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# Assembly of First Nations

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50 O'Connor Street, Suite 200  
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# Assemblée des Premières Nations

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 92/2023

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**TITLE:** Continued Action on the New Fiscal Relationship and the Reestablishment of the Chiefs' Committee on Fiscal Relations

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**SUBJECT:** Fiscal Relations

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**MOVED BY:** Chief Richard O'Bomsawin, Conseil des Abénakis d'Odanak, QC

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**SECONDED BY:** Chief Rémy Vincent, Huron-Wendat Nation (Wendake), QC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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## WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* states (UN Declaration):
  - i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B. There is a recognition of the diversity of First Nations and our relationships with the Crown, as acknowledged in Treaties and the Royal Proclamation of 1763.
- C. Section 35 of the Constitution of Canada recognizes and affirms the Aboriginal and Treaty rights of First Nations are recognized and affirmed by the Government of Canada.
- D. Section 91 (24) of the Constitution of Canada, 1867, the federal government maintains sole jurisdiction for the relationship with First Nations and must uphold its fiduciary obligations.
- E. First Nations governments provide essential services to their citizens and must be adequately supported to continue delivering services to their citizens, while resuming jurisdiction over the design, delivery and control of programs and services. First Nations must have capacity to realize to their cultural, economic, environmental, and political goals through actions and institutions of their own design.

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92 – 2023

Page 1 of 3

- F. Assembly of First Nations (AFN) Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, directed Canada and the AFN to create a Joint Advisory Committee on Fiscal Relations (JACFR) that would provide advice on fiscal relationships between First Nations and Canada.
- G. In response to that resolution, the JACFR presented its report, *Honouring our Ancestors by Trailblazing a Path to the Future*, to the First Nations-in-Assembly in a plenary session at the 2019 AFN Annual General Assembly in Fredericton, New Brunswick. The report was also made available on AFN's website.
- H. The JACFR report contained twenty-four recommendations that require extensive engagement with First Nations in advance of implementation of the recommendations.
- I. Through Assembly of First Nations (AFN) Resolution 24/2019, *Engage Extensively with First Nations on the Report of the Joint Advisory Committee on Fiscal Relations*, First Nations-in-Assembly called on:
- i. The JACFR, the AFN and Indigenous Services Canada (ISC) to engage extensively with First Nations across the country on the report and its recommendations.
  - ii. The JACFR to report back to Chiefs-in-Assembly with the findings from those engagements at the Annual General Assembly in July 2020.
- J. ISC, the AFN and the JACFR undertook engagements on recommendations from the JACFR Report with First Nations in 2019 and 2020.
- K. The JACFR is no longer active as it was not renewed when its term expired in 2020.
- L. Since that time, limited engagements have been undertaken, and the JACFR report and its recommendations have not yet been ratified by the First Nations-in-Assembly. The AFN continues to provide updates on work to engage First Nations on the 2019 Report.
- M. The recommendations of the JACFR report, if implemented, propose work that may have a lasting impact on First Nations and First Nations institutions that choose to pursue recommendations from the new fiscal relationship.
- N. The New Fiscal Relationship is intended to be implemented on an "opt-in" basis so First Nations may freely and informedly consent to participate.
- O. First Nations must freely and informedly consent to such changes.
- P. There is a need for a renewal of the Chiefs' Committee on Fiscal Relations to provide advice to the First Nations-in-Assembly and the AFN Executive Committee on work to establish new fiscal relationships between First Nations and the Crown.
- Q. The AFN Charter states:
- i. Article 7(3)(a): The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject. Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
  - ii. (b) The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.

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

1. Reestablish the Assembly of First Nations (AFN) Chiefs' Committee on Fiscal Relations (CCFR), in accordance with Article 7 (3) of the AFN Charter, to provide advice on work to create new fiscal relationships between First Nations and the Crown.
2. Direct the AFN to seek resources to ensure regional technical support is provided to the newly recreated CCFR.
3. Direct the AFN to seek resources to support First Nations options for new Crown-First Nations fiscal relationships that honours treaties and recognizes and respects First Nations inherent rights.
4. Direct the AFN to draft a letter to Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs that identifies that any new or amended fiscal and governance programs, policies, and legislation must be made with the free, prior, and informed consent of First Nations.
5. Provide direction to the AFN Executive Committee to ensure the recreated AFN Chiefs' Committee on Fiscal Relations be mandated to provide advice on the recommendations on the 2019 Report of the Joint Advisory Committee on Fiscal Relations, by providing the CCFR the mandate to provide the AFN advice on the 2019 report, *Honouring our Ancestors by Trailblazing a Path to the Future*, and its recommendations.
6. Direct the AFN to ensure work to implement recommendations from the 2019 Report is brought back to First Nations-in-Assembly for regular updates.

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CINDY WOODHOUSE, NATIONAL CHIEF

92 – 2023  
Page 3 of 3

**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no.93/2023**

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**TITLE:** Amend Federal Bilingual Requirements for Civil Servants

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**SUBJECT:** Employment/Languages

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

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**SECONDED BY:** Chief Gordon Bluesky, Brokenhead Ojibway Nation, MB

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**DECISION** Approved by the AFN Executive Committee by consensus.

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**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 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  - iii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- B. The Truth and Reconciliation Call to Action #13 calls upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights. With more than 50 Indigenous languages spoken across Canada, language is a way of life and an expression of nationhood and identity.
- C. Assembly of First Nations Resolution 35/2021, *Indigenous Peoples Exemption: Federal Bilingual Requirements*, resolved to “support the initiative to seek a legislated exemption for Indigenous Peoples, pursuant to the *Public Services Employment Act*, SC 2003, from any employment or appointment criteria that may require Indigenous Peoples to be bilingual in both French and English in order to:

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**CINDY WOODHOUSE, NATIONAL CHIEF****93 – 2023***Page 1 of 2*

- i. be hired for positions within the federal public service or other government offices;
  - ii. hold key positions such as Governor General of Canada; or
  - iii. be considered for judicial appointments to Canadian courts, including the Supreme Court of Canada”.
- D. Legal and systemic barriers such as the *Indian Act, 1876* and the Residential School System imposed on Indigenous Peoples have detrimentally impacted First Nations’ abilities to participate fully in the political, economic, social, and cultural life of the state including in the learning of languages and maintaining traditional languages.
- E. The inclusion of Indigenous languages in reference to bilingualism in the Canadian state will effectively support the right to revitalize, use, develop, and transmit to future generations their histories, languages, and oral traditions while also contributing to a culturally rich and diverse public service.
- F. Her Excellency the Right Honourable Mary Simon was sworn in on July 26, 2021, as Canada's first Indigenous governor general and speaks English and Inuktitut with some proficiency in French.
- G. The appointment of an Indigenous governor general was met with criticism and disrespect by a small fraction of Canadians that wished to impose a strict bilingual requirement without recognizing the bilingualism in speaking English and Inuktitut.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to amend the official definition of bilingual and bilingual requirements to include a First Nations language for consideration of employment in the federal public service or other government offices.
2. Direct the AFN to provide political advocacy, which includes writing letters to the Commissioner of Official Languages, the Federal Minister of Official Languages, and the Prime Minister of Canada.

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CINDY WOODHOUSE, NATIONAL CHIEF

93 – 2023  
Page 2 of 2

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 94/2023

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**TITLE:** Petition the Government of Canada to Rectify its Pension and Retirement Tax Slips and Redress its Historic Exclusion of Status Indians from the Canada Pension Plan

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**SUBJECT:** Governance

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**MOVED BY:** Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON

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**SECONDED BY:** Chief Abram Benedict, Mohawk Council of Akwesasne, ON

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**DECISION** Approved by the AFN Executive Committee by consensus.

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## WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- iii. Article 17(1): Indigenous individuals and have the right to enjoy fully all rights established under applicable international and domestic labour law.
- iv. Article 17(3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
- 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 elders, women, youth, children, and persons with disabilities.

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*Cindy Woodhouse*

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CINDY WOODHOUSE, NATIONAL CHIEF

94 – 2023

Page 1 of 2

- B. The Canada Pension Plan (CPP) is an earnings-related public pension plan which makes a monthly payment to Canadians and their families after retirement, disability, or death. The CPP came into effect in 1966 to improve the economic position of seniors in Canada.
- C. Systemic barriers have and continue to prevent First Nations Peoples from participating in the CPP, perpetuating the poverty of elderly First Nations Peoples.
- D. Registered Status Indians were not permitted to participate in the CPP until 1988. Between 1966-1988, Registered Status Indians lost 22 years of potential retirement contributions.
- E. The employment income of a registered Status Indian working on reserve is exempt from tax pursuant to Section 87 of the *Indian Act* and paragraph 81(1)(a) of the *Income Tax Act*.
- F. Pension income that results from tax exempt employment income is also exempt from tax.
- G. Annual CRA income tax returns are required to receive federal benefits and other pension-related benefits. Canada's pension tax forms include the T4A(P), *Statement of Canada Pension Plan Benefits*, and the T4A RIF, *Statement of Income from a Registered Retirement Income Fund*.
- H. Registered Status Indians are regularly harassed by Canada Revenue Agency regarding the tax-exempt status of their pension income. In some cases, Registered Status Indians are being required to file letters annually demonstrating that their CPP income is tax exempt due to being from tax exempt employment income.
- I. The T4A(P) and T4A RIF tax forms must include a box for Registered Status Indians to indicate that their pension or retirement income is tax exempt.

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

1. In the spirit of reconciliation, demand the Government of Canada revise the T4A (P) tax slip and the T4 RIF tax slip to include a box to indicate that all of the pension or retirement income is tax exempt for contributions from income earned on-reserve. Once determined, no further tax assessment of the retiree be required. When pension income is from both on-reserve employment and off-reserve employment, the tax slips should indicate the amount that is tax exempt.
2. Call on the Assembly of First Nations (AFN) to advocate to the Government of Canada that it undertakes all measures necessary to ensure that the burden of demonstrating or identifying the tax-exempt status of pension or retirement income does not fall upon elderly First Nation peoples.
3. Call on the AFN to seek redress for the decades of lost retirement contributions for Registered Status Indians that were earning tax-exempt income and were ineligible to join the Canada Pension Plan between 1966 and 1988.

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*Cindy Woodhouse*

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CINDY WOODHOUSE, NATIONAL CHIEF

94 – 2023  
Page 2 of 2



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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 95/2023

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<b>TITLE:</b>	<b>Support for the Development of a First Nations National Action Plan for Disaster Risk Reduction</b>
<b>SUBJECT:</b>	Emergency Management
<b>MOVED BY:</b>	Cecile Brass, Proxy, Oregon Jack Creek Band, BC
<b>SECONDED BY:</b>	Chief Joyce McLeod, Montreal Lake Cree Nation, SK
<b>DECISION</b>	Approved by the AFN Executive Committee by consensus.

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## WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
  - iv. 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.
  - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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*Cindy Woodhouse*

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CINDY WOODHOUSE, NATIONAL CHIEF

95 – 2023  
Page 1 of 3



- B. First Nations must be full and equal partners in all aspects of emergency management decision-making and all phases of emergency management implementation in their territories.
- C. A report from Canada's Auditor General, *Report 8 – Emergency Management in First Nations Communities – Indigenous Services Canada* (November 2022), found that Indigenous Services Canada (ISC) did not provide First Nations communities with the support they need to prevent, prepare for, and respond to emergencies such as floods and wildfires, which are increasing in both frequency and intensity. The report confirmed that Canada spends more on responding to climate emergencies in First Nations than in preventing them.
- D. The Government of Canada has committed to the United Nations Sendai Framework for Disaster Risk Reduction (The Sendai Framework). The Sendai Framework states that due to climate change, natural hazards are increasing in size, severity, frequency, and are increasingly unpredictable. The Sendai Framework also outlines a set of practical recommendations to build a culture of safety and resilience at all levels of government and across society. It calls for a people-centered, whole-of-society preventative and pro-active approach to disaster risk reduction through multi-hazard and multi-sectoral practices that are inclusive and accessible.
- E. The Sendai Framework also states that Indigenous Peoples, through their lived experiences and traditional knowledge, provide an important contribution to the development and implementation of plans and mechanisms, such as early warning systems and distinctions-based community specific planning.
- F. The Sendai Framework calls for the creation of regional action plans, which are meant to serve as foundational documents that are not legally binding and identify practices and processes to advance disaster risk reduction and improve resilience to hazards.
- G. The Sendai Framework identifies four priority areas in the development of regional action plans:
  - i. understanding disaster risk.
  - ii. strengthening disaster risk governance to manage disaster risk.
  - iii. investing in disaster risk reduction for resilience.
  - iv. enhancing disaster preparedness for effective response and to aid recovery to build back better.
- H. A First Nations National Action Plan for Disaster Risk Reduction would be an effective tool to incorporate First Nations knowledge of disaster risk, strengthen disaster risk governance to manage disaster risk, call for direct investment in disaster risk reduction, resilience and disaster preparedness for effective responses that could enable First Nations to build back better, and enhance the incorporation of traditional knowledge, inherent rights, title, and jurisdiction in the establishment of First Nations-led care and control of emergency management.
- I. To achieve the goals set out by the proposed First Nations National Action Plan for Disaster Risk Reduction, adequate resources and funding must be secured. This will ensure the successful implementation of all disaster risk reduction efforts in First Nations territories.
- J. The Assembly of First Nations (AFN) National Climate Strategy, supported by AFN Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, identified seven priority areas with corresponding goals, objectives, and actions, including “Ensure First Nations are equipped to mitigate, prevent, respond, and recover to all emergencies.”

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

1. Direct the Assembly of First Nations (AFN) to seek new federal and provincial resources to support the Chiefs' Committee on Emergency Management to establish a First Nations National Action Plan for Disaster Risk Reduction that would provide First Nations an opportunity to better understand disaster risk, strengthen disaster risk governance to manage disaster risk, call for investment in disaster risk reduction for resilience, and enhance disaster preparedness for effective response and recovery.
2. Direct the AFN and the Chiefs' Committee on Emergency Management to engage with First Nations to design an Action Plan that is culturally relevant, ensures that initiatives are distinct to each First Nation, and promotes collaboration and partnerships with relevant local, provincial, national, and international agencies, organizations, and other partners.
3. Direct the AFN to explore all additional federal, provincial, and territorial negotiation tables and funding bodies to influence and advocate for increased First Nations participation in policies and regulations that would impact First Nations ability to engage in effective Disaster Risk Reduction.
4. Direct the AFN and the Chiefs' Committee on Emergency Management to partner with Indigenous Services Canada and Public Safety Canada to ensure it has the required resources and capacity support to provide annual progress reports to First Nations-in-Assembly, present the completed Action Plan for ratification by First Nations-in-Assembly, and implement the completed Action Plan within five (5) years of this resolution by 2028.
5. Direct the AFN to engage with emergency management partners to improve First Nations direct engagement with the United Nations Office for Disaster Risk Reduction on the international stage. Increasing coordination with other international Indigenous partners and increasing the visibility and critical need for greater investment in First Nations disaster risk reduction internationally can bolster domestic advocacy. In turn, this work will create more political will for policy change from the federal and provincial governments.
6. Call upon the Government of Canada to adequately resource the successful creation and implementation of the recommendations as outlined in the First Nations National Action Plan for Disaster Risk Reduction.
7. Call upon the Government of Canada to engage with and support the incorporation of monitoring, evaluation, and learning mechanisms in a proposed First Nations National Action Plan for Disaster Risk Reduction to ensure its ongoing improvement and effectiveness and enhance First Nations adaptability.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**95 – 2023**  
*Page 3 of 3*

**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no. 96/2023**

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**TITLE:** Transport Canada Flight Duty Time Regulation Impacts

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**SUBJECT:** Transportation, Health, Emergency Management,

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

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**SECONDED BY:** Chief Bruce Achneepineskum, Marten Falls First Nation, ON

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**DECISION** Approved by the AFN Executive Committee by consensus.

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**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 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 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.

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**CINDY WOODHOUSE, NATIONAL CHIEF****96 – 2023***Page 1 of 3*

- B. Transport Canada (TC) implemented new flight duty regulations 703 and 704 nationally in December 2022 for ATR72 and Dash-8 aircraft, limiting both the number of hours a pilot can fly and the number of legs flown in a duty day, with regulations coming into effect for PC-12 and DC3T aircraft classes in December 2023.
- C. The new regulations have negatively impacted the ability of airline carriers to provide essential services to remote First Nations across Canada and are impeding shipments of critical supplies and personnel, such as fuel, food, medication, and medical services.
- D. Children and youth are being disproportionately affected by the new regulations due to their vulnerability, and Indigenous Services Canada (ISC) has an obligation to ensure Jordan's Principle is upheld in timely access of services.
- E. Elders, children and youth, and people with disabilities are also at increased risk of negative health impacts from increasing evacuation timing. Increasing their exposure to harmful contaminants like wildfire smoke and potential damage to water infrastructure may lead to illness outbreaks.
- F. The new regulations have also impacted evacuations and repatriation of remote First Nations as forest fires, spring flooding and critical infrastructure failures become more commonplace due to impacts of climate change.
- G. The national pilot shortage exacerbates the adverse impacts of these new regulations, leading to a discernable degradation of service to remote First Nations across Canada.
- H. Urgent action is required to mitigate the impacts of the new regulations as they are a direct violation of First Nations' human rights and further exacerbate the disproportionate negative impacts of climate change on remote and/or isolated First Nations.

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

1. Condemn the new Flight Duty Time Regulations implemented by Transport Canada for their harmful impact on remote and/or isolated First Nations across Canada and for not fulfilling their duty to consult with Indigenous Peoples in the development of these regulations.
2. Call on Transport Canada to issue an immediate exemption from the new Flight Duty Time Regulations as an interim solution, while the necessary consultations are undertaken to find an equitable solution for First Nations in need of service by air as an essential service.
3. Call on Transport Canada to consult directly with remote and/or isolated First Nations and small airline carriers across Canada to develop an application of the regulations that do not limit the ability to provide essential services.
4. Direct the Assembly of First Nations (AFN) to call upon Indigenous Services Canada to uphold their responsibility to ensure that First Nations have access to services comparable to other jurisdictions and support and facilitate engagements between remote First Nations, Transport Canada, and small airline carriers to ensure essential services are not interrupted under the new regulations.
5. Recognize the unique needs of remote and/or isolated First Nations in accessing essential services, such as healthcare and emergency response, and direct the Assembly of First Nations to intervene and work

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*C. Woodhouse*

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**96 – 2023**  
*Page 2 of 3*

with First Nations in instances where future legislation or regulation will negatively impact First Nations ability to access essential services.

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Certified copy of a resolution adopted on the 21st day of March 2024 in Ottawa, Ontario

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CINDY WOODHOUSE, NATIONAL CHIEF

96 – 2023  
Page 3 of 3

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 97/2023

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**TITLE:** Non-Insured Health Benefits (NIHB) Coverage for Naturopathic Medicine

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**SUBJECT:** Health

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**MOVED BY:** Chief Duncan Michano, Biigtigong Nishnaabeg, ON

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**SECONDED BY:** Chief Gladys Thompson, Biinjitiwaabik Zaaging Anishinaabek, ON

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### 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. Significant disparities in health outcomes experienced by First Nations exist as a result of historical and ongoing settler-colonial influences and systemic inequities.
- C. First Nations understand holistic approaches to health and healing, encompassed by naturopathic medicine and aligned with First Nations concepts of health, and emphasize the integration of body, mind, and spirit, as well as the use of traditional healing practices and natural remedies.
- D. The Truth and Reconciliation Commission of Canada's Calls to Action, including specific 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.
- E. First Nations thrived from the land, relying on medicinal herbs and naturopathic philosophies long before colonization. However, because of colonization, these holistic medicinal approaches were forbidden by the

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*Cindy Woodhouse*

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**97 – 2023**  
Page 1 of 2

Government of Canada. Today, First Nations are once again calling for holistic healing methods and naturopathy as a sustainable option for treatment through the Non-Insured Health Benefits (NIHB) Program.

- F. Naturopathic therapies will help prevent and manage chronic conditions, improve mobility, and promote overall wellness, as well as reduce the need for more expensive healthcare services, such as hospitalizations and emergency room visits.
- G. Despite the alignment with First Nations concepts of health, naturopathic services are not currently accessible to the majority of Indigenous Peoples in Canada through publicly funded healthcare systems or the NIHB Program, creating financial barriers to choices in traditional healing and health care.

**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 amend the Non-Insured Health Benefits Program (NIHB) to include coverage for the services provided by naturopathic doctors, ensuring that First Nations who choose these services have equitable access to comprehensive healthcare, consistent with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)
2. Direct the AFN to collaborate with First Nations and their organizations, to promote holistic health and wellness, while asserting the right of First Nations to choose their form of healthcare and advance the integration of naturopathic medicine into existing healthcare systems and services.
3. Direct the AFN to engage in dialogue with relevant government authorities, healthcare providers, and Indigenous organizations to advocate for the inclusion of naturopathic services within publicly funded healthcare systems and the NIHB Program, ensuring culturally appropriate and accessible healthcare options for First Nations.

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CINDY WOODHOUSE, NATIONAL CHIEF

97 – 2023  
Page 2 of 2





## SPECIAL CHIEFS ASSEMBLY

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

Resolution no.98/2023

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**TITLE:** First Nations-Created Policy Recommendations for a Wholistic Long-term and Continuing Care Framework

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**SUBJECT:** Health, Social Development

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

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**SECONDED BY:** Chief Bryon Louis, Okanagan First Nation, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### 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 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing sanitation, health and social security.
  - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
- B. The United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding observations on the initial report of Canada, 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

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CINDY WOODHOUSE, NATIONAL CHIEF

98 – 2023  
Page 1 of 4

and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.

- C. The *Accessible Canada Act* (ACA) came into force on June 21, 2019, with the aim of making Canada barrier free by January 1, 2040. Canada is also signatory to the UNCRPD. As all people requiring long-term care are, by definition, living with a disability condition, all levels of government are to be held to account to the terms outlined in the ACA and UNCRPD. They must lawfully budget to meet accessibility and disability rights of all individuals residing in these settings.
- D. Budget 2019 allocated \$8.5 million over two years to Indigenous Services Canada (ISC) to fund First Nations and Inuit-led engagements to develop a Wholistic Long-term Care Strategy. ISC's 2021 Mandate Letter directed the Minister of ISC to work with First Nations and other federal departments to co-develop a distinctions-based Long-term and Continuing Care (LTCC) Framework to ensure Indigenous Peoples receive long-term and continuing care services in or near their own First Nations.
- E. The First Nations-led engagements hosted between September 2020 and September 2022 emphasized the importance of ensuring that improved services and supports within the Assisted Living (AL) and First Nations and Inuit Home and Community Care (FNIHCC) Programs are administered in a wholistic wraparound support method for First Nations.
- F. The Assembly of First Nations (AFN) Executive Committee passed Resolution 44/2022, *Co-development of Policy Options with ISC for a Memorandum to Cabinet on the Wholistic LTCC Framework*, mandating the AFN and the Technical Working Group on Social Development (TWGSD) to co-develop policy recommendations with ISC for the reform of the AL and FNIHCC Programs with the oversight from the Chiefs' Committee on Health (CCOH).
- G. The AFN identified seven priorities for reform leveraging insights gathered from the First Nations-led regional engagements and additional reports made available to the AFN. The seven priorities for reform are: culture as the foundation for long-term care services to First Nations, wholistic care from preconception to end of life, restructuring and advancing infrastructure in First Nations, scalable and sustainable resources, building and supporting First Nations health and social human resources, governance and First Nations-determination, and equitable access to services across Canada.
- H. AFN Resolution 59/2023, *Call for Extending ISC's Timeline for Developing the LTCC Framework*, called on ISC to revise their Memorandum to Cabinet submission timeline from Fall 2023 to Winter 2024 to provide ISC and the AFN an appropriate amount of time to work with First Nations in the co-development of policy recommendations for a dynamic Wholistic Seven Generations Continuum of Care approach. The AFN hosted a series of virtual regional focus groups for First Nations to discuss their priorities for reform.
- I. Building upon the results of the First Nations-led engagements and the AFN virtual focus groups, and in collaboration with the TWGSD, the AFN developed policy recommendations that further support AL and FNIHCC program reform into a Wholistic LTCC Framework.

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

1. Support the policy recommendations for the reform of the Assisted Living (AL) and First Nations and Inuit Home and Community Care (FNIHCC) Program as directed and determined by First Nations to address long-standing gaps and shortcomings, including;

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**98 – 2023**  
Page 2 of 4

- a. Culture as the foundation for Long-term and Continuing Care (LTCC) Services to First Nations
  - i. Recognize and support First Nations healers, Elders, and Knowledge Keepers as integral staff in care settings, planning, and programming.
  - ii. Fund and provide access to First Nations traditional healing practices in the delivery of continuing care.
  - iii. Allocate resources for First Nations-designed care services and standards.
  - iv. Encourage mandatory cultural competency and trauma-informed care training for all healthcare and social staff in First Nations.
  - v. Allocate resources for First Nations language accommodation and collaborate on an anti-Indigenous racism strategy in healthcare.
- b. Wholistic Care from Preconception to End of Life
  - i. Fully invest in all FNIHCC services to ensure access to both essential and supportive services.
  - ii. Fully invest in palliative and end-of-life care to ensure pain management and comfort care is available for First Nations living at home or in facility-based settings.
  - iii. Foster collaboration between all levels of government to affirm First Nations-designed care services and standards.
  - iv. Support health promotion and cultural wellness programs that address the diverse stages of life, offering preventative and early diagnostic care, wholistic support, and improved wellness across the lifespan.
- c. Restructuring and Advancing Infrastructure in First Nations
  - i. Ensure sustainable invests in First Nations infrastructure including, wellness centres, accessible homes and communities, retrofits, and technological upgrades.
  - ii. Facilitate and support partnership initiatives to build wellness centres, accessible homes, and technological upgrades.
  - iii. Cover capital, operational, and management costs.
  - iv. Invest in First Nations for the *Accessible Canada Act* implementation and ensure immunity from penalties due to resource limitations.
- d. Scalable and Sustainable Resources
  - i. Integrate both formula-based and needs-based funding mechanisms, in collaboration with First Nations, to ensure flexibility and responsiveness to current First Nations populations, inflation, socio-economic realities, and cost increases.
  - ii. Streamline reporting and administrative process to reduce burden in accessing funding.
- e. Building and Supporting Health and Social Human Resources

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- i. Facilitate and support partnership initiatives to increase First Nations healthcare and social support staff.
    - ii. Eliminate pay discrepancies, particularly between on-reserve and off-reserve positions, and provide incentives for professional development.
    - iii. Allocate resources for First Nations to train and certify community support workers (e.g., respite care, escorts, personal support workers, caregivers, etc.).
    - iv. Expand nurse practitioners' roles to provide a wider range of healthcare services.
  - f. Governance and First Nations Self-Determination
    - i. Recognize First Nations inherent and treaty rights and uphold the Treaty Right to Health.
    - ii. Ensure broad and flexible programming parameters to align with community priorities, plans, and systems, including the principle of portability.
    - iii. Facilitate tri-partite communications between federal, provinces, territories, and First Nations to define First Nations LTCC service standards, accountability mechanisms, roles, authorities, and responsibilities.
  - g. Equitable Access to Services Across Canada
    - i. Allocate resources to assist First Nations in developing equitable access comparability measures.
    - ii. Increase capacity for First Nations to provide language services, hearing, and vision-impaired services in LTCC settings.
    - iii. Remove the income means test in the AL program.
    - iv. Include an exceptional circumstance clause in AL and FNIHCC programs to ensure timely access to all care needs from other programs.
    - v. Collaborate to reform the Non-insured Health Benefits program to fill gaps in accessing medications, assistive devices, medical and wellness transportation, dental care, vision, mental health support, etc.
    - vi. Invest in First Nations-led data systems, respecting data sovereignty and aligning with OCAP® Principles.
2. Call on Canada to use First Nations-created policy recommendations for their Memorandum to Cabinet in the Winter of 2024 on AL and FNIHCC Program reform, including recommendations developed through individual First Nations and their regional decision-making processes.
  3. Call on the Chiefs' Committee on Health to conduct and oversee an assessment of the long-term financial investments required to develop an LTCC Framework within the AL and FNIHCC Programs.

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 99/2023

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**TITLE:** Opposition to Investor-State Dispute Settlement Mechanisms

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**SUBJECT:** Indigenous Rights

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

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**SECONDED BY:** Chief Greg Gabriel, Penticton Indian Band, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

- A. Indigenous Peoples hold and exercise inherent and constitutionally protected rights in accordance with their own laws and practices.
- B. The United Nations Declaration on the Rights of Indigenous People (UNDRIP) requires Canada to obtain our free, prior, and informed consent prior to making decisions that affect our rights.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples Act* states:

The Government of Canada is committed to taking effective measures — including legislative, policy and administrative measures — at the national and international level, in consultation and cooperation with Indigenous Peoples, to implement UNDRIP.
- D. Foreign investment in Canada contributes to the development of Indigenous Peoples' land and corresponding impact to Indigenous Peoples' rights, culture, and way of life.
- E. The Government of Canada is negotiating international trade agreements that include Investor-State Dispute Settlement (ISDS) mechanisms that allow foreign corporations to bring a claim against Canada for regulatory and policy changes that adversely affect their investment in resource development projects.
- F. ISDS occurs outside of Canadian Courts and based on principles of international investment law that do not require consideration of Indigenous Peoples' inherent and constitutionally protected rights.
- G. Under the Canada-United States-Mexico Agreement, the ISDS does not apply between Canada and the United States. Canada has and should negotiate bilateral side agreements to eliminate ISDS.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**99 – 2023**  
Page 1 of 2

- H. In 2016, the United Nations Special Rapporteur on the Rights of Indigenous Peoples identified that ISDS processes:
- i. tend to block necessary advances and development in the domestic legal framework for the protection of Indigenous rights, and
  - ii. can contribute to a regulatory chill that may prevent the development of increased protections for Indigenous Peoples.
- I. In 2021, the House of Common's Standing Committee on International Trade identified that Indigenous representation at the bargaining table when international agreements are negotiated is necessary to fully realize UNDRIP and ensure Indigenous Peoples inherent and constitutionally protected rights are protected.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to remove Investor-State Dispute Settlement (ISDS) mechanisms from existing agreements and ensure that future agreements do not include ISDS.
2. Direct the AFN to call on the Government of Canada to engage with First Nations to co-develop a protocol to govern the procedure for claims against Canada to ensure the protection of First Nations inherent and constitutional rights.
3. Direct the AFN to call on the Government of Canada to include Indigenous representation at the bargaining table when negotiating international agreements to obtain our free, prior, and informed consent in advance of executing those agreements.

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CINDY WOODHOUSE, NATIONAL CHIEF

99 – 2023  
Page 2 of 2



## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 100/2023

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**TITLE:** Cannabis Excise Tax Revenue Distribution to First Nations

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**SUBJECT:** Cannabis, Economic Development, Taxation

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

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**SECONDED BY:** Chief Rob Louie, Westbank First Nation, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### 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 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- B. The federal cannabis excise tax is applied at \$1 per gram or 10% of the selling price per gram, whichever is greater. The tax generates substantial revenue: in 2021-2022, the Canada Revenue Agency assessed over \$752M in duties.
- C. Under the Federal-Provincial-Territorial Agreement on Cannabis Taxation, 75% of the collected taxes are shared with provinces and territories. At the time the agreement was established, it was reported that the federal government expected that a portion of the revenues would be transferred to municipalities and local communities on the front lines of legalization.

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CINDY WOODHOUSE, NATIONAL CHIEF

100 – 2023

Page 1 of 2



- D. There are significant costs associated with the legalization of cannabis and new challenges associated with cannabis sales that local governments must address. Many First Nations took part in legalization efforts, including participating in the federal Framework for the Legalization and Regulation of Cannabis in Canada.
- E. However, contrary to the Nation-to-Nation relationship between First Nations and the federal government, First Nations have been excluded from the Agreement on Cannabis Taxation. They have been left to absorb the costs associated with cannabis legalization, without reprieve from the territorial and provincial governments, who receive the bulk of the funds.
- F. This arrangement ignores First Nations' inherent jurisdiction over their economic matters and prevents them from generating revenue that could fund social services, foster business development, aid in developing cannabis-related laws and regulations on reserves and bolster First Nations police forces.
- G. Federal Budget, 2022, provided for engagement with First Nations on a fuel, alcohol, tobacco and cannabis (FACT) tax framework to support First Nations governments to implement a FACT sales tax within their reserves or settlement lands.
- H. The Department of Finance is currently seeking feedback from First Nations governments and organizations on a Discussion Paper developed to contextualize the elements of a tax framework and gauge interest and perspectives to inform the development of a FACT sales tax framework.

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

1. Call upon the Assembly of First Nations (AFN) to submit feedback to the Department of Finance on its fuel, alcohol, tobacco and cannabis (FACT) discussion paper, with the goal of ensuring that First Nations rights to self-government and self-determination are upheld.
2. Direct the AFN to negotiate with the federal government to include First Nations in the equitable distribution of excise taxes collected annually.
3. Insist the federal government provide retroactive payment to offset costs incurred by First Nations as a result of the implementation of the *Cannabis Act*.

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CINDY WOODHOUSE, NATIONAL CHIEF

100 – 2023  
Page 2 of 2

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no.101/2023

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**TITLE:** Call for a Co-Developed Mandate for Federal Fisheries Negotiations

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**SUBJECT:** Treaties, Fisheries, Economic Development

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**MOVED BY:** Chief Gerald Toney, Annapolis Valley First Nation, NS

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**SECONDED BY:** Chief Wilbert Marshall, Potlotek First Nation, NS

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. The UN Declaration Action Plan provides, pursuant to Section 35, that the Government of Canada will:
- i. Pursue amendments and reforms to fisheries legislation, regulation, or policies to support self-determination and the meaningful implementation and exercise of Indigenous fishing rights, including Aboriginal and treaty rights.
- C. The Mi'kmaq of Nova Scotia and all First Nations across Canada have the Treaty-protected right to harvest fish and sell fish to provide a moderate livelihood, as affirmed in *R v Marshall* (1999) and as described within their Peace and Friendship Treaty.
- D. In July 2022, the Senate Standing Committee on Fisheries published a report titled *Peace on the Water: Advancing the Full Implementation of Mi'kmaq, Wolastoqiyik and Pestokomuhkati Rights-Based Fisheries*, which reaffirmed that the Department of Fisheries and Oceans (DFO) has not fully implemented the rights-based fisheries that were affirmed in the *Marshall* Decision, which has and continues to lead to rising tensions and violence.

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CINDY WOODHOUSE, NATIONAL CHIEF

101 – 2023

Page 1 of 2

- E. In 2022, DFO released a report, *Engaging on Canada's Blue Economy Strategy: What We Heard*, which was intended to inform the development of a new departmental mandate following engagement and consultation with the Mi'kmaw and their governments.
- F. DFO extended its existing mandate for the 2022-23 fiscal year, but that mandate is no longer effective as of March 31, 2023, and no new mandate has been delivered.
- G. Any new mandate from DFO needs to include a clear commitment for co-development with First Nations in order to implement the *UN Declaration*.

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

1. Call on the Assembly of First Nations to support the Assembly of Nova Scotia Mi'kmaw Chiefs and all First Nations across Canada in demanding from Fisheries and Oceans Canada a new standard for a co-developed mandate to clarify how the Government of Canada will support the Inherent and Treaty-protected rights to fish and to sell fish for a moderate livelihood.
2. Call on the Government of Canada to fully implement rights-based Indigenous fisheries as a duty on the Government of Canada to address systemic racism in the Department of Fisheries and Oceans Canada.

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CINDY WOODHOUSE, NATIONAL CHIEF

101 – 2023  
Page 2 of 2

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 102/2023

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**TITLE:** Support for First Nations Post-Secondary Institutions

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**SUBJECT:** Post-Secondary Education.

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**MOVED BY:** John Martin, Proxy, Gesgapegiag, QC

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**SECONDED BY:** Jonathan Gill-Verrault, Proxy, Pekuakamiulnuatsh, QC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* 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 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

B. First Nations-administered post-secondary institutions are the embodiment of First Nations control of First Nations education and the expression of a life-long, holistic epistemology and pedagogy.

C. First Nations institutions provide post-secondary education and wrap-around services that reflect First Nations cultures and values, are governed by and are accountable to First Nations, and play a critical role in preserving and revitalizing First Nations histories, languages and cultures.

D. First Nations-administered post-secondary institutions have been and continue to be chronically underfunded.

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CINDY WOODHOUSE, NATIONAL CHIEF

102 – 2023  
Page 1 of 3

- E. The 2018 report from the Assembly of First Nations' (AFN) *First Nations Post-Secondary Education (PSE) Review: Institutions Costing* called for funding in areas of need for First Nations institutions, including operations and capacity building.
- F. AFN Resolution 48/2018, *First Nations Post-Secondary Education Policy Proposal*, called on the federal government to provide immediate investments in post-secondary education, including financial support for First Nations post-secondary institutions.
- G. The Government of Canada's Budget 2019 provided \$7.5 million over three years to support the engagement of First Nations to identify needs and develop post-secondary funding models.
- H. AFN Resolution 21/2021, *First Nations-led Local, Regional and Treaty-based Post-Secondary Education Models*, mandated the AFN, the National Indian Education Council (NIEC) and the Chiefs' Committee on Education (CCOE) to co-develop a policy proposal with Indigenous Services Canada (ISC) on the negotiation and conclusion of First Nations post-secondary education funding models, including funding for First Nations post-secondary institutions.
- I. The December 2021 co-developed *Policy Proposal: First Nations-led, Local, Regional and/or Treaty-based Post-Secondary Education Models* recommended increased funding for First Nations post-secondary education models as well as recurrent, stable funding for First Nations post-secondary institutions.
- J. The January 2022 report from, the AFN, *First Nations Post-Secondary Education: A Costing Analysis on the Establishment and Advancement of First Nations Institutions*, developed estimates of the average costs per full-time equivalent student for a First Nations post-secondary institution.
- K. The ISC *Annual Report to Parliament 2022* deems post-secondary education a "top priority;" yet Budgets 2022 and 2023 did not include additional investments into First Nations post-secondary education.
- L. Kiuna Institution is the only by and for First Nations post-secondary institution in Quebec offering bilingual programs and services attuned to the cultural, linguistic, and social needs of First Nations students and their families.
- M. Kiuna programs and services are a remarkable success, with over 160 students having graduated since 2013.
- N. ISC has halted all negotiations with the First Nations Education Council (FNEC) and thus unilaterally declined to provide short-term financial aid to Kiuna Institution, thereby putting its operations and academic programming in peril.
- O. This decision by ISC may result in the permanent closure of Kiuna Institution as of the academic year 2024-2025. The expertise Kiuna has built over the past twelve years will be disbanded and thus lost to the benefit of non-Indigenous colleges in the provincial network.
- P. Kiuna Institution provides survivors of intergenerational trauma access to a safe and culturally appropriate learning environment.
- Q. The closure of Kiuna Institution will adversely affect the capacity building, professional and economic development of students and communities, and the efforts toward achieving First Nations control of First Nations education in Quebec.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**102 – 2023**  
Page 2 of 3

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

1. Call on the federal government to recognize its fiduciary responsibilities concerning life-long learning, including post-secondary education and First Nations-administered post-secondary institutions.
2. Direct the Assembly of First Nations (AFN) to urge the federal government to allocate additional investments for First Nations post-secondary institutions.
3. Call on the federal government to provide adequate, predictable, sustainable, and equitable funding to support the operation of First Nations post-secondary institutes.
4. Call on Indigenous Services Canada to immediately resume negotiations with the First Nations Education Council to provide a short-term, transitional financial aid to Kiuna Institution before the commencement of the enrolment period for the 2024-2025 academic year.

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CINDY WOODHOUSE, NATIONAL CHIEF

102 – 2023

Page 3 of 3

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 103/2023

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**TITLE:** Support for One Young World Summit 2024

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**SUBJECT:** Youth

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**MOVED BY:** Chief Jeff Copenace, Ojibways of Onigaming First Nation, ON

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**SECONDED BY:** Chief Kahsennenhawe Sky-Deer, Kahnawà:ke, QC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
  - iv. Article 18 (1): 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. One Young World is an annual summit for the leaders of tomorrow which aims to connect and bring together the youngest and most talented people and ensure that their concerns, opinions, and solutions are heard and taken into consideration by those in power, whether by governments, businesses or in any other sector.

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CINDY WOODHOUSE, NATIONAL CHIEF

103– 2023

Page 1 of 2



- C. One Young World delegates represent over 190 countries and 250 organizations across the world to confront the biggest challenges facing humanity.
- D. The One Young World Summit regularly has delegates which represent the largest companies in the world including AstraZeneca, Audi, BMW, Credit Suisse, Citigroup, Clifford Chance, Coca-Cola, Deloitte, Dior, General Electric, IKEA, Johnson & Johnson, KPMG, Holcim, L'Oréal, Novartis, Reckitt, Siemens, Swarovski, Unilever, and Verizon.
- E. In October 2023, the Assembly of First Nations (AFN) Interim National Chief and AFN National Youth (NYC) Council Co-Chairs were invited to attend and present on First Nations concerns, opinions, and solutions at the 2023 One Young World Summit in Belfast, Northern Ireland.
- F. The NYC promote opportunities for youth to engage in important issues facing First Nations.
- G. The AFN NYC are the First Nations leaders of tomorrow and should ensure that First Nations concerns, opinions, and solutions are heard and considered at the upcoming One Young World Summit taking place in Montreal, Quebec, September 18-21, 2024.
- H. The NYC provides a diverse voice for First Nations youth and should consult with the AFN 2SLGBTQ+ Council to ensure Two-Spirit voices are included.

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

1. Support the Assembly of First Nations' (AFN) participation in the One Young World Summit taking place in Montreal, Quebec, on September 18-21, 2024.
2. Call on One Young World to work with the AFN and the AFN National Youth Council (NYC) to ensure that First Nations protocol, performers, speakers, and guidance are included in the 2024 One Young World Summit.
3. Direct the AFN NYC to attend the event based on available funding.
4. Support the AFN National Chief and the AFN Regional Chief Youth Portfolio holder to provide opening and closing remarks at the Summit.
5. Direct the AFN to seek external funding to send First Nations youth to the 2024 One Young World Summit in Montreal, Quebec.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**103 – 2023**  
*Page 2 of 2*



## SPECIAL CHIEFS ASSEMBLY

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

Resolution no.104/2023

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**TITLE:** National Support for the Mi'kmawey Debert Cultural Centre

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**SUBJECT:** Culture

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**MOVED BY:** Chief Carol Potter, L'sitkuk (Bear River) First Nation, NS

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**SECONDED BY:** Chief Wilbert Marshall, Potlotek First Nation, NS

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**DECISION** Approved by the AFN Executive Committee by consensus.

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## WHEREAS:

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

- i. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- iii. Article 12 (1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- 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 Mi'kmawey Debert Cultural Centre (MDCC) was first mandated by the Nova Scotia Mi'kmaw Chiefs in February 1999 and has been re-mandated six times since 1999.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**104 – 2023**

Page 1 of 3

- C. In 2002, the Mi'kmawey Debert Elders' Advisory Council was established and created the vision for the project in 2003.
- D. The mission of the Centre is to share, protect, and explore the stories and lives of our earliest ancestors and those who have come after them in Mi'kma'ki.
- E. The Centre is responsible for protecting a large suite of late glacial ancestral sites that date back more than 11,000 calendar years. These ancestral places are among the most important ancestral sites in Canada.
- F. The Nova Scotia Mi'kmaw Chiefs approved agreements with the federal and provincial governments for these lands for the purposes of the MDCC through the Made-In-Nova-Scotia process in March 2008. A fully detailed site plan was completed for these lands in 2009.
- G. The Centre project has created an MDCC Indian Residential School Legacy Program from across Mi'kma'ki that supports Survivors and descendants of Survivors of the Shubenacadie Indian Residential School through personal and community archives, education, and healing opportunities.
- H. Mi'kmawey Debert is a Mi'kmaw-governed not-for-profit organization with charitable status and is projected to:
  - i. Attract more than 60,000 visitors a year, including more than 5,000 students of all ages.
  - ii. Create more than 16 full-time positions.
  - iii. Serve our nation as a repository for our own cultural materials.
  - iv. Safeguard digital versions of our oral histories, knowledge, and language.
  - v. Create significant economic impacts for the nation as well as for Nova Scotia and Canada.
  - vi. Strengthen and expand Mi'kmaw tourism and heritage sectors.
  - vii. Facilitate and support the national process of repatriation and reconciliation that is key to a shared future.
- I. The MDCC has signed a Memorandum of Understanding with the National Museum of the American Indian, Smithsonian Institution, in Washington, DC, to return Mi'kmaw collections to the future MDCC.
- J. The return of the numerous cultural belongings to Mi'kma'ki from Canada's national museum and from the United States' national museum are precedent-setting custodial agreements that encompass national and international efforts of restitution and reconciliation.
- K. The MDCC will continue to educate students of all ages across Canada and beyond with curriculum resources, teacher development, onsite and offsite programming, and research resources.
- L. The Centre aligns with and supports the Mi'kmaw Culture, Heritage and Archaeology Strategic Plan as approved in October 2015 by the thirteen Nova Scotia Mi'kmaw Chiefs.
- M. The MDCC has been prepared to enter architectural design and construction for more than a decade but has not received adequate funding to proceed.

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**104 – 2023**  
*Page 2 of 3*

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

1. Support First Nations efforts in repatriation of cultural belongings and collections through fair, transparent, and effective mechanisms developed in conjunction with First Nations.
2. Affirm that the process of repatriation with First Nations is a central component to achieving reconciliation.
3. Direct the Assembly of First Nations (AFN) to advocate to the federal government for reconciliation and repatriation funding to support the development, building, and implementation of Mi'kmawey Debert Cultural Centre.
4. Direct the AFN to advocate to the federal government, Parks Canada, and National Museums to aid in facilitating the repatriation of artefacts to their rightful homelands, including Mi'kmaw artifacts to be repatriated to the appropriate caretakers in Mi'kma'ki.

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104 – 2023

Page 3 of 3

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 105/2023

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<b>TITLE:</b>	<b>Band Reparations Class Action #2</b>
<b>SUBJECT:</b>	Residential Schools
<b>MOVED BY:</b>	Chief Donnie Morris, Kitchenuhmaykoosib Inninuwug, ON
<b>SECONDED BY:</b>	Chief Brennan Sainnawap, Wapekeka First Nation, ON
<b>DECISION</b>	Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

- A. The Gottfriedson Band Reparations Class Action is a lawsuit against the Government of Canada about the collective harm suffered by Indigenous communities as a result of Indian Residential Schools in regard to loss of language and culture.
- B. This loss of language and culture has its continuing impacts through Intergenerational Trauma upon our People.
- C. The deadline to opt in had expired before this Class Action was made known to most of the People in the Treaty 9 area.
- D. The harms articulated in this Class Action were part of the Residential School Experience of the Residential School Survivors in the Treaty 9 area.

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

1. Support the Residential School Survivors from the Treaty 9 area in their call to be included in a subsequent Band Reparations Class Action to be initiated on behalf of the Residential School Survivors from the Treaty 9 area.
2. Direct the Assembly of First Nations to work with the Nishnawbe Aski Nation on this project to its successful conclusion.

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CINDY WOODHOUSE, NATIONAL CHIEF

105 – 2023

Page 1 of 1

**SPECIAL CHIEFS ASSEMBLY****December 5,6,7, 2023, Ottawa, ON****Resolution no. 106/2023**

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<b>TITLE:</b>	<b>Support for the National Coalition Supporting Gender-Affirming Healthcare Information</b>
<b>SUBJECT:</b>	Health, 2SLGBTQQA+, Youth
<b>MOVED BY:</b>	Spokesperson Charmaine Thom, Taku River Tlingit First Nation, BC
<b>SECONDED BY:</b>	Chief Allan Polchies, St. Mary's First Nation, NB
<b>DECISION</b>	Approved by the AFN Executive Committee by consensus.

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**WHEREAS:**

- A.** The *United Nations Declaration on the Rights of Indigenous People* (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 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
  - 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.** Before colonization, Two-Spirit people were included and respected as valued community members, often holding diverse, unique roles within First Nations communities. As part of the colonization process, there has been an erasure of Two-Spirit people, culture, and stories, which impacts the wellness and connectedness of Two-Spirit people to their communities and cultures.
- C.** The term "Two-Spirit" reflects complex First Nations understandings of gender roles, spirituality, and the long history of sexual and gender diversity in First Nations cultures. Individual terms, oral traditions, and roles for Two-Spirit people are specific to each nation. The word "Two-Spirit" was introduced by Elder Myra Laramee at the Third Annual Inter-tribal Native American, First Nations, Gay and Lesbian American

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**CINDY WOODHOUSE, NATIONAL CHIEF****106 – 2023***Page 1 of 3*

Conference in Winnipeg, MB, in 1990. Not all First Nations people who hold diverse sexual and gender identities consider themselves Two-Spirit.

- D. All First Nations people have the right to access quality, culturally appropriate and gender-affirming health care.
- E. Gender-affirming care encompasses a range of social, psychological, behavioural, and medical interventions designed to support and affirm an individual's gender identity.
- F. Two-Spirit, trans, and gender-diverse people have individual, unique gender health goals and needs that may or may not include trans-specific medical interventions.
- G. There are several barriers to accessing timely gender-affirming care for Two-Spirit, trans, and non-binary people living in British Columbia (BC), and other provinces and territories, which may include:
  - i. Lack of primary care physicians;
  - ii. Demand for culturally safe providers and trans-specific medical care exceeds capacity;
  - iii. Primary care providers lack awareness and knowledge in providing care;
  - iv. Lack of access to training and support for care providers wanting to get involved in care;
  - v. Long waits for surgical readiness assessments, surgical consults, and surgery;
  - vi. Lack of publicly funded psychosocial/mental health supports, especially for young people; and
  - vii. Active misinformation and malinformation campaigns, especially related to gender-affirming care for Two-Spirit, trans, and non-binary children and youth.
- H. Misinformation is a broad term for incorrect or misleading information. False information can be disproven with scientific evidence. Malinformation contains some truth but is misleading and can cause harm.
- I. First Nations peoples, including Two-Spirit, trans, and non-binary children and youth, have the right to access accurate, culturally-appropriate, and accessible information regarding their health, which will support gender-affirming care, rather than pose a barrier.
- J. AFN Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations*, acknowledges the need for the AFN to be a role model for ending sexual orientation and gender-based discrimination.
- K. AFN Resolution 15/2021, *Amendment to Charter Re: Establishment of a 2SLGBTQIA+ Council as a Recognized "Principal Organ" Under Article 5 of the AFN Charter*, affirms the inherent value of First Nations Two-Spirit, trans, and non-binary peoples, and recognizes that the unique perspectives and expertise of 2SLGBTQIA+ peoples must be represented.
- L. Trans Care BC is a part of the British Columbia Provincial Health Services Authority, and their purpose is to work with partners to set direction and provide leadership for trans health services across BC to ensure Two-Spirit, trans and gender-diverse people of all ages get the care they need when and where they need it.

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CINDY WOODHOUSE, NATIONAL CHIEF

106 – 2023  
Page 2 of 3



- M. Trans Care BC is hosting a National Coalition Supporting Gender-Affirming Healthcare Information that will involve community leaders and organizations partnering to share newly developed resources and tools that will support healthcare providers, families, and Two-Spirit, trans, and non-binary youth to identify and address misinformation and malinformation. This project will highlight Two-Spirit, trans and non-binary joy and share knowledge and research related to best practices in youth gender health. This work will be guided by Two-Spirit, trans, and non-binary youth, parents/caregivers, and healthcare providers.
- N. The BCAFN Chiefs-in-Assembly passed Resolution 14/2023, *Support for BCAFN to Join National Coalition Supporting Gender-Affirming Healthcare Information*, which provided a mandate for the BCAFN to participate in this Coalition.
- O. The Assembly of First Nations (AFN) 2SLGBTQQIA+ Council recommends the First Nations-in-Assembly support the National Coalition Supporting Gender-Affirming Healthcare Information and participate in the campaign to address misinformation and malinformation.

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

1. Support the National Coalition Supporting Gender-Affirming Healthcare Information to respond to the spread of misinformation and malinformation regarding gender-affirming care for Two-Spirit, trans, and non-binary youth.
2. Direct the Assembly of First Nations (AFN), working together with the AFN 2SLGBTQQIA+ Council, to advance advocacy, together with like-minded organizations, that responds to the range of barriers to accessing quality, culturally appropriate, and gender-affirming healthcare for Two-Spirit, trans, and non-binary First Nations peoples.

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CINDY WOODHOUSE, NATIONAL CHIEF

106 – 2023  
Page 3 of 3

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 107/2023

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**TITLE:** Support For Tea Creek to Access Funding

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**SUBJECT:** Economic Development, Food Security

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**MOVED BY:** Deputy Chief Harlan Schilling, Daylu Dena Council, BC

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**SECONDED BY:** Chief Jerry Jack (Klakwagiila), Mowachat-Muchalaht First Nation, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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## WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - ii. Article 20 (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
  - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
  - iv. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

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*Cindy Woodhouse*

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CINDY WOODHOUSE, NATIONAL CHIEF

107 – 2023  
Page 1 of 3

- v. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
  - vi. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
  - vii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
  - viii. Article 31 (2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B. First Nations in Canada are proven stewards of the land. Indigenous Peoples are less than 5% of the global population but protect 80% of the world's remaining biodiversity.
  - C. The First Nations Food, Nutrition and Environment Study (FNFNES) 2008-2018 found that 48% of First Nations households are food insecure, with the overall level of food insecurity in Canada increasing since the time of the study.
  - D. The FNFNES also found that many First Nations households lack sufficient access to traditional foods, which are a crucial component of First Nations' diet and food systems.
  - E. Canada's Food Price Report (2023) found the rate for the increase in food price was 10.3%, well above the predicted increase of 5-7%. This brings the national average for a family of four to \$15,222.80, with food prices significantly higher in rural, remote, and underserved communities, exacerbating the risks of food insecurity in First Nations homes.
  - F. Tea Creek is an award-winning, land-based, culturally safe First Nations-led food sovereignty and skills training initiative located in Gitksan territory, BC. In 2022, 1,400 Indigenous Peoples visited Tea Creek and participated in programs and services. Tea Creek has become a designated horticulture training facility, the first in Canada run by First Nations. The project produces thousands of pounds of food per year distributed locally, including over 12,000 free meals served on-site.
  - G. Tea Creek requires core or multi-year funding to continue to support First Nations food security and sovereignty. Currently, the project operates on approximately 30% of the funding provided to non-Indigenous initiatives offering similar services and outcomes.

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

1. Support First Nations-led, localized food systems, including but not limited to education, growing, and distribution to bridge the gap between First Nations and non-First Nations household food security in Canada.

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*Cindy Woodhouse*

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**CINDY WOODHOUSE, NATIONAL CHIEF**

**107 – 2023**

*Page 2 of 3*

2. Support the Tea Creek Indigenous Food Sovereignty and Skills training initiative in Gitksan territory, BC. to access provincial, federal, and non-governmental funding.
3. Direct the Assembly of First Nations to continue work on food security and sovereignty and to urge the federal government to increase funding, support, and training for First Nations in the spirit of reconciliation and justice until equality in funding is achieved.

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107 – 2023  
Page 3 of 3

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## SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 108/2023

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<b>TITLE:</b>	<b>First Nations Access to Funding from the Future Generations Foundation</b>
<b>SUBJECT:</b>	Education, Indian Residential Schools
<b>MOVED BY:</b>	Chief Dennis Pashe, Dakota Tipi First Nation, MB
<b>SECONDED BY:</b>	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
<b>DECISION</b>	Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

- A. The Future Generations Foundation formerly the National Indian Brotherhood Trust Fund, is a registered charity and was established as a trust in 1975 and in the same year obtained charitable status.
- B. The Future Generations Foundation provides:
  - i. educational programs and related services, including the provision of financial assistance to attend educational institutions at all levels; and
  - ii. healing and reconciliation programs, services and initiatives for First Nations Peoples as required as a result of the intergenerational impacts of the Indian Residential School System.
- C. Its goal is to help First Nations and Métis Peoples, organizations, and communities address the long-lasting impacts of the Indian Residential Schools System. All funding distributed by the Future Generations Foundation is accessed through a competitive application process.
- D. The Canada Revenue Agency administers tax laws for the Government of Canada and for most provinces and territories under *the Income Tax Act*.
- E. Under the *Income Tax Act*, "qualified donees" are organizations that can issue official donation receipts for gifts they receive from individuals and corporations. Registered charities can also make gifts to them.

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CINDY WOODHOUSE, NATIONAL CHIEF

108 – 2023  
Page 1 of 2

- F. A qualified donee includes a “registered charity” and “public body performing a function of government in Canada” that has applied for registration with the Minister of National Revenue pursuant to section 149.1 of the *Income Tax Act*.
- G. As a result of this law, First Nations must be registered as a qualified donee in order to access funds.
- H. This is an undue burden to First Nations who may wish to receive funding from charities, including the Future Generations Foundation, as it requires time and costs to recipients to register.
- I. The *Income Tax Act* must be amended to ensure First Nations are able to be recognized as qualified donees in order to receive the critical funding and supports charities, including the Future Generations Foundation.
- J. First Nations in Manitoba continue to be denied funding from the Future Generations Foundation because they are required to have registered as a qualified donee with CRA.

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

1. Direct the Assembly of First Nations (AFN) to call on the Minister of National Revenue to work to amend the *Income Tax Act* with First Nations’ free, prior, and informed consent to ensure First Nations who wish to be considered qualified donees are able to do so.
2. Call upon the Future Generations Foundation to send a letter to the Minister of National Revenue in support of First Nations who wish to be considered as qualified donees under the *Income Tax Act*.
3. Call on the Future Generations Foundation to support First Nations in their application as qualified donees until the *Income Tax Act* is changed.

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CINDY WOODHOUSE, NATIONAL CHIEF

108 – 2023  
Page 2 of 2