Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to, in cooperation with First Nations Elders, Knowledge Keepers, 2SLGBTQIA+ people, men, women and youth, develop and invest in a long-term, sustainable plan to address the trauma arising from the ongoing crisis of Missing and Murder Indigenous Women and Girls (MMIWG), and the discovery of Indian Residential Schools (IRS) unmarked burials and mass graves.
2. Call upon ISC and CIRNAC to ensure that the long-term plan, outlined above, includes funding for the establishment of a First Nations Healing Fund as called for in AFN Resolution 39/2024, *Establishment of Funding for a First Nations Healing Fund*.
3. Direct the AFN to call upon ISC and CIRNAC to ensure that any models for developing and investing in long-term, sustainable plans, to establish First Nations-centered health and wellness supports, programs, lodges, and centres, are created by and for First Nations and that funding is sustainable, predictable, and flexible in meeting the needs of those affected by the ongoing crises of MMIWG2S+ and IRS unmarked burials and mass graves.

DRAFT RESOLUTION # 26 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Support for the Criminalization of Forced and Coerced Sterilization

SUBJECT: Justice

MOVED BY: Chief Joanne Miles, Flat Bay Band, NL

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

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 First Nations women by medical professionals breaches the free, prior and informed consent and other human rights standards enshrined in the UN Declaration.
- C. In Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, the crime of genocide includes “acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group” and specifically lists, “Imposing measures intended to prevent births within the group” as one of the five actions listed. As such, the forced sterilization of First Nations women arguably 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. The First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 51/2022, *Mandate to Co-Develop Criminal Code Amendments for the Criminalization of Forced and Coerced Sterilization*, calling on 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 offence and an act of genocide.

DRAFT RESOLUTION # 26 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. Senator Yvonne Boyer introduced a private member's bill called Bill S-250, *An Act to amend the Criminal Code (sterilization procedures)*. This version of the bill included concepts of both forced and coerced sterilization along with safeguard provisions.
- G. While in review with the Standing Senate Committee on Legal and Constitutional Affairs, Bill S-250 was amended substantially to condense its content from 55 lines to 14 lines where the notion of coerced sterilization was removed along with the previously proposed safeguards.
- H. On October 8, 2024, the amended Bill S-250 completed its Third Reading and was passed in the Senate where it is now awaiting First Reading in the House of Commons.
- I. Bill S-250 is an important part of the implementation of the MMIWG2S+ Calls for Justice.

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

- 1. Reaffirm support for amendments to the *Criminal Code of Canada* that will recognize forced and coerced sterilization of First Nations women as a specific offence and an act of genocide.
- 2. Direct the Assembly of First Nations (AFN) to advocate for additional amendments to Bill S-250, *An Act to amend the Criminal Code (sterilization procedures)*, which recognizes that sterilization of persons without their consent is a legacy of systemic discrimination, colonization, racism and genocide that disproportionately affects First Nations.
- 3. Direct the AFN to advocate for amendments to Bill S-250, including:
 - a. Adding legal safeguards and protections for free, prior, and informed consent that recognize there could be linguistic and cultural barriers when conveying medical information;
 - b. Adding language involving medical practitioners where their role is clarified in preventing forced sterilization before proceeding with sterilization procedures;
 - c. Protections for First Nations and racialized persons, including that patients are provided with an opportunity to consult with a trusted person or support person before giving consent, and an opportunity to say who should be present or not present for conversations regarding sterilization procedures, and safeguards to address the power imbalances between First Nations women and medical providers;
 - d. Allegations into forced sterilization be impartially investigated and those identified in carrying out such crimes are held accountable;
 - e. There are added legal consequences for subsequent or multiple offences; and
 - f. That a victim's First Nations identity be considered an aggravating factor in sentencing.

DRAFT RESOLUTION # 27 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Ensure Full Implementation of the Indigenous Justice Strategy First Nations Chapter
SUBJECT:	Justice
MOVED BY:	Chief Joanne Miles, Flat Bay Band, NL
SECONDED BY:	Chief Jerry Jack, Mowachaht/Muchalaht First Nation, BC

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 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - 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.
- B. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact First Nations Peoples, with various studies, reports, inquiries, and commissions pointing to the systemic anti-Indigenous racism and discrimination in Canada's justice system, resulting in over-criminalization, and over-representation of Indigenous peoples in correctional institutions.
- C. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent concerns of the Canadian justice system.
- D. In December 2020, the First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice Systems*, calling for the development of a First Nations Justice Strategy (FNJS) to be led by the Chiefs of the AFN.
- E. In December 2021, the First Nations-in-Assembly passed AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timeline for the Development and Implementation of a National First Nations Justice Strategy*, calling for the AFN to engage with Justice Canada and the Minister of Justice to set clear principles, funding, and guidelines for the co-development and eventual implementation of a FNJS.
- F. In July 2022, the First Nations-in-Assembly passed AFN Resolution 11/2022, *Establishing a Chiefs' Committee on Justice*, calling for the AFN to create a Chiefs' Committee through article 7(3) of the AFN

DRAFT RESOLUTION # 27 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

Charter, whose objective is to provide guidance on the co-development and implementation of a National FNJS.

- G. In July 2024, the First Nations-in-Assembly passed AFN Resolution 15/2024, *Call for Renewed Support of the Co-Development and Implementation of the Indigenous Justice Strategy*, directing the AFN to continue working with Justice Canada and the Minister of Justice and Attorney General of Canada in the co-development and implementation of a National FNJS, that will be incorporated into a broader IJS.
- H. Justice Canada and the AFN carried out three years of concurrent engagement with First Nations stakeholders, regions, and legal scholars across Canada, to gather expertise and input into the development of the First Nations-specific components of an IJS.
- I. The AFN submitted the *AFN Report on Recommendations for a First Nations Justice Strategy* to Justice Canada that culminates the three years of engagement activities to inform the creation of the justice strategy. The report presents two main recommendations: 1. Reform of the Canadian Criminal Justice System and 2. Revitalization of First Nations Laws, Systems, and Legal Orders.
- J. Justice Canada has been working to co-develop distinctions based (First Nations, Inuit and Métis) chapters to include in the IJS and intends to release the IJS by the end of 2024. In coordinating the distinctions based chapters of the IJS, Justice Canada has opted for an approach favouring a high-level FNJS Chapter with no specific lines of action attached.

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

- 1. Support the Assembly of First Nations (AFN) to release a National First Nations Justice Strategy that is complimentary to the First Nations Justice Chapter of the Indigenous Justice Strategy (IJS), which will include the following components:
 - a. Regional and demographic considerations that recognize the diversity and unique situation for all First Nations in Canada;
 - b. Reform of the current criminal justice system aimed at helping to reduce or slow down the negative impacts of the justice system until revitalization work is established;
 - c. Revitalization of First Nations traditional laws, creation of First Nations laws, support for the administration of justice, enforcement of First Nations laws within First Nations; and
 - d. Consistency with the minimum standards in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and legal commitments of the Government of Canada in the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
- 2. Call on the Government of Canada to ensure the IJS and First Nations Chapter reflects First Nations priorities, including:
 - a. The First Nations Chapter remains a distinctions-based chapter reflecting First Nations ways of understanding and priorities, and is not over generalized for consistency with the chapters of Justice Canada's other co-development partners.

D R A F T R E S O L U T I O N # 2 7 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- b.** Accountability and monitoring mechanisms to ensure the implementation of the strategy is regularly evaluated and adjusted as needed;
 - c.** The Indigenous Justice Strategy, including the First Nations Chapter, remains an evergreen document so that adjustments can be made through collaborative approaches;
 - d.** Supports long-term and predictable funding for the implementation of the IJS to reform the Canadian criminal justice system and support the revitalization of First Nations laws and legal systems;
 - e.** Respects First Nations inherent right to self-government and jurisdiction over laws and legal systems as outlined in the UN Declaration and section 5 of the UNDA Action Plan.
- 3.** Reaffirm direction to the AFN to seek funding to support co-implementation of the IJS which includes support for the Chiefs Committee on Justice and support of regional, community-based, and self-determined holistic approaches and regional strategies to justice that are grounded in First Nations principles, protocols, laws, and traditions.

DRAFT RESOLUTION # 28 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Support Special Interlocutor's Indigenous-Led Reparations Framework

SUBJECT: Justice; Indian Residential Schools

MOVED BY: Chief Jean-Guy Whiteduck, Kitigan Zibi Anishinabeg First Nation, QC

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

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;
 - (b) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (c) Any form of forced assimilation or integration.
- iii. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to religious and cultural sites; the right to use and control their ceremonial objects; and the right to the repatriation of their human remains.
- iv. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned.

(b) The Truth and Reconciliation Commission of Canada (TRC) focused an entire volume on the missing children and unmarked graves of Indigenous children who attended Canada's Indian Residential Schools (IRS), reporting 3,213 documented missing children, and an estimated combined total of 6,000 deaths and missing children.

(c) TRC Calls to Action (71-76) call on Canadian governments and churches to work with First Nations to identify the locations of unmarked graves, and to inform families of their missing children.

(d) On May 27, 2021, Tk'emlups te Secwépemc announced they had discovered 215 unmarked graves of missing children who attended the former Kamloops IRS.

DRAFT RESOLUTION # 28 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- (e) Since that time, a total of 4,100 unmarked graves have been found across Canada at former IRS sites. Thirty-five Indigenous communities are currently undergoing their own ground penetrating radar (GPR) screening, and there is a backlog of 386 inquiries from survivors and communities seeking to obtain records of children who did not return from residential schools.
- (f) On June 8, 2022, Kimberly Murray was appointed the Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites with a mandate to create a new legal framework and process to support search and recovery efforts, and to advance reconciliation in Canada. The Special Interlocutor hosted six national survivor gatherings and produced 12 reports on missing children and unmarked graves and burial sites.
- (g) The Special Interlocutor released its *Final Report on the Missing and Disappeared Indigenous Children and Unmarked Burials in Canada*, on October 30, 2024 in Gatineau, Quebec. The final report included 42 obligations to establish a new Indigenous-Led Reparations Framework that will ensure survivors, families and communities exercise their sovereignty as they establish rights based, trauma informed processes based on Indigenous Laws to search for, recover, and commemorate the missing and disappeared children and burial sites.

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

1. Call upon the Government of Canada, provinces and territories, in full partnership with First Nations, to take immediate action to fully implement the Indigenous-Led Reparations Framework and the 42 obligations outlined in the final report of the Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites, including, but not limited to:
 - a. Obligation #2: Establishing a National, Indigenous-Led Commission of Investigation into Missing and Disappeared Indigenous Children and Unmarked Burials to address barriers and support access to search technologies such as ground penetrating radar and other methods used to search, recover, identify, and repatriate remains of children found in unmarked graves at former residential schools or medical facility sites.
 - b. Obligations #7-11: Consistent with international law, take meaningful steps to address the genocide it committed against First Nations and make full reparations in different forms, as found in the 2005 United Nations Basic Principles and Guidelines Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, including apologies, financial redress, return of lands, public education, rehabilitation, legal reform, policy change and rewriting of national history.
2. Call upon the Assembly of First Nations to monitor the implementation of the Indigenous-Led Reparations Framework and submit an annual progress report to the First Nations-in-Assembly.
3. Call upon the Government of Canada to commit sufficient resources in Budget 2025 to implement the Indigenous-Led Reparations Framework, including providing resources for a First Nations-led National Commission of Investigation into Missing and Disappeared First Nations Children and Unmarked Burials,

D R A F T R E S O L U T I O N # 2 8 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

and providing full reparations, including compensation, to families of missing and disappeared children, including their living descendants.

4. Call upon the Government of Canada to provide resources to Health Canada and other community support services to ensure survivors and families of residential schools have access to culturally responsive healing and therapies.

DRAFT RESOLUTION # 29 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Support Bill C-413 to Provide Protection Against Anti-Indigenous Hate Speech and Residential School Denialism
SUBJECT:	Justice; Residential School Denialism
MOVED BY:	Chief Kelsey Jacko, Cold Lake First Nation, AB
SECONDED BY:	Chief Greg Desjarlais, Frog Lake First Nation, AB

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:
 - (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;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- B. First Nations-in-Assembly honour the memories of all our relations who attended Residential Schools at the behest of Canada.
- C. The Government of Canada, under Prime Minister Stephen Harper, publicly apologized for the proximal and intergenerational harm caused by the Residential School system.
- D. In 2022, the *Criminal Code of Canada* was updated to include antisemitism, specifically Holocaust denial in public forums, as a punishable offence.
- E. Bill C-413, *An Act to amend the Criminal Code (promotion of hatred against Indigenous peoples)*, will update the *Criminal Code of Canada* to include anti-Indigenous hate speech, specifically denial of the impacts of Residential Schools, as a punishable offence.
- F. There are, in 2024, political, corporate, and celebrity figures (in addition to average Canadians) who continually deny the negative impacts of the Residential School system, up to and including the presence of deceased children on Residential School grounds, which:
- i. further perpetuates the trauma and gaslighting experienced by previous generations of First Nation families whose children were taken to Residential Schools;
 - ii. further perpetuates the ignorance of the general public of the true experiences of those who were involved with the Residential School system; and
 - iii. significantly diminishes hope for Reconciliation between Indigenous Peoples and the Canadian federal, provincial and territorial governments and their citizens.

D R A F T R E S O L U T I O N # 2 9 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Publicly support, and direct the Assembly of First Nations to publicly support, Bill C-413, *An Act to amend the Criminal Code (promotion of hatred against Indigenous peoples)*, to provide protection against anti-Indigenous hate speech and Residential School denialism.
2. Call upon the Government of Canada to prioritize Bill C-413 in the parliamentary process, as it is not a government bill.
3. Call on all of Canada's political representatives to come together to ensure the truth of Canada's history relating to Indian Residential Schools and other colonial policies is shared to increase the general awareness and understanding thereof among the Canadian public.

DRAFT RESOLUTION # 30 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Support for Gender Inclusive Advocacy to Address Missing and Murdered Indigenous Peoples
SUBJECT:	Justice; Missing and Murdered Indigenous Peoples
MOVED BY:	Chief Constance Big Eagle, Ocean Man First Nation, SK
SECONDED BY:	Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - iv. Article 22(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The unique circumstances of Indigenous women and girls was examined in the National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. The Final Report of the Inquiry released in 2019 identified serious gaps in the justice system and policing largely because of systemic racism, discrimination, and a lack of access to justice. The issues in the criminal justice system and policing also extend to the experiences of First Nations men, boys, Two-Spirit people, and their families.
- C. *Reclaiming Power and Place's* 231 Calls for Justice are often misinterpreted as solely pertaining to a select gender identity of First Nations people; however, the 231 Calls for Justice are meant to capture what is required to improve the circumstances for all First Nations people. Like many First Nations teachings, ensuring that the collective well-being is prioritized and maintained is of utmost importance.
- D. In 2023, over 450 MMIWG2S+ survivors, families and grassroots organizers participated in the Assembly of First Nations (AFN) National MMIWG2S+ Gathering. Input from First Nations included the need to better support First Nations men, boys, and two-spirited people early on in their lives through prevention, mental and emotional health supports, and education. Their input was included in the report *Connecting Hearts and Making Change: Building on Breathing Life into the Calls for Justice*.

DRAFT RESOLUTION # 30 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- E. First Nations men and boys are experiencing high rates of violence, murder, and are going missing at alarming rates. Statistics Canada data reports that in 2022, of the 849 police-reported homicide victims in Canada, 225 (27%) were Indigenous. Of the 156 First Nations homicide victims, 114 (73%) were First Nations men and boys.
- F. AFN Resolution 15/2023, *Support for Advocacy and the Establishment of a Working Group to Address Missing and Murdered Indigenous Men and Boys*, provides the mandate for the AFN to advocate for equitable resources and funds for Missing and Murdered Indigenous Men and Boys (MMIMB), advocate for solutions to address the disproportionate number of First Nations men and boys who go missing or are found murdered, and to work with the Attorney General/Minister of Justice, the Royal Canadian Mounted Police (RCMP), and provincial and municipal police forces, to commit to devoting greater resources to investigate unsolved cases.
- G. In September 2023, the Dubois family, from the Pasqua First Nation, marched to Ottawa from Regina, Saskatchewan, for justice and in memory of Haven Dubois and Steven Dubois. The Dubois family is also calling on the federal government to launch a National Inquiry into Missing, Murdered, and Neglected Indigenous Men, Boys, and 2SLGBTQQA+ People. The Dubois family's stories are part of a larger story in Canada of Missing, Murdered and Neglected First Nations Men and Boys.
- H. Systemic and institutional racism and discrimination significantly contribute to the issue of MMIMB. For instance, between August 29, 2024, and September 27, 2024, it is reported that nine (9) First Nations individuals were killed during interactions with police and eight (8) of these individuals were First Nations men or boys.
- I. The AFN has a designated executive portfolio for Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQA+ Peoples (MMIWG2S+), a title which is not inclusive of the experiences of men and boys.

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

1. Direct the Assembly of First Nations (AFN) National Chief and Executive Committee to take necessary steps to change the name of the Missing and Murdered Indigenous Women, Girls and 2SLGBTQQA+ (MMIWG2S+) Executive Portfolio to Missing and Murdered Indigenous Peoples (MMIP) to be inclusive of First Nations men and boys.
2. Direct the AFN to advocate for dedicated resources and funding to support work to address the issue of Missing and Murdered Indigenous Men and Boys (MMIMB).
3. Call upon the Minister of Justice/Attorney General of Canada and the provinces, the Department of Justice Canada, and the Royal Canadian Mounted Police, provincial and municipal forces across Canada to commit to devoting greater resources to addressing MMIMB, take action to thoroughly investigate cases involving MMIMB, and urgently address the issue of police-related deaths of First Nations individuals.

DRAFT RESOLUTION # 31 / 2023

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	First Nations indicators of Poverty and Wellness
SUBJECT:	Social Development; Data
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief Darlene Bernard, Lennox Island, PE

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Canada has committed to implementing the United Nations 2030 Agenda for Sustainable Development Goals (SDGs). Goal number one of the agenda is to “end poverty in all its forms everywhere”. In 2018, Employment and Social Development Canada (ESDC) released the first Poverty Reduction Strategy (PRS). The strategy does not account for the unique experiences of First Nations experiencing poverty, or the systemic gaps and barriers further perpetuating First Nations poverty.
- C. Assembly of First Nations (AFN) Resolution 47/2018, *First Nations Oversight of Canada’s National Poverty Reduction Strategy*, directs the AFN to work with ESDC on the implementation of Canada’s National PRS in First Nations. The AFN was not provided funding to complete this work, resulting in a PRS that does not utilize the culturally appropriate, multi-faceted approach needed for mitigating and ending First Nations poverty.
- D. In response to the AFN not receiving funding to fulfill the Resolution 47/2028 mandate, the First Nations-in-Assembly passed AFN Resolution 98/2019, *Poverty Reduction for all First Nations in Canada*, mandating the AFN to advocate to the federal government to provide long-term and sustainable funding for Canada’s PRS, and seek funding to conduct a study on First Nations-specific indicators and measures of poverty and wellbeing.
- E. In December 2021, the Institute of Fiscal Studies and Democracy (IFSD) was contracted to undertake research to develop First Nations indicators of poverty and well-being and develop deliverables for understanding, measuring, and addressing poverty in First Nations, including co-development of First Nation-specific indicators and measures of poverty.

DRAFT RESOLUTION # 31 / 2023

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. In October 2022, the IFSD hosted an expert forum on poverty with regional First Nations representation, intended to define First Nations poverty and identify First Nations indicators of poverty to capture the experience of poverty in First Nations. Consensus was built around 8 dimensions and 39 selected indicators as a starting point to capture deprivation and to measure change. The 8 dimensions and the selected indicators include:
- i. Housing: safe and suitable housing, number of people in a dwelling, number of transition homes on-reserve.
 - ii. Education: high school completion rate, literacy rates, numeracy rates, highest degree attained, First Nation or entity offering land-based programming for youth.
 - iii. Food Security: rate of food insecure households, presence of food security programs in community, access to traditional foods, water advisories, portable water from source to tap;
 - iv. Health; rate of chronic disease, access to health services in community, mental health and wellness, rates of substance misuse, access to addiction treatment, percentage of people foregoing health services for any reason.
 - v. Employment: participation rate, employment rate, unemployment rate, number of band-offered jobs, jobs with a livable income in-community, First Nations community corporation offered jobs, instances of unpaid care/work, self-declared skills gap.
 - vi. Income: percentage of population receiving income assistance, and total median household income.
 - vii. Early Childhood Education: availability of early childhood education in community, number of children in care, access to childcare.
 - viii. Culture: adult opportunities to learn Indigenous language, youth opportunities to learn Indigenous language, adult opportunities for land-based activities, youth opportunities for land-based activities, access to cultural ceremonies in community, desire to have access to cultural ceremonies in community, and presence of knowledge keepers in community.
- G. Findings in the IFSD's final research report highlight significant gaps in the collection and availability of data for the First Nations-identified indicators. First Nations continue to advocate for resources to strengthen data collection and access for the purpose of enhancing budget and program advocacy to ensure measures of poverty are culturally relevant, qualitative and encompass a First Nations-specific data narrative.

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

1. Endorse the First Nations indicators for poverty and wellness as determined by First Nations and as outlined in section Whereas F of this resolution, in order to shift the understanding and measurement of First Nations poverty away from a narrow financial-based measure and toward a wholistic and culturally appropriate approach.
2. Call upon Canada to fund the Assembly of First Nations (AFN) and its Technical Working Group on Social Development to oversee a data collection pilot project to collect data on the indicators that do

D R A F T R E S O L U T I O N # 3 1 / 2 0 2 3

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

not have available data, and sample the First Nations indicators of poverty and wellness in selected First Nations, including sustainable financial resources and capacity for the selected First Nations to participate with ease.

3. Direct the AFN's Technical Working Group on Social Development to identify willing First Nations within their respective regions to participate in the data collection pilot project. The selected First Nations must reflect diverse socio-economic realities and include northern and remote areas.
4. Direct the AFN to report back to First Nations-in-Assembly on the progress of the data collection pilot project by December 2025.

DRAFT RESOLUTION # 32 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Renewed Capacity-Building Funding Commitment for *An Act Respecting First Nations, Inuit and Metis children, youth and families*

SUBJECT: Social Programs; Child Welfare

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

SECONDED BY: Chief Michael Yellowback, Manto Sipi Cree Nation, MB

WHEREAS:

- A. Co-developed with First Nations, the federal law, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), came into effect on January 1, 2020.
- B. The purpose of the Act is to:
 - i. Affirm the inherent right of self-government for Indigenous peoples, which includes jurisdiction in relation to child and family services.
 - ii. Contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.
 - iii. Set out principles, as well as minimum national standards that must be adhered to in the delivery of child and family services for all Indigenous children in Canada regardless of their residence.
 - iv. Provide a framework and pathway for Indigenous peoples to establish their own laws for child welfare.
- C. The Act is intended to address the overrepresentation of Indigenous children and youth in the child welfare system in Canada. Indigenous children make up 53.8% of the children in foster care, but they account for only 7.7% of the total child population in Canada (Census 2021).
- D. In July 2020, Canada announced a funding commitment of \$542 million over five years, starting in the 2020-21 fiscal year, to support the implementation of the Act. This includes \$425 million over five years for capacity-building funding for Indigenous Nations.
- E. In March 2021, Indigenous Services Canada (ISC) issued a call for proposals for capacity building funding. This funding is meant to support Nations in building capacity in preparation for exercising jurisdiction over child and family services prior to entering into coordination agreement discussions.
- F. As of September 13, 2024, through the proposal process, ISC reported that nationally 238 Indigenous governing bodies received \$233,275,060.87 million in funding for capacity-building activities under the Act.
- G. The 2024-25 fiscal year is the final year of Canada's five-year commitment to provide capacity-building funding.

DRAFT RESOLUTION # 32 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- H. In the 2024 federal budget, the government has committed to invest \$1.3 billion over five years, starting in the 2023-24 fiscal year, to continue supporting Indigenous Nations to implement the Act. However, this funding commitment does not include any mention of capacity-building funding.
- I. To ensure that Indigenous Nations continue to build capacity in preparation for exercising jurisdiction in child welfare, it is imperative that Canada continue to provide capacity-building funding.

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

1. Call on the federal government to renew its commitment to provide capacity-building funding to Indigenous Nations over five years, beginning in the 2025-26 fiscal year, to support the implementation of the *Act Respecting First Nations, Inuit and Metis children, youth and families*.
2. Call on the Minister of Indigenous Services Canada (ISC) to commit to provide capacity-building funding to Indigenous Nations.
3. Direct the Assembly of First Nations (AFN) to advocate to the Minister of ISC to ensure that Canada commits to provide capacity-building funding to Indigenous Nations.

DRAFT RESOLUTION # 33 / 2024
AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Extending the Age of Eligibility for Jordan’s Principle from the Age of Majority to 30 Years of Age

SUBJECT: Social Programs; Child and Family Services; Jordan’s Principle

MOVED BY: Chief Shirley Ducharme, O-Pipon-Na-Piwin Cree Nation, MB

SECONDED BY: Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 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.
- v. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- 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. Jordan’s Principle, named in memory of Jordan River Anderson, a Cree child from Norway House Cree Nation in Manitoba, is a legal rule that obligates the federal government to ensure First Nations children have substantive equality, and that there are no gaps in publicly funded health, social, and education programs, services, and supports.

C. First Nations children from birth to the age of majority in the province or territory of their residence are currently eligible for Jordan’s Principle. However, there are currently no provisions for services and supports beyond the age of majority under Jordan’s Principle, which is a significant gap for youth transitioning into young adulthood.

DRAFT RESOLUTION # 33 / 2024
AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- D. When First Nations youth reach the age of majority, they may not have access to the same level of support and services as they may have been eligible to receive under Jordan's Principle. This may have a negative impact on their health, education, and overall well-being.
- E. The transition from adolescence to young adulthood can be challenging for First Nations youth, who often encounter systemic barriers and disparities. Extending eligibility for Jordan's Principle to 30 years of age would allow First Nations youth the ability to access the necessary supports and resources to achieve self-sufficiency and thrive as young adults.
- F. In 2016 CHRT 2, the Canadian Human Rights Tribunal (CHRT), ordered Canada to immediately cease its discriminatory practices regarding First Nations child welfare, to reform the First Nations child welfare program, to cease applying a narrow definition of Jordan's Principle, and to adopt measures to implement the full meaning and scope of Jordan's Principle.
- G. In 2017, the CHRT further ordered that the needs of each individual child must be considered, to ensure the following is taken into account under Jordan's Principle: substantive equality, providing culturally appropriate services, and safeguarding the best interests of the child.
- H. In 2021 CHRT 41, the CHRT found that the Government of Canada was discriminating against First Nations children by failing to provide them with the same level of services as other Canadian children. The CHRT ordered Canada to fund the purchase and construction of capital assets for the delivery of First Nations Child and Family Services and Jordan's Principle.
- I. Pursuant to the Agreement-in Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle, signed December 31, 2021, Canada agreed to:
 - i. fund post-majority support services for First Nations youth "aging out" of care to the age of 25 at the actual cost of delivering services/supports, as determined by the First Nation or First Nations Agency.
 - ii. assess the resources required to assist families with navigating access to additional supports past the age of majority for high needs youth accessing Jordan's Principle.
- J. Both of these funding commitments were further ordered on consent by the CHRT in 2022 CHRT 8.
- K. Recent Assembly of First Nations resolutions on Jordan's Principle include:
 - i. Resolution 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*;
 - ii. Resolution 27/2018, *Support for the long-term implementation of Jordan's Principle*;
 - iii. Resolution 04/2022, *First Nations Determination of the Reforms to the First Nations Child and Family Services Program and Jordan's Principle Ordered through the 2022 Canadian Human Rights Tribunal Ruling 8*;
 - iv. Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*;
 - v. Resolution 83/2023, *Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle*;

D R A F T R E S O L U T I O N # 3 3 / 2 0 2 4
AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- vi. Resolution 84/2023, *Continuation of Funding at Actuals for Post-Majority Support Services and Support for High Needs Jordan's Principle Recipients; and*
 - vii. Resolution 86/2023, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle.*
- L. Jordan's Principle ensures that all First Nations children have access to necessary services. Cessation of services and resources for those over the age of majority to the age of 30 without the provision of the necessary infrastructure for transition will harm youth who reach the age of majority and are still in need. The provision of the necessary resources and supports under Jordan's Principle to First Nations for youth to the age of 30 supports the creation of infrastructure to support youth aging into adulthood.
- M. Other federal programs and services are often not adequate to meet the needs of First Nations youth aging out of Jordan's Principle, and reforms to better meet these needs outside of Jordan's Principle are necessary, for example enhancing the Non-Insured Health Benefits Program, or expanding funding for educational supports under the Post-Secondary Student Support Program.
- N. Failure to address these issues could lead to similar compensation requirements as seen in 2019 CHRT 39, where the Tribunal found that the Canadian government had discriminated against First Nations children by failing to provide them with the same level of services as other Canadian children and ordered Canada to pay the maximum allowable compensation.

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

1. Call on the Government of Canada to extend the age of eligibility for Jordan's Principle to the age of 30.
2. Call on the Government of Canada to continue to uphold their commitment for Jordan's Principle and end discriminatory practices against First Nations children as they transition into adulthood.
3. Call on the Government of Canada to provide long-term and sustainable funding for First Nations youth transitioning into young adulthood under Jordan's Principle, including funding for supports, navigation services within Indigenous Services Canada and First Nations, and capacity-building for Service Coordinators.
4. Call on the Government of Canada to reform social, health, and education programs for First Nations adults to ensure long-term and sustainable resources for all First Nations throughout the life cycle.

DRAFT RESOLUTION # 34/2024
AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Ensuring Transparency, Fair Representation, and Accountability in the Settlement Implementation Committee

SUBJECT: Social Programs; Child and Family Services

MOVED BY: Chief Robert Michell, Stelat'en First Nation, BC

SECONDED BY: Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory and resulted in harms including the removal of children from their families and communities and the delay/denial of critical 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;
- C. In 2019, the CHRT awarded \$40,000 to each eligible victim of Canada's discrimination.
- D. In 2019, two class actions were filed, including one by the Assembly of First Nations that dated back to 1991;
- E. On June 30, 2022, Canada and the class action parties, including AFN, announced a Final Settlement Agreement (FSA) in the amount of \$20 Billion;
- F. Upon a review of the FSA, it was found that while the FSA offered compensation to a wider range of victims dating back to 1991, it also disintitled some victims of their CHRT compensation and reduced the amounts for others.
- G. The CHRT dismissed a motion by AFN and Canada to approve the FSA as fully satisfying the Tribunal's compensation orders due to the derogations from the CHRT orders that adversely affected some victims.
- H. Through AFN Resolution 28/2022, *Final Settlement Agreement on Compensation for First Nations Children and Families*, the First Nations-in-Assembly provided direction that: the FSA be renegotiated to include all the victims to the value of the compensation they were entitled to and that the AFN return to the First Nations-in-Assembly to provide regular progress reports and seek direction on any outstanding implementation issues.
- I. In April of 2023, through AFN Resolution 04/2023, *Revised Final Settlement Agreement on Compensation for First Nations Children and Families*, the First Nations-in-Assembly approved a Revised FSA and directed the AFN to expedite approval by the CHRT and Federal Court, as well as to ensure that compensation would be paid as quickly as possible to the victims of Canada's discrimination. It directed the AFN to return to the First Nations-in-Assembly to provide regular progress reports on supports, implementation and the claims process and seek direction where required.

D R A F T R E S O L U T I O N # 3 4 / 2 0 2 4
AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- J. The Revised FSA was subsequently approved by the CHRT and Federal Court.
- K. Article 12 of the Revised FSA provides for a Settlement Implementation Committee (SIC) composed of five persons: 2 First Nations members (Non-Counsel Members) selected through a solicitation of applications process conducted by the AFN Executive Committee and 3 Counsel Members - one of which is appointed by the AFN Executive Committee.
- L. The AFN conducted a Request for Proposals, culminating in the selection by the AFN Executive Committee for the AFN appointments of Stuart Wuttke, AFN General Counsel (Counsel Member), Derek Nepinak (Non-Counsel Member for an initial term of three years) and Duke Pelletier (Non-Counsel Member for an initial term of five years).
- M. On November 16, 2023, the Federal Court approved the AFN appointments, as well as non-AFN class Counsel Members David Sterns and Robert Kugler.
- N. The FSA is expected to have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities and accordingly, the SIC should consider a diverse number of perspectives in the context of their decision-making.

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

- 1. Call on the Settlement Implementation Committee (SIC) to establish an Advisory Sub-Committee on Compensation composed of diverse First Nations persons, including Elders, women, youth, 2SLGBTQQIA+ persons, and differently abled persons that are representative of Assembly of First Nations (AFN) regions and who have expertise in Jordan's Principle administration, First Nations child, youth and family related services, or related health and wellness services.
- 2. Direct the AFN Executive Committee to consider the principle of diversity including Elders, women, youth, 2SLGBTQQIA+ persons, and persons with different abilities in future appointments of AFN SIC members.

DRAFT RESOLUTION # 35 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Ensuring Justice for First Nations Children: Support for the CHRT Non-Compliance Motion on Jordan's Principle

SUBJECT: Children and Families

MOVED BY: Judy Wilson, Proxy, Shuswap First Nation, BC

SECONDED BY: Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. Jordan River Anderson, a young boy from Norway House Cree Nation, lived all five years of his short life in hospital due to jurisdictional disputes between federal and provincial authorities over who would pay for his in-home care costs.
- B. Jordan's Principle honours Jordan River Anderson and his family, ensuring First Nations children receive substantively equal and culturally appropriate services, supports, and products when needed.
- C. In 2006, The First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 53/2006, *First Nations Child and Family Services* which approved AFN, together with the First Nations Child and Family Caring Society (Caring Society), jointly submitting a complaint to the Canadian Human Rights Tribunal (CHRT), alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory on the prohibited grounds of race and national or ethnic origin. The Caring Society and the AFN subsequently filed the complaint in 2007.
- D. In 2016, the CHRT substantiated the complaint and ordered Canada to immediately implement the full meaning and scope of Jordan's Principle for all First Nations children.
- E. The CHRT has subsequently issued nine further orders (2016 CHRT 10, 2016 CHRT 16, 2017 CHRT 14, 2017 CHRT 35, 2019 CHRT 7, 2020 CHRT 20, 2020 CHRT 36, 2021 CHRT 41, 2022 CHRT 8) with a further non-compliance motion hearing held on September 10-12, 2024 to compel Canada to implement the full meaning and scope of Jordan's Principle.
- F. In 2021, a work plan to address deficiencies in Canada's implementation of Jordan's Principle was attached to the Agreement in Principle (AIP) on Long-Term Reform. The "Back to Basics" approach is based on that work plan and includes the specific CHRT-ordered timelines for determining requests.
- G. In 2022, the First Nations-in-Assembly passed Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle* which includes the directives to:
 - i. Ensure that the First Nations-in-Assembly must approve the Final Settlement Agreement (FSA) on long-term reform;

DRAFT RESOLUTION # 35 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- ii. Ensure the FSA on long-term reform does not detract from the Parties' right to seek orders from the Tribunal in the current complaint before the CHRT to ensure that all First Nations children, youth, and families will be free from discrimination and its recurrence for generations to come.
 - iii. Direct the Parties to develop evidence- and policy-based options for the long-term reform of Jordan's Principle, including mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval.
 - iv. 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 long-term reform of FNCFS, including the FSA.
 - v. 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.
- H. Despite the First Nations Parties raising serious non-compliance issues and suggesting solutions for years to Indigenous Services Canada (ISC), including how to manage the growing volume of requests, Canada did not fully implement the AIP work plan or the Back-to-Basics approach. ISC only complied with the CHRT-ordered timeframes to adjudicate Jordan's Principle requests at rates of 33% for urgent individual requests, 36% for non-urgent individual requests, 30% for urgent group requests, and 66% for non-urgent group requests in the 2022-23 fiscal year.
- I. As of March 2024, Canada had an estimated backlog of between 40,000 and 82,000 Jordan's Principle requests that have either not been opened or not determined.
- J. There are also long backlogs in reimbursements to families, service providers, and First Nations, resulting in some families, First Nations, and service providers taking on debt while waiting for reimbursement and some service providers withdrawing their services after months of non-payment.
- K. Jordan's Principle requesters report chronic challenges in contacting ISC, particularly in the context of urgent requests or updating the urgency of requests.
- L. In December 2023, after months of attempting to address the issues noted above through processes outside the CHRT, the Caring Society filed a non-compliance motion before the CHRT regarding Canada's ongoing failure to fully implement Jordan's Principle and requested several remedies to address Canada's non-compliance.
- M. Since 2023, the CHRT Parties have split their negotiations toward long-term reform into two separate streams: one to reform the First Nations Child & Family Service program (where a Draft Agreement was presented to First Nations-in-Assembly in October 2024 and remains underway) and a second to reform Jordan's Principle (where negotiations are not yet underway, pending the completion of research that is currently underway by the Institute of Fiscal Studies and Democracy).

DRAFT RESOLUTION # 35 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Call on Canada to fully and immediately implement Jordan's Principle, including full implementation of the Back-to-Basics approach, full resolution of current backlogs, prevention of future backlogs and monthly reports on compliance rates and backlogs, prompt payment of approved requests and ensure children who have experienced the death of a parent, sibling or close family member or who are in the midst of a state of emergency are included in Canada's definition of urgent cases.
2. Direct the Assembly of First Nations (AFN) to consult with Jordan's Principle experts, including the Jordan's Principle Operations Committee, the Jordan's Principle Action Table, regional experts and other technical experts to develop evidence- and policy-based options for the long-term reform of Jordan's Principle, including mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval—as per Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle*.
3. Direct the AFN to work with all CHRT Parties to develop a detailed process that fully respects Resolution 40/2022 to achieve long-term reform of Jordan's Principle through open, inclusive and transparent negotiations of a Final Settlement Agreement (FSA).
4. Direct the AFN to return to the First Nations-in-Assembly for review and approval of an AFN Jordan's Principle FSA Agreement Negotiation Protocol, which clearly outlines the negotiation objectives, principles, structure and reporting, and a detailed consultation and amendment process prior to commencing any negotiations on long term reform of Jordan's Principle.
5. Direct the AFN to report on significant events during the negotiation, consultation and amendment processes to the AFN Chiefs Committee on Child and Family Services and Self-Determination and to seek guidance from the Committee regarding negotiations to reform Jordan's Principle.
6. Direct the AFN to provide regular updates on the negotiations to First Nations and ensure that First Nations-in-Assembly and First Nations who are not members of the AFN are supplied with and provided a reasonable time to review the complete draft FSA and all supporting documents, including financial documents, in both official languages prior to seeking approval of the First Nations-in-Assembly.

DRAFT RESOLUTION # 36 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Adoption of the Resolution 13 Panel Final Report: Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations

SUBJECT: AFN Internal

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

SECONDED BY: Chief Sean Smith, Kwanlin Dun First Nation, YK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) recognizes and affirms that Indigenous People should be free from discrimination of any kind, and states:
- i. Article 2: Indigenous Peoples and individuals are free and equal to all other people and individuals and have the right to be free from any kind of discrimination in the exercise of their rights, in particular that is based on their indigenous origin or identity.
 - ii. Article 9: Indigenous Peoples and individuals have the right to belong to an indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
 - iii. Article 22(2): States shall take measures in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - iv. Article 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.
 - v. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and wellbeing of the indigenous peoples of the world.
 - vi. Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.
 - vii. Article 46(2): In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law.
- B. The UN Declaration compels states to uphold the rights of Indigenous peoples, along with the principles, values and objectives of the UN Declaration, and so too should these be upheld by the Assembly of First Nations (AFN).

DRAFT RESOLUTION # 36 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- C. The First Nations-in-Assembly approved Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations* at the AFN Annual General Assembly on December 9, 2020 (“Resolution 13”).
- D. Resolution 13 called for an independent, fair, and impartial investigative review of the AFN to identify and determine the levels of systemic gender- and sexual orientation–based discrimination experienced by people involved with the AFN, with an aim to bring forward recommendations to address and end discrimination and all other forms of violence, including sexualized violence, lateral violence, bullying, and cyber-bullying within the organization (the “Review”).
- E. An independent three-member panel (the “Panel”) was appointed to conduct the Review. The final Report was initially due in September 2021, nine months after Resolution 13 was passed. During 2021, two of the original Panel members stepped down, and these two vacancies caused delays in the Review. In February 2022, the final independent Panel was appointed, one member by each of the following Councils: Knowledge Keepers (appointee Dr. Gwendolyn Point), Women (appointee Debbie P. Hoffman), and Youth (appointee Amanda Barnaby Lehoux).
- F. In the fall of 2022, Women and Gender Equality Canada (WAGE) approved the Panel’s funding proposal. After funding was secured, the Panel completed its work plan, set up a confidential email address and website, and started advertising, asking people to come forward to speak confidentially with the Panel about their experiences.
- G. Resolution 13 directed the Panel to provide an interim report to the First Nations-in-Assembly within six months. After the Panel was formed in February 2022, an interim report was presented at the Annual General Assembly on July 5, 2022.
- H. The Panel was mandated to gather stories and experiences to help identify systemic patterns of discrimination and harassment. A system-level analysis was required to identify recommendations for systemic responses such as policy, bylaw, and Charter reform; training; and other best practices that will help eliminate the culture of discrimination and harassment at the AFN. Findings included a variety of issues including but not limited to (of note, definitions can be found in the Panel’s final report):
 - i. lateral violence;
 - ii. abuse of power, position, and authority;
 - iii. abuse of technology, including cyber-bullying and sexting;
 - iv. verbal harassment;
 - v. breach of confidentiality;
 - vi. sexualized harassment and bullying, including unwelcome comments and invitations;
 - vii. discrimination based on gender and sexual orientation;
 - viii. lack of respect for personal boundaries;
 - ix. passive-aggressive and nuanced behaviours;
 - x. misogyny;

DRAFT RESOLUTION # 36 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- xi. microaggressions;
 - xii. gaslighting;
 - xiii. unwelcome touching; and
 - xiv. the use of overly familiar and suggestive language.
- I. During the Review, the Panel heard, learned and identified that there were unacceptable and toxic behaviors at all levels within the AFN, including the Secretariat, the Executive, Regional Offices, and the National Chief's Office. The behaviors described included disrespect, lack of inclusivity, lack of confidentiality, and the dismissal of abusive and discriminatory behaviours.
 - J. The Panel's final report (the "Report") was presented at the Annual General Assembly on July 12, 2023, and an update on the AFN's progress towards implementing the report's recommendations was presented at the AFN Special Chiefs Assembly in December, 2023.
 - K. A key consideration and reminder highlighted in the Preface of the report is that "the Panel, [and those who contact us] are concerned that this Report will be presented, accepted, and approved at the Annual General Assembly, and then it will be placed on a shelf to gather dust. We ask all who believe in the important work of the Panel to champion the changes that are recommended so they cannot be ignored. The recommendations and findings in this Report are based on what we heard at the time of writing. The AFN and its management, leaders, and staff must commit to a practice that is evergreen – that is, one that is consistently reviewed and renewed, as best practices continue to evolve over time. This will create an environment where those who work within the AFN are confident in committing to the "if you see something, say something" principle without fear of retaliation."
 - L. The First Nations-in-Assembly have an important responsibility to keep people safe within the AFN work environment, forums and assemblies, anchored in respect, transparency, and accountability and to ensure the implementation of their own decisions.

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

- 1. Reaffirm support for the Panel's findings and Report, and direct the Assembly of First Nations (AFN) Board of Directors (the "Executive Committee") to implement the Panel's Report, and provide yearly updates at the AFN Annual General Assemblies.
- 2. Direct the AFN National Chief, Executive Committee and Secretariat to fully implement the Panel Report recommendations within the timelines outlined in the Report. Within six months (by June 30, 2025), this includes:
 - a. Provide annual reports to Chiefs-in-Assembly identifying incidents, complaints and violations (subject to privacy considerations); the treatment, status and outcomes of incidents; analysis and revision (if necessary) of AFN policies to address and prevent future incidents.
 - b. Review all AFN policies to protect AFN staff and persons from discrimination, of all forms, and provide for a regular review schedule.
 - c. Amend AFN policies and relevant documents in accordance with the Panel's recommendations.

DRAFT RESOLUTION # 36 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- d. Revise the Code of Conduct and Ethics for the AFN Executive Committee and ensure that it is reviewed and signed by each existing member of the Executive and all newly elected leaders, both at the initial revision and annually, including the members of all Councils who form part of the Executive.
- e. Implement and Enforce of a Zero-Tolerance Policy:
- f. Post prominent signage at AFN events and in the workplace, stating that there is a zero-tolerance policy for all types of harassment, bullying, violence, and discrimination, and that those who offend the policy will be removed (the “zero tolerance policy”).
- g. Post a clear statement of the zero-tolerance policy on the AFN website.
- h. Obtain signed acknowledgments from the Secretariat and Executive, new hires, newly elected Chiefs, political appointees in the National Chief’s Office (NCO), and contractors that they understand and will abide by the zero-tolerance policy.
- i. Obtain a signed acknowledgment from each registrant when registering for Assemblies and other AFN events that they understand and will abide by the zero-tolerance policy.
- j. Announce the zero-tolerance policy at the commencement of AFN Assemblies and events and announce reminders at the beginning of each day and after lunch.
- k. Designate trained staff to remove anyone from an AFN Assembly or event if they offend the zero-tolerance policy.
- l. Designate a safe space at AFN Assemblies and events that includes emotional support (such as a mental health worker) and cultural support (such as a trusted Elder/Knowledge Keeper).
- m. Expand the definitions of “harassment” and “discrimination,” and rewrite internal documents, as outlined in the Report and Appendix B.
- n. Create an orientation package for new hires that outlines the resources that are available, including benefits for therapy and counselling.
- o. Implement a regular review and reporting process. Ideally, the process should take place every quarter, reviewing incidents and complaints that have occurred in the past three months; alternatively, an annual review would review incidents and complaints from the past twelve months.
- p. Start implementing the trainings outlined in the Report and paragraphs 3–9 under Training, Policies, and Procedures above.
- q. Within eighteen months to two years (by June 30, 2026) this includes:
- r. Advance and complete recommended training as set out in paragraphs 3–9 under Training, Policies, and Procedures above, ensuring that the training is Indigenous and AFN specific, as outlined in the Training section of the Report. These should include training on:
 - i. basic assertiveness;
 - ii. how to set personal boundaries;

DRAFT RESOLUTION # 36 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- iii. triggers, dysregulation, and the window of tolerance;
 - iv. the trauma-informed workplace; and
 - v. healing through ceremony (carrying a stone; using water or brushing to cleanse, etc.).
- s. Establish an Independent complaints Office.
 - t. Decolonize the AFN and integrate Indigenous values, including the Seven Teachings, into the workplace.
 - u. Establish the AFN as a trauma-informed workplace for all in the Secretariat and the Executive.
 - v. Complete organization-wide training for the AFN Secretariat and AFN Executive on the following;
 - i. Microaggressions, bullying (including cyber-bullying), violence (including lateral violence), discrimination (including gender- and sexual orientation-based discrimination), and harassment:
 - ii. basic assertiveness;
 - iii. unconscious bias;
 - iv. equity, diversity, and inclusion;
 - v. gender pronouns;
 - vi. culturally appropriate ways to work with and support 2SLGBTQQA+ individuals;
 - vii. cultural humility, emotional intelligence, and building resilience;
 - viii. preparation for the potential psychological hazards associated with the job;
 - ix. how to set personal boundaries in the workplace;
 - x. communications and having difficult conversations;
 - xi. triggers (activators), dysregulation, self-regulation, and the window of tolerance;
 - xii. a trauma-informed workplace and a trauma-informed approach;
 - xiii. power imbalances and abuse of power;
 - xiv. colonial trauma; and
 - xv. healing through ceremony.
- 3. Direct the AFN to develop an annual budget, secure, and seek financial resources to support the continued implementation of the Report recommendations.
 - 4. Direct the AFN National Chief to provide an annual yearly report to the First Nations-in-Assembly providing a status update on the implementation of the Report recommendations.

DRAFT RESOLUTION # 37 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Solidarity with Palestine and Palestinian Self - Determination
SUBJECT:	Rights and Justice
MOVED BY:	Chief Louis Kwissiwā, Netmizaagaming Nishnaabeg (Formally Pic Mobert First Nation), ON
SECONDED BY:	Chief George Ginnish, Natoaganeg (Eel Ground) First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - iv. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - v. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - vi. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Indigenous Palestinians continue to face extreme acts of colonial and settler violence in the form of land theft, indiscriminate bombings and massacres of civilians, journalists, aid workers, and health professionals, and the sabotage of humanitarian relief efforts.
- C. The estimated death toll exceeds 186,000 people, with women and children comprising the majority. This number includes thousands buried under rubble, and those who have died due to the destruction of hospitals, food distribution systems, and other essential civilian infrastructure.
- D. On December 29, 2023, South Africa submitted a case to the International Court of Justice (ICJ) accusing Israel of “genocidal acts” in Gaza. In its provisional ruling in January 2024, the ICJ concluded

DRAFT RESOLUTION # 37 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

that it is plausible that Israel's actions in Gaza could amount to genocide, and ordered that Israel take all measures to prevent any acts contrary to the 1948 Genocide Convention.

- E. Israel has escalated its military offensive in the region, such as by increasing violence towards Lebanon, Syria, Iran, and Iraq, including acts of terror such as pager attacks, the bombing of civilians and civilian infrastructure, and targeted killings of peacekeepers in the United Nations Interim Force In Lebanon (UNIFIL).
- F. These acts of genocide by the Government of Israel against Palestinians for over 75 years closely mirror that of the histories of the genocide of First Nations on Turtle Island - from ethnic cleansing, ecocide, targeting of women and children, forced starvation, systematic destruction of Indigenous knowledge systems and displacement and dispossession from our territories. The oppressions of Indigenous Peoples are intertwined globally and thus bind us in solidarity with one another.
- G. In December 2023, the First Nations-in-Assembly unanimously passed Assembly of First Nations (AFN) Resolution 82/2023, *Call for a Permanent Ceasefire in Israel-Gaza Crisis*, directing the National Chief to send a letter to the Government of Canada to call for an immediate and permanent ceasefire, an end to the occupation of Gaza, the release of all Israeli and Palestinian hostages, the unimpeded flow of immediate humanitarian aid, and full respect for international human rights law in all occupied Indigenous Peoples' lands in both Gaza and the occupied West Bank.
- H. On July 26, 2024, Canada, Australia, and New Zealand jointly called for an immediate ceasefire in Gaza and asked Israel to respond to the ICJ's ruling that Israel's occupation of Palestinian territories and settlements was illegal and should be withdrawn as soon as possible.
- I. Despite Canada's commitments to reconciling with its own history of colonization, as well as the domestic implementation of the UN Declaration, Canada is failing its obligations to fully respect international human rights law in all occupied Indigenous People's lands.
- J. Canada is complicit in the ongoing violence in Gaza and the larger region by refusing to recognize the State of Palestine, and not taking sufficient action domestically and internationally to stop the Government of Israel's ongoing genocide of Palestinians and the illegal occupation of their lands.

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

1. Support the rights of the Palestinian people to exercise self-determination in their traditional lands and territories, and the rights of Palestinians displaced by the forces of settler colonialism to return to their lands.
2. Call on the Government of Canada to recognize Palestinian statehood, and to unconditionally condemn illegal settler occupation and modern forms of colonization in line with its commitments to the *United Nations Declaration on the Rights of Indigenous Peoples*.
3. Direct the Assembly of First Nations (AFN) to draft a letter to Prime Minister Justin Trudeau urging the Government of Canada to exercise their political power and obligations under international law and to:
 - a. Immediately implement economic sanctions against the Government of Israel, as per the *Special Economic Measures Act*, for their violation of the sovereignty and territorial integrity of Palestine, war crimes, and grave human rights violations they continue to commit.

DRAFT RESOLUTION # 38 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Implementing the Chief's Direction to End Canada's Discrimination in First Nations Child and Family Services
SUBJECT:	Social Programs; Children and Families
MOVED BY:	Chief Trevor Prince, Sandy Bay Ojibway First Nation, MB
SECONDED BY:	Chief Jason Daniels, Swan Lake First Nation, MB

WHEREAS:

- A. Affirming the love we have for our children and our collective goal of ensuring that they grow up proud of who they are, able to speak their languages and free of the multi-generational burden of Canada's discrimination;
- B. Honouring the Residential School Survivors and the Truth and Reconciliation Commissioners who included child and family services and Jordan's Principle as the top Calls to Action;
- C. Honouring the Murdered and Missing Women and Girls and Members of the 2SLGBTQAI community who identified child and family services and Jordan's Principle as priorities in the MMIWG Final Report Calls to Justice;
- D. Recognizing that Canada's widespread and ongoing discrimination towards First Nations children through Residential Schools, the 60's Scoop and its contemporary underfunding of vital public services for First Nations fuel factors such as multi-generational trauma, addictions, poverty, poor housing and domestic violence that contribute to First Nations children going into care at 19.2 times higher rates than non-Indigenous children and other harms.
- E. Recognizing that the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
 - i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements, and other constructive arrangements.

DRAFT RESOLUTION # 38 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- F. In 2016 CHRT 2, the Canadian Human Rights Tribunal (CHRT) substantiated a human rights complaint filed by the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) in 2007 regarding Canada's discriminatory and inequitable First Nations Child and Family Services (FNCFS) and its repeated failure to respect and implement Jordan's Principle named after Jordan River Anderson of Norway House Cree Nation. Canada was ordered to immediately cease its discriminatory conduct. Canada failed to do so and over 20 procedural and non-compliance orders have been issued to date.
- G. 2016 CHRT 2 and subsequent CHRT orders have confirmed that Canada must take account of the distinct circumstances of the child and family and ensure services are culturally appropriate.
- H. The parties (CHRT Parties) to the 2007 Canadian Human Rights Act complaint included:
 - i. Complainant: AFN;
 - ii. Complainant: Caring Society;
 - iii. Commission: Canadian Human Rights Commission; and
 - iv. Interested Parties: Amnesty International (granted in 2009 to address international human rights law), Chiefs of Ontario (granted in 2009 respecting the 1965 Indian Welfare Agreement), Nishnawbe Aski Nation (NAN): (Granted in 2016 regarding remoteness in NAN territory) and the BC Leadership Council (Granted 2024 respecting Jordan's Principle affecting First Nations in British Columbia).
- I. In December of 2023, Canada entered into confidential negotiations with some of the CHRT Parties hereinafter referred to as the FSA Parties: AFN, Chiefs of Ontario, Nishnawbe-Aski Nation to complete an FSA on child and family services while other CHRT Parties are not included (Caring Society, Canadian Human Rights Commission, and Amnesty International).
- J. The Caring Society was not a party as Canada had breached the Agreement in Principle (AIP) providing a framework for the negotiations by not complying with Jordan's Principle resulting in tragic harms and deaths of children. The Caring Society filed a non-compliance motion against Canada to address its failure to follow through on CHRT orders on Jordan's Principle – a step that was prohibited under the AIP framework.
- K. The negotiations failed to implement the direction of the First Nations-in-Assembly who adopted AFN Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle*, requiring that the CHRT parties retain the right to return to the Tribunal to address Canada's discrimination, regional experts inform the draft FSA and that the parties return with options for First Nations Leadership to consider.
- L. On July 11, 2024, the FSA Parties released an incomplete draft of the FSA (draft FSA) in English only. The French version followed about a month later. The FSA Parties did not entertain substantive amendments, and the proposed approach had significant flaws in governance, funding durability and security, and ensuring non-discrimination. Paragraph 45 of the draft FSA also provided for regional approaches, but Canada was not obligated to provide additional funding to ensure those regional variations that are essential to taking full account of the distinct circumstances of the child and ensure services are culturally appropriate.

DRAFT RESOLUTION # 38 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- M.** Contrary to Canada's obligations under Inherent rights, the UN Declaration and Treaty Rights, the draft FSA also required that First Nations cede their decision making over the reformed funding approach that would directly affect First Nations children to a secret committee.
- N.** Paragraph 379 of the draft FSA required approval by First Nations Leadership. After conducting due diligence by consulting independent legal and child and family services experts, the First Nations-in-Assembly rejected the draft FSA and voted to reset the negotiation process.
- O.** The Assembly of First Nations has not yet publicly and clearly agreed to implement the direction in the resolutions adopted by the First Nations-in-Assembly.

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

- 1.** Call on Canada and direct the Assembly of First Nations (AFN) to publicly and fully commit to respecting and following the direction of the First Nations-in Assembly arising from the rejection of Draft Resolution 01-2024, and adoption of Draft Resolutions 04-2024 and 06-2024 at the Special Chief's Assembly held on Treaty 7 Territory on October 16-18, 2024.
- 2.** Direct the AFN Executive to adopt an approach that:
 - a.** Ensures that any new proposal for long term reform in First Nations child and family services provide for a national umbrella agreement to ensure non-discrimination with regional agreements that take full account of the children's distinct circumstances, cultures and the inherent rights of the children and the First Nations they belong to;
 - b.** Ensures that such regional agreements are funded in a manner that safeguards First Nations children, youth and families from discrimination now and forever.
- 3.** Require Canada to discharge its duty to consult and AFN to reject any proposal to supplant and/or adversely affect Canada's duty to consult, Honor of the Crown and other obligations to First Nations.

Safeguarding First Nations rights and approval processes:

- 4.** Direct the AFN to ensure that First Nations Chiefs and Proxies can vote on the Long-Term Reform (LTR) Agreements virtually, in-person, or by another means (via specific accommodation to a Chief or Proxy), to accommodate First Nations Leadership who are unable to attend in person due to community circumstances or emergencies and that no changes are to be made to the voting procedure, including quorum or approval thresholds, or undertake other measures that adversely affect the direction given by the First Nations-in-Assembly at the meeting on October 16-18, 2024 on Treaty 7 territory .
- 5.** Direct the AFN Executive to support the First Nations Child and Family Caring Society to lead any process to achieve non-discrimination (also known as long term reform) for child and family services and Jordan's Principle in keeping with the Resolutions passed at the Special Chiefs Assembly on October 16-18, 2024.

Respect

D R A F T R E S O L U T I O N # 3 8 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

6. Call on AFN to withdraw and apologize for any and all public statements that suggested or implied that First Nations Child and Family Service Agencies led the campaign to defeat the draft Final Settlement Agreement (FSA). Such comments are disrespectful of our front-line workers and of the Chiefs who exercised their due diligence to review the text of the draft FSA and rejected it on that basis alone.
7. Require AFN to get approval for any further public statements from the Children's Chief's Commission once established and by a public and majority vote of the Executive in the interim.

DRAFT RESOLUTION # 39 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE:	Our Children, Our Future – Draft Agreement on reforming the First Nations Child and Family Services Program
SUBJECT:	Social; Child and Family Services
MOVED BY:	Chief Dan Manuel, Upper Nicola Band, BC
SECONDED BY:	Chief Joe Miskokomon, Chippewa of the Thames First Nation, ON

WHEREAS:

- A. The First Nations-in-Assembly dedicate ourselves to ensuring that future generations will never have to experience such harm again and will live free from any kind of discrimination within the provision of child and family services.
- B. The First Nations-in-Assembly honour all the children, youth and families who have experienced harm and Canada's discrimination in the First Nations Child and Family Services (FNCFS) Program and the legacy of Canada's colonial structures, the effects of which continue to be felt today.
- C. The *United Nations on the Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
 - i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the rights to be free from any kind of discrimination, in the exercise of their rights, in particular, that is based on their 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 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iv. Article 22(2): states shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - v. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development, in particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- D. The Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (Caring Society) filed a complaint with the Canadian Human Rights Tribunal (CHRT) in 2007 alleging that

DRAFT RESOLUTION # 39 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

Canada's inequitable provision of FNCFS and its choice to not fully implement Jordan's Principle were discriminatory and resulted in harms.

- E. The CHRT substantiated the complaint in 2016 CHRT 2, which ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families, emphasizing the need for prevention services, and to take such efforts as necessary to prevent the recurrence of the discrimination.
- F. In December 2021, the AFN, Canada, Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN) and the Caring Society reached an Agreement-in-Principle (AIP) on long-term reform of the FNCFS Program and Jordan's Principle, valued at \$19.807 billion over five years. The AIP provided a road map to negotiate a final agreement.
- G. The AFN, alongside COO, NAN, and Canada participated in intensive negotiations towards a Draft Agreement on Long-Term Reform of the FNCFS Program (Draft Agreement) that reflected direction from the First Nations-in-Assembly, and leveraged First Nations-led research, expert advice and recommendations to reform the FNCFS Program.
- H. Counsel for the AFN, COO, NAN and Canada endorsed a Draft Agreement for consideration and approval by their respective leadership on July 10, 2024.
- I. The Draft Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities, and further to the Assembly of First Nations' (AFN) mandates, has been the subject of extensive engagement with First Nations and child and family services experts, and aligns, to the greatest extent possible, with the mandates of the First Nations-in-Assembly, particularly in advancing sovereignty, inherent jurisdiction and nation-to-nation building.
- J. The Draft Agreement represents a robust approach to the long-term reform of the FNCFS Program, with funding commitments in the amount of \$47.8 billion over 10 years, reflecting the principles of substantive equality and best interest of the child, while ensuring collaboration and accountability between First Nations and the service providers rendering services to their communities.
- K. The First Nations-in-Assembly mandated the AFN by way of resolutions 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, and 86/2023, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, to negotiate a final settlement on long-term reforms, conduct regional engagements on the Draft Agreement to ensure that First Nations leadership has an adequate opportunity to discuss the Draft Agreement, and return to the First Nations-in-Assembly for discussion and/or approval of the agreement.
- L. The First Nations-in-Assembly, by way of AFN Resolution 04/2022, *First Nations Determination of the Reforms to the First Nations Child and Family Services Program and Jordan's Principle Ordered through the 2022 Canadian Human Rights Tribunal Ruling 8*, directed the AFN to request that the CHRT support First Nations right to self-determination by ordering that all funding provided through the 2022 CHRT 8 ruling be disbursed to First Nations and self-governing First Nations in the Yukon in order for them to determine how to allocate this funding between their governments and FNCFS agencies.

DRAFT RESOLUTION # 39 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

- M. As mandated by way of AFN Resolutions 40/2022 and 86/2023, the AFN conducted extensive engagement with First Nations, including regional engagement sessions, to seek feedback on the Draft Agreement and negotiate recommendations as advised by First Nations.
- N. During the Special Chiefs' Assembly (SCA) on Long-Term Reform of FNCFS held on October 16-18, 2024, the First Nations-in-Assembly were presented with an amended Draft Agreement, inclusive of many of the amendments that were recommended by First Nations during the engagement period on long-term reform over the summer and fall of 2024.
- O. The SCA on Long-Term Reform of FNCFS included an intensive dialogue amongst the First Nations-in-Assembly regarding the Draft Agreement. During this dialogue, the First Nations-in-Assembly shared their views on the Draft Agreement, both in support and against its approval.
- P. At the SCA on Long-Term Reform of FNCFS, the First Nations-in-Assembly passed AFN Resolutions 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, and 61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, mandating new governance processes and parameters for the re-negotiation of a Draft Agreement, to be brought back to the First Nations-in-Assembly for approval.
- Q. The \$47.8 billion committed in the Draft Agreement is unprecedented, and the mandates given by the First Nations-in-Assembly by way of AFN Resolutions 60/2024 and 61/2024 jeopardize this funding commitment, including by requiring governance processes that will take substantial time to establish, that negotiations would be required to re-start, and that the Government of Canada must seek a new negotiating mandate.
- R. The Government of Canada is not bound by any commitments in the Draft Agreement, including for Post-Majority Support Services funding, First Nations Representative Services funding outside of Ontario, and \$2 billion for housing, among others. These supports are critically important to First Nations, and First Nations have planned their services based on receiving these funds.

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

1. Call on Canada to confirm that, the \$47.8 billion commitment in the amended Draft Agreement remains committed through federal budget 2025 and subsequent federal budgets, and funding for the reformed First Nations Child and Family Services (FNCFS) Program will continue past year 10, including supports for Prevention Post-Majority Support Services, First Nations Representative Service, remoteness, and housing, regardless of any future government changes, and ongoing negotiation regarding the reform of FNCFS Program.
2. Direct the Assembly of First Nations (AFN) to take all necessary action, by way of court proceedings or otherwise to secure federal funding that is at a minimum consistent with the Draft Agreement for First Nations including for prevention, post-majority support services, First Nations representative services, and remoteness
3. Direct the AFN to secure the resourcing required to implement AFN Resolutions 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle* and 61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*,

D R A F T R E S O L U T I O N # 3 9 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

and ensure that any implementation is consistent with the AFN Charter, applicable laws, policies, and authorities, including those related to staffing and human resources, as well respects the continued role and expertise of appropriate AFN staff with respect to negotiations related to all Final Settlement Agreements and legal proceedings.

4. Support First Nations, including Ontario First Nations, that wish to proceed with pursuing and implementing long-term reforms to the FNCFS Program with the Government of Canada further to the terms of the Draft Agreement.

DRAFT RESOLUTION # 40 / 2024

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

TITLE: Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement

SUBJECT: Social Programs; Child and Family Services

MOVED BY: Chief Toni Heron, Salt River Dene First Nation, NT

SECONDED BY: Chief Phillip Blake, Gwichya Gwich'in Dene First Nation, NT

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirms the following rights:
- i. Articles 2, 3, 4, 5, 7(2), 11(1), 13(1), 15(2), 18, 19, 22(2), 37(1) and 43 – affirms the rights of Indigenous peoples to self-determination, including self-governance, in relation to children and their families, the right to free, prior and informed consent, and the right to be free from discrimination.
 - ii. 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.
 - iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- B. The Truth and Reconciliation Commission of Canada (“TRC”) Calls to Action #1 to #5 call on federal, provincial and territorial governments to take actions to improve First Nations child and family services.
- C. The Child Welfare Compensation and Long-Term Reform Final Settlement Agreement was established to provide financial compensation to those Indigenous children and families who were impacted by the child welfare system in Canada;
- D. The Northwest Territories has been disproportionately historically impacted by the child welfare system in Canada, resulting in the separation of many Indigenous children from their families and cultural roots;
- E. The Northwest Territories has been excluded from the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement, despite being impacted by this system;
- F. It is the duty and obligation of the Assembly of First Nations to advocate for the rights and interests of all Indigenous Nations across Canada and ensure that they are all equitably included in any agreements, or nation to nation treaties, or settlements concerning their peoples;

D R A F T R E S O L U T I O N # 4 0 / 2 0 2 4

AFN Special Chiefs Assembly, December 3-5, 2024, Ottawa, ON

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

1. Call upon the Government of Canada to acknowledge and take action to address the historical impact of the child welfare system on Indigenous Children in the Northwest Territories;
2. The Assembly of First Nations call upon the Government of Canada to fairly and equitably include the Dene Nation First Nations of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement.