
Assembly of First Nations

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Assemblée des Premières Nations

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 06/2022

TITLE: A New Economic Deal for First Nations via a National Prosperity Table

SUBJECT: Economic Reconciliation and Development

MOVED BY: Chief Marcus Hardy, Red Rock Indian Band, ON

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21 (2) States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
 - iii. Article 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.
 - iv. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair, and equitable compensation, for the lands, territories, and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

06 – 2022
Page 1 of 3

- 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 or other resources.
- B. Truth and Reconciliation must include economic reconciliation.
- C. The Truth and Reconciliation Commission Call to Action #92 is directed at Canada's corporate sector and its leadership "to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources."
- D. The 2022 federal budget earmarked \$11 billion for Indigenous Peoples and of that, only 1.3% is dedicated to economic development.
- E. The federal budget process undermines reconciliation through the exclusion of First Nations, resulting in persistent underfunding of programs and services.
- F. First Nations require a new economic deal that will assure access to the wealth derived from and upon our lands, territories, or resources.
- G. In an ongoing contravention of First Nations sovereignty and the UN Declaration, the wealth from First Nations lands has been taken without free, prior, and informed consent.
- H. The Assembly of First Nations (AFN) Resolution 100/2019, *New Investments for First Nations Involvement in the Economy*, calls for "federal investments into a new economic strategy and framework...[and] a First Nations policy approach...[and] new investment required for economic programs, services, and incentives...[and] capacity supports for First Nations participation in all aspects of the economy."
- I. In February 2022, the first draft of the National First Nations Economic Growth, Wealth Building, and Prosperity Table proposal was presented to the Chiefs' Committee on Economic Development for input and feedback.

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

- 1. Call on the federal, provincial and territorial governments to recognize that for true prosperity building for First Nations, revenue and benefit sharing agreements are necessary to ensure that Canada shares the wealth derived from and upon our lands, territories, and resources whether they are treaty or unceded territories.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

06 – 2022
Page 2 of 3

**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 06/2022

2. Support and participate in a National First Nations Economic Growth, Wealth Building, and Prosperity Table that can lead the process to advance a new economic deal for First Nations.
3. Direct the Assembly of First Nations (AFN) Chiefs' Committee on Economic Development (CCED) to provide advice to the National First Nations Economic Growth, Wealth Building and Prosperity Table.
4. Direct the AFN to seek resources to support the establishment of a technical advisory committee comprised of specialists to support the work of the CCED.
5. Direct the AFN, with the guidance of the CCED, to develop a terms of reference and finalize a proposal to seek resources to ensure funding for the National First Nations Economic Growth, Wealth Building and Prosperity Table.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

06 – 2022
Page 3 of 3

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no.07/2022

TITLE: Reform of the On-Reserve Income Assistance Program

SUBJECT: Social Development

MOVED BY: Chief Lynda Price, Ulkatcho First Nation, BC

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 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 20 (1): Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

07 – 2022
Page 1 of 4

- B. The On-reserve Income Assistance (IA) Program was developed in 1964 to provide financial assistance to First Nations individuals on-reserve and in the Yukon to meet their basic needs, mirroring provincial and territorial income assistance rates and eligibility.
- C. The IA program has largely remained stagnant and unchanged since its inception, resulting in systemic gaps and insufficient funding to meet the needs of First Nations, leading to a greater dependence on the program instead of supporting transitions to employment or education.
- D. Case management and pre-employment supports are only available for approximately 29% of First Nations outside of Ontario. These supports are crucial to ensure every individual can reach their full potential and access all services or programs available to them.
- E. In 2018, Indigenous Services Canada (ISC) committed to reforming the IA program with First Nations. First Nations-led engagements on IA Program reform were held between 2018 and 2020 and identified critical areas for program reform including: higher income assistance rates to meet needs, expanding case management and pre-employment supports as well as administrative supports, strengthening wrap around supports for client wellbeing, and encouraging First Nation determination/governance over the program with traditional knowledge embedded to meet First Nations' needs.
- F. Leveraging the results and outcomes of the First Nations-led engagements, the Assembly of First Nations (AFN) Technical Working Group on Social Development (TWGSD) developed policy recommendations that further supports IA program reform:
 - i. IA Program rates and eligibility fail to meet the needs of IA clients and their families and does not account for actual costs of living on-reserve as a result of the program mirroring provincial and territorial income assistance programs. The IA Program requires a shift towards a needs-based funding approach that is flexible and culturally appropriate to account for the unique contexts of First Nations and their social-cultural-political development priorities. Recognition of First Nations determination and governance over the IA Program through its administration and delivery provides flexibility for First Nations to determine culturally appropriate approaches to income assistance while also accounting for higher costs of living on-reserve, transportation, high energy costs, reliable childcare, and support for mental health and wellbeing.
 - ii. IA clients and their families with additional and special needs require wrap-around supports and services that meet their needs and enables their wellbeing. Addressing barriers for IA clients and their families

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

07 – 2022
Page 2 of 4

with special needs includes providing increased and additional health care access and coverage, reliable childcare and caretaker allowances, enhanced case management supports to navigate social programs, higher cost of living allowances to account for special needs and dietary restrictions. First Nation worldviews and priorities for supporting community members with disabilities is central to ensuring First Nations with special gifts live with dignity.

- iii. Universal access to case management and pre-employment supports, including enhanced First Nations capacity to support increased services, will assist IA clients with getting ready for work or school and transition to further independence. Meeting the human resource needs of IA Administrators includes industry standard wage comparability for case managers and administrative supports, increased office space and client rooms that are accessible, office supplies, consistent specialized training, and networking.
 - iv. A robust data strategy and First Nations developed national database that prioritizes data collection needs and priorities to ensure First Nations control over data.
 - v. Comprehensive wrap-around programming and services are required to support IA clients through a holistic circle of care model. IA clients face systemic barriers in accessing mental health care, addictions support, reliable childcare, navigating the justice system, etc. A tiered approach to services will assist in meeting service and program needs and help to prioritize individuals away from the IA program by providing early support and prevention services.
- G. Policy recommendations developed by the AFN's TWGSD aim to assist in addressing the longstanding shortcomings of the on-reserve IA Program that have been identified during the First Nations-led engagements. Self-governing First Nations will continue to have sole determination and jurisdiction over their agreements with the federal government and its program.

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

1. Support the reform of the On-reserve Income Assistance (IA) Program as directed and determined by First Nations to address longstanding gaps and shortcomings in the IA program, including:
 - a. First Nation governance over the IA Program to meet IA client and family needs;
 - b. A provision of IA rates that account for the true cost of living on-reserve;

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

07 – 2022
Page 3 of 4

- c. Wrap-around and comprehensive supports for IA clients and families with special and additional needs;
 - d. Increased resources and resourcing to support administration and case managers;
 - e. First Nations designed data strategies and collection;
 - f. Infrastructure investments to enable First Nations to administer their own IA program; and,
 - g. Strengthening wrap-around programming and services to support clients in a multi-faceted way.
2. Call on Canada to use First Nation-created policy recommendations for their Memorandum to Cabinet in the Fall of 2022 on IA Program reform, including recommendations developed through individual First Nations and their regional decision-making processes.
 3. Call on the Assembly of First Nations Technical Working Group on Social Development to conduct and oversee an assessment of the long-term financial investments required to fill the gaps within the on-reserve IA Program.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

07 – 2022
Page 4 of 4

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 08/2022

TITLE: Early Learning and Child Care Legislation

SUBJECT: Social Development, Health, Education

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

SECONDED BY: Chief Rebecca Knockwood, Fort Folly First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 1 of 3

- v. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - vi. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** First Nations have the inherent right of self-government, which includes the right to govern the care and education of their children.
- C.** The Truth and Reconciliation Commission of Canada's Call to Action #12 calls upon "federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families."
- D.** The First Nations Early Learning and Child Care (ELCC) Framework was developed and supported by the First Nations-in-Assembly in 2017 via Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*. The Framework identifies the vision, goals and outcomes of a First Nations ELCC system, with a focus on First Nations governance and control over ELCC.
- E.** In Budget 2021, the Government of Canada committed to tabling federal ELCC legislation "to enshrine the principles of a Canada-wide child care system in law."
- F.** On June 21, 2021, the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which requires Canada, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration.
- G.** In February 2022, the Government of Canada sought input from Indigenous stakeholders on an approach to federal ELCC legislation, including seeking input from the AFN; however, the AFN asserted that Canada must properly engage with First Nations leadership on ELCC legislation, including funding to support First Nations-led community- and regional-level engagements.
- H.** First Nations have a sacred obligation to care for their children; federal ELCC legislation must respect First Nations jurisdiction over ELCC and must account for the unique practical considerations of First Nations when developing legislation.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 2 of 3

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

1. Assert that federal Early Learning and Child Care (ELCC) legislation must respect and uphold First Nations rights to self-determination and jurisdiction over ELCC, including respect for regional approaches.
2. Direct the Assembly of First Nations (AFN) to call upon the Minister of Families, Children and Social Development to directly engage with rights holders on the development of federal ELCC legislation, including providing funding for First Nations-led regional engagement to discuss and determine priorities for and the applicability of the proposed legislation for First Nations.
3. Direct the AFN and the National Expert Working Group (NEWG) on First Nations ELCC to develop recommendations for the First Nations-in-Assembly to consider a First Nations position on federal ELCC legislation versus First Nations-specific ELCC legislation, to be presented to the First Nations-in-Assembly by July 2023.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 3 of 3

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 09/2022

TITLE: Targeted Support to Improve First Nations Fire Protection

SUBJECT: Infrastructure, Emergency Services

MOVED BY: Chief Delores Kakegamic, Sandy Lake First Nation, ON

SECONDED BY: Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in areas of education, employment, vocational training, housing, sanitation, health and social security.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous Peoples for such conservation and protection, without discrimination.
- B. First Nations continue to be at a greater risk of experiencing fatal fires, due to continued insufficient funding and fewer fire protection services. In some First Nations across the country, there are no fire services available to respond to a fire.
- C. For years First Nations Chiefs and community members from across the country have been calling for adequate funding and fire protection services to protect their First Nations from the growing threat of fatal fires.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

09 – 2022
Page 1 of 3

- D. In 2021, the Ontario Coroner's Table on Understanding Fire Deaths in First Nations released a review that examined fire deaths in First Nations communities in Ontario over a ten-year period from 2008 to 2017. The review identified 56 deaths in 29 fires that occurred in 20 First Nations across Ontario.
- E. The First Nations Advisory Group of the Review raised several issues and concerns about housing structures and funding, which require further consideration and action to prevent fire fatalities, including funding for housing, allocation of funds to meet First Nations community needs, the role of fire and building codes, status of structure maintenance, and jurisdictional issues and responsibilities.
- F. Between 2008-2017, Indigenous Services Canada (ISC) provided only \$29 million annually for fire protection services to be dispersed amongst 634 First Nations. Budget 2022 announced \$39.2 million over five years to ISC to support the purchase of firefighting equipment by First Nations, which continues to remain insufficient to address First Nation fire protection issues.
- G. The lack of access to fire protection services and inadequate community infrastructure that First Nations have been exposed to for decades has left many First Nations systematically more at risk to fire fatalities, without the required resources necessary to respond to a fire.
- H. With increasing numbers of forest fires across Canada due to climate change, some First Nations do not have access to the modern resources needed to address fire incidents at the wildland urban interface.
- I. With the completion of the Joint First Nations Fire Protection Strategy (2016-2021), the Assembly of First Nations has commenced work on a new First Nations Fire Protection Strategy with immediate goals to improve fire protection for First Nations with work supported by a National Working Group of First Nations Fire Chiefs located across Canada.

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

1. Direct the Assembly of First Nations (AFN) to seek funding and resources to support a National First Responders Gathering to help identify priorities in addressing and improving fire protection for First Nations and informed by the new First Nation Fire Protection Strategy goals.
2. Direct the AFN to urge the federal government to immediately invest in firefighting equipment to improve First Nations fire departments to respond to capacity issues, climate change-related weather events, and fire incidents at the wildland urban interface.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

09 – 2022
Page 2 of 3

**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 09/2022

3. Direct the AFN to advocate to Indigenous Services Canada (ISC) for targeted, comparable and sustainable funding for First Nations-led fire protection services to support First Nation fire departments, including fully remunerated First Nation fire department positions so First Nations can better respond to their fire incidents.
4. Direct the AFN to urge the federal government to make long-term and sustainable funding commitments towards First Nations community infrastructure to improve First Nation fire department accessibility, such as critical road infrastructure and access to water services.
5. Direct the AFN to advocate to ISC for immediate targeted funding supports to First Nations who are under current evacuation orders and to establish an expedited emergency relief fund for First Nations to access in the event of future evacuation orders caused by extreme weather events.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

09 – 2022
Page 3 of 3

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 10/2022

TITLE: Post-Pandemic Support for National First Nations Assets Needs

SUBJECT: Infrastructure

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

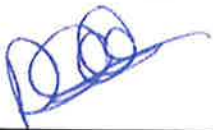
SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, ON

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. The Assembly of First Nations' (AFN) 2021 Healing Path Forward states:
- i. Ensure that First Nations have access to sufficient infrastructure stimulus funds for shovel-ready projects in First Nations communities as part of a post-pandemic recovery plan for First Nations.
- C. The federal government has repeatedly committed to closing the infrastructure gap experienced by First Nations by 2030, as outlined in the 2020 Speech from the Throne and the Minister of Indigenous Services subsequent mandate letters.
- D. The Minister of Indigenous Services' 2021 mandate letter states:

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

10 – 2022
Page 1 of 3

- i. Immediate priority is to enhance opportunities for economic recovery and to continue delivering distinctions-based supports in response to COVID-19 as needed. To achieve equity, you will continue to collaborate with Indigenous partners—by working together to close socio-economic gaps and improve access to high-quality services.
- E. As the world economy attempts to rebound from the negative impacts of the pandemic, First Nations across Canada face new socioeconomic challenges and risk a widening of their current infrastructure gap as they encounter higher construction costs, supply-chain issues, and aging infrastructure services that require immediate upgrading and sustainable operations and maintenance funding to account for growth in their population.
- F. The AFN Infrastructure Sector has completed the National First Nations Assets Needs Study, which defined the 20-year investment needs across the 634 First Nations for asset renewal, upgrades, expansion and new builds to improve their community infrastructure.
- G. The First Nations Assets Needs Study also analyzed and provided the quantifiable investment needs to support the safe, effective, and sustainable operation and maintenance of First Nations federally funded infrastructure assets.
- H. The limitations outlined in the First Nations Asset Needs Study indicate that inadequate Indigenous Services Canada data and insufficient First Nation infrastructure asset management records warrant further costing exercises related to climate change adaptation and improved levels of service standards, as well as to quantify the remaining infrastructure gaps in First Nation core and essential infrastructure services.

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

1. Direct the Assembly of First Nations (AFN) to ensure the federal government includes First Nations immediate infrastructure needs as part of Canada's post-pandemic recovery plan and have these infrastructure investments incorporated into its 2023 federal budget.
2. Direct the AFN to call on Canada to work in full partnership with First Nations to ensure that First Nations perspectives and priorities are included in Canada's post-pandemic recovery plan.
3. Direct the AFN to ensure the federal government commits to making long-term and sustainable funding commitments to invest in First Nations infrastructure investment needs as defined by the National First Nations

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

10 – 2022
Page 2 of 3

**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 10/2022

Assets Needs Study, including the use of the Study's findings to inform federal investments in growth, upgrades, and level of service standards improvements, and adequate operations and maintenance funding for all applicable First Nation assets.

4. Direct the AFN to urge the federal government to improve capacity building programs available to First Nations for infrastructure planning and program delivery to enable First Nations to be stewards in the effective management of their own current and future infrastructure assets.
5. Direct the AFN to work with the Chiefs' Committee on Housing and Infrastructure, AFN Technicians, and appropriate technical bodies to assist First Nations in predicting and quantifying the costs of climate change adaptation for applicable First Nation assets that ensures an improved level of service standard to maintain infrastructure resilience.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

10 – 2022
Page 3 of 3

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**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 11/2022

TITLE: Establishing a Chiefs' Committee on Justice

SUBJECT: Justice

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

SECONDED BY: Chief Ken Watts, Tseshaht First Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

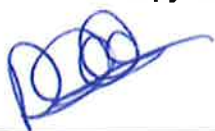
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ROSEANNE ARCHIBALD, NATIONAL CHIEF

11 – 2022
Page 1 of 4

- B. There is an urgent need for a coordinated approach to transforming the justice system by dismantling colonial justice structures and reawakening Indigenous legal orders and traditions, consistent with the standards of Indigenous self-determination and self-government in the UN Declaration.
- C. The implementation of the Calls to Action of the Truth and Reconciliation Commission and commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) remain delayed, further demonstrating the continued existence of systemic anti-Indigenous racism, that upholding Indigenous rights in relation to justice are still not a national priority, and that the lives affected by this crisis are less worthy of intervention.
- D. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent crises in the justice system.
- E. On January 15, 2021, the Minister of Justice and Attorney General of Canada was given a revised Mandate Letter with direction to "develop, in consultation and cooperation with provinces, territories and Indigenous partners, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the justice system" supported the Minister of Crown-Indigenous Relations, the Minister of Indigenous Services, the Minister of Northern Affairs and the Minister of Public Safety and Emergency Preparedness.
- F. Assembly of First Nations (AFN) Resolution 36/2021, *Call for Recruitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, directs:
 - i. The AFN to advocate and work with the Minister of Justice and Attorney General of Canada and relevant ministries to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy with adequate funding to support regional and community-based, self-determined holistic approaches to justice that are grounded in First Nations principles, protocols, laws, and traditions, including ensuring the framework is consistent with the minimum standards in the UN Declaration; and
 - ii. The AFN to draw from existing work for the transformation of the justice system being championed by First Nations across the country, including, for example, the BC First Nations Justice Strategy, as the national justice strategy is developed.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

11 – 2022
Page 2 of 4

- G. In February 2021, a Justice Sector was created within the Rights and Justice Branch of the AFN Secretariat to support work on social justice and justice reform. A Chiefs' Committee on Justice is needed to provide direction to the work that the Justice Sector is undertaking with respect to First Nations legal traditions and customary laws.
- H. Article 7 (3) of the AFN Charter states:
- i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - b) The Chiefs' Committee shall draft a term of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - d) The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
 - e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.
 - I. As directed by AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timelines for Development and Implementation of a National First Nations Justice Strategy*, AFN has obtained funding to conduct engagement on the development of a National First Nations Justice Strategy.

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

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

11 – 2022
Page 3 of 4

**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 11/2022

1. Direct the Assembly of First Nations (AFN) to continue working with the Minister of Justice and Attorney General of Canada and relevant ministries to carry out engagement on a National First Nations Justice Strategy.
2. Direct the AFN to appoint a Chiefs' Committee on Justice, in accordance with Article 7 (3) of the AFN Charter, to provide advice and direction on matters relating to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

11 – 2022
Page 4 of 4

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 12/2022

TITLE: Call for Full First Nations Participation in the Implementation of the UN Declaration

SUBJECT: UN Declaration; Rights and Justice

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

SECONDED BY: Chief Roland Willson, West Moberly First Nations, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination, and good faith.
- ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- iii. Article 2: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.
- iv. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

12 – 2022
Page 1 of 4

- v. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self- government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - vi. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - vii. 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.
 - viii. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well- being of the Indigenous Peoples of the world.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
 - ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.
- C.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, call upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (such as the UN Declaration and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- D.** The First Nations-in-Assembly have passed numerous Resolutions calling for implementation of the UN Declaration in Canada including:
- i. 38/2015, Canadas Obligation to Develop with Indigenous Peoples a National Action Plan for Implementation of the UN Declaration on the Rights of Indigenous Peoples;

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

12 – 2022
Page 2 of 4

- ii. 28/2016, United Nations Declaration on the Rights of Indigenous Peoples 10 year Anniversary;
 - iii. 128/2016 , UN Declaration Legislative Framework and Interpretation of Canadian Laws;
 - iv. 97/2017 , Support for Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;
 - v. 14/2018, United Nations Declaration on the Rights of Indigenous Peoples-Legal Standing Implementation;
 - vi. 32/2019, Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title;
 - vii. 86/2019, Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
 - viii. 17/2021, National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples
- E. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent. The Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- F. The Act commits Canada, "in consultation and cooperation with Indigenous peoples", to:
- i. Take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration per Section 5;
 - ii. Prepare a National Action Plan ("Action Plan") to achieve the UN Declaration's objectives within two years of Royal Assent, table that National Action Plan in Parliament as soon as practicable thereafter, and make that plan public per Section 6; and
 - iii. Prepare within 90 days of each fiscal year-end an annual report for the previous fiscal year on the measures taken under section 5 and the preparation and implementation of the action plan referred to in section 6 per Section 7.

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

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

12 – 2022
Page 3 of 4

1. Call on Canada to publicly confirm to the First Nations-in-Assembly at the next Assembly that full and meaningful First Nations leadership and participation in all aspects and processes of implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) are an absolute and unreserved requirement for success now and in the future.
2. Reiterate that Canada, as a colonial Nation, does not acquire directly or indirectly any of the rights, privileges, responsibilities, or sacred relationships affirmed in the UN Declaration by virtue of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (the Act).
3. Remind all colonial governments that the UN Declaration does not require colonial legislations such as the Act to operationalize and apply the UN Declaration within Canada's colonial legal systems.
4. Call on the Government of Canada to immediately deploy further resources to First Nations, as the rights-holders, to ensure meaningful and consent-based First Nations participation in the co-development the National Action Plan that must be completed in less than one year from this Assembly.
5. Direct the Assembly of First Nations (AFN) to advocate for meaningful and fully resourced First Nations participation in all the operative provisions of the Act, specifically Sections 5, 6, and 7 on an ongoing basis.
6. Direct the AFN to provide quarterly updates to all Chiefs henceforth on the status of Canada's activities under the consistency of laws provision at Section 5, the progress on the National Action Plan development and implementation at Section 6, and the annual reporting process at Section 7 of the Act.
7. Direct the AFN to immediately and on an ongoing basis advocate for First Nations free, prior, and informed consent, including fully resourced and meaningful participation in all activities Canada undertakes to achieve consistency of its laws with the UN Declaration under Section 5 of the Act.
8. Direct the AFN to immediately and on an ongoing basis advocate for a meaningful and fully resourced co-development process with the rights holders to ensure that First Nations voices and views are included in the development, deployment to Parliament, and implementation of the annual reporting process on UN Declaration implementation under Section 7 of the Act.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

12 – 2022
Page 4 of 4

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 13/2022

TITLE: First Nations Priorities to Guide the Crown's Implementation of the UN Declaration on the Rights of Indigenous Peoples

SUBJECT: Rights

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

SECONDED BY: Chief Rene Chaboyer, Cumberland House Cree Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Preambular paragraph 19: Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,
 - ii. Preambular paragraph 23: Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,
 - iii. 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.
 - iv. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

13 – 2022
Page 1 of 5

- v. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- vi. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- vii. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- xii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and 24 appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- xiii. Article 36 (1) Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

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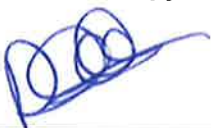


ROSEANNE ARCHIBALD, NATIONAL CHIEF

13 – 2022
Page 2 of 5

- xiv. 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 *United Nations Declaration on the Rights of Indigenous Peoples Act* commits Canada, in consultation and cooperation with Indigenous peoples, to:
- i. Take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration per Section 5.
 - ii. Prepare a National Action Plan to achieve the UN Declaration's objectives within two years of royal assent that includes measures for monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration per Section 6.
 - iii. Prepare within 90 days of each fiscal year an annual report on the measures Canada has taken under the Act, and to table that annual report in parliament as soon as practicable thereafter and make that plan public per Section 7.
- C.** The First Nations-in-Assembly have passed numerous Resolutions calling for the immediate and principled implementation of the UN Declaration in Canada including:
- i. 32/2019, *Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title;*
 - ii. 86/2019, *Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples; and,*
 - iii. 17/2021, *National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples*
- D.** Many First Nations have been forced to put forth explicit Declarations, Statements, Policies and other expression of their inherent rights to their territories because of the Crown's colonial policies regarding the sacred natural resources of our territories at the federal, provincial and territorial levels.
- E.** One example of these First Nations' expression of their inherent rights to their territories in the face of provincial disregard for First Nations rights is the Declaration on Natural Resources on Treaty 5 Territory which states:

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

13 – 2022
Page 3 of 5

- i. We declare, we have a right to the lands, territories and resources which we have traditionally owned, occupied or otherwise uses or acquired as per Article 26 (1) of the UN Declaration on the Rights of Indigenous Peoples, 2007. Furthermore, we have an inherent and treaty right to continue with our mode of life to make a living as articulated in our Treaties. With certainty, this includes an unfettered right to trade and commerce. We further vow to protect our territories so our children may continue to hunt, fish, and gather the medicines forever from our territories.
- ii. [...] The Crown at both the federal and the provincial levels have taken a unilateral approach in the interpretation of the Treaties that only serves to benefit them. This violates the articles of our sacred Treaties and our basic human rights to access our own resources to sustain our peoples and our governments.

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

1. Affirm that the Crown, in all of its forms whether federal, provincial, or territorial, is obliged to respect, uphold and protect the human rights of First Nations including self-determination as articulated in the UN Declaration.
2. Affirm that First Nations Declarations, Statements, Policies and other expression of their inherent rights to their territories that must necessarily be respected as the Crown implements the UN Declaration.
3. Acknowledge the Declaration on Natural Resources on Treaty 5 Territory as one such expression of inherent rights; and, to advocate for this Declaration and all others to be considered and respected in the National Action Plan the UNDA National Action Plan co-development process over the coming year.
4. Call upon the Crown, in all of its forms whether federal, provincial or territorial, to take every action necessary to immediately ensure their laws and policies are consistent with the UN Declaration.
5. Remind the Crown, in all of its forms whether federal, provincial or territorial, that the unilateral imposition of provincial and territorial boundaries on First Nations requires the Crown, in all of its forms, to ensure its differing laws, policies and practices that impact First Nations are consistent with the UN Declaration.
6. Declare that those provincial and territorial governments that refuse to cooperate with the federal government in implementing the UN Declaration are intentionally denying First Nations human rights as expressed in the UN Declaration.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

13 – 2022
Page 4 of 5

7. Direct the Assembly of First Nations (AFN) to establish an ad-hoc National Expert Panel on the United Nation Declaration on Indigenous Peoples Act National Action Plan to support research and analysis for First Nations interested in contributing to the National Action Plan creation and implementation over the next two years.
8. Direct the AFN to ensure that members of the National Expert Panel be selected from each AFN region and that they be tasked with considering issues of aboriginal rights, title, use and management of First Nations territories, homelands and waterways with a focus on identifying tangible steps for the Crown, in all of its forms whether federal, provincial, or territorial, to ensure that their laws are consistent with the UN Declaration.
9. Direct the National Expert Panel once convened to undertake an analysis on the purported "cede, release, surrender and yield" provision in the text of Treaties #1-11 for their consistency with the UN Declaration and to present this analysis back to the First Nations-in-Assembly for their consideration as soon as practicable.
10. Direct the AFN to continue international advocacy on behalf of First Nations by advocating for the repeal of States and other internationally influential body's doctrines, laws, and policies that are inconsistent with the UN Declaration; specifically advocating to the Catholic Papacy to formally rescind the Doctrine of Discovery during their visit to Canada and to advocate to the Catholic Papacy and the Canadian Government to formally rescind and repudiate the Doctrine of Discovery by the end of this calendar year.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

13 – 2022
Page 5 of 5

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 14/2022

TITLE:	First Nations Self-Determination over Citizenship
SUBJECT:	Rights
MOVED BY:	Chief Carol Dee Potter, Bear River First Nation, NS
SECONDED BY:	Chief Maureen Chapman, Skawahlook First Nation, BC
DECISION	Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
 - iv. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. (...)
 - v. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

14 – 2022
Page 1 of 3

- vi. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- B. Since time immemorial, First Nations have exercised their jurisdiction to determine and define their citizenship regardless of Canada's unilateral imposition of the *Indian Act*.
- C. The imposition of the *Indian Act* on First Nations is a continued denial of First Nations' inherent right to self-determination.
- D. Gender-based discrimination in the 'registration' provisions of the *Indian Act* for status 'Indians' continues to cause severe and lasting harm to generations of First Nations women and their descendants.
- E. Despite the coming into force of Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada*, Canada has not yet fully addressed these impacts.
- F. Canada must address residual and ongoing impacts from the preceding decades of discriminatory policies and gender-based inequalities within the *Indian Act* that resonate to this day.
- G. There is a need to ensure that legislative changes to 'Indian' registration under the *Indian Act* are communicated clearly and effectively to First Nations and affected individuals.
- H. First Nations and Canada agree that existing approaches to First Nations' identity and citizenship must be reformed. Canada has expressed a desire to get out of the business of *Indian Act* registration, most notably by the passage of *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*.
- I. Canada, in all its imposed forms, must work in full and meaningful consultation and collaboration with First Nations to develop options to recognize First Nations' exclusive responsibility to determine their citizenship structures.
- J. These options must explicitly respect First Nations' own approaches, the appropriate funding models and modalities that First Nations require for Canada to respect their human rights, and for First Nations to reclaim their inherent capacity to identify their members and bring their people home to what are currently chronically and systemically underfunded communities.

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

1. Affirm and assert First Nations' inherent right to exercise jurisdiction over citizenship.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

14 – 2022
Page 2 of 3

**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 14/2022

2. Direct the Assembly of First Nations (AFN) to engage the Government of Canada to end the practice of legislative assimilation and to immediately provide adequate funding to First Nation governments to establish their own citizenship laws and processes.
3. Direct the AFN to engage the Government of Canada to address all remaining impacts of gender discrimination arising from the *Indian Act* past and present.
4. Direct the AFN to engage First Nations on issues of citizenship, seek input on how best to support First Nations citizenship approaches, and examine and convey back to the Chiefs-in-Assembly at the next National Assembly on options, approaches and funding structures that support First Nations' jurisdiction over citizenship.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

14 – 2022
Page 3 of 3

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**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 15/2022

TITLE: Major Investment Needed to Build Fully Accessible First Nations

SUBJECT: Health

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

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.
- ii. Article 8(1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iii. Article 8(2): States shall provide effective mechanisms for prevention of, and redress for: (a) any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- iv. Article 21 (2): States shall take the effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.

B. The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

15 – 2022
Page 1 of 3

- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - ii. Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind".
- C. The Accessible Canada Act (Act) received royal assent on June 21, 2019 and came into force on July 11, 2019. The first set of Accessible Canada Regulations came into force in 2021 and established a five-year period of exemption regarding First Nations and the Act. This interim exemption ends in 2026 and is intended to allow engagement and discussion with First Nations regarding the application of the Act and subsequent regulations.
- D. Canada has set up mechanisms to undertake the work on accessibility standards development, regulations, and implementation of accessibility laws.
- E. Federally regulated First Nations band councils, Indigenous self-governments, and service delivery agencies, among others will be subject to the Act in 2026. The Act is problematic and does not reference First Nations, offer resources or considers the liabilities of the Act for First Nations.
- F. The AFN works with Employment and Social Development Canada (ESDC) to advocate for resources to advance distinct First Nations accessibility legislation engagements and related work with First Nations.
- G. In 2017, the AFN began to engage with First Nations persons with disabilities and First Nations leadership and regions to identify priorities and options to advance First Nations accessibility legislation.
- H. A Distinct First Nations Accessibility Law Discussion Guide and a survey on four legal options served to gather input from First Nations leaders and others at national dialogues on February 3 and 10, 2022.
- I. First Nations require opportunities to tailor cultural safety approaches on how First Nations are going to approach the Act, including provincial and territorial partnerships and jurisdictional issues to resolve.
- J. Almost all First Nations are not accessible due to underfunding in the areas of health, infrastructure, and education, inequalities in all First Nations public services, and on-going impacts of colonization.
- K. First Nations are concerned that they will be subject to the Accessible Canada Act in 2026, including enforcement and penalties, and that no funding has been allocated by the federal government to aid First Nations in becoming accessible.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

15 – 2022
Page 2 of 3

- L. The AFN has passed several resolutions calling for distinctions-based approaches specific to enhancing policy and funding capacity for First Nations on accessibility/disabilities: including AFN Resolutions:
- i. 98/2017, *Distinct First Nations Accessibility Legislation*;
 - ii. 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*;
 - iii. 24/2018, *Increased Focus on Disabilities Centred on Human Rights*;
 - iv. 92/2018, *Social Innovation and Social Finance Framework-Leaving No One Behind*;
 - v. 110/2019, *Funding for First Nations-Specific Programs, Services and Supports for Adults with Disabilities in First Nations*; and,
 - vi. 25/2021, *Strengthen First Nations Distinctions-based Approaches on Accessibility/ Disabilities*.

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

1. Calls on the federal government for further engagement, and resources for all First Nations to be made fully accessible and to extend the Accessible Canada Act timeline of 2026 for implementation in First Nations.
2. Calls on the federal government for an agreement that provides multi-year commitments and a major funding envelope for First Nations governments and regions, as well as providing timely research/ data collection to determine the state of First Nations accessibility/disability. This includes consideration of First Nations persons with disabilities and to ensure that inclusion and access to programs, services, and facilities are built and modified for persons of all abilities.
3. Calls for investments and collaboration with a whole of government approach on accessibility to enable innovative systems changes and to address the critical costs of doing nothing.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

15 – 2022
Page 3 of 3

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 16/2022

TITLE: Supporting First Nations Pandemic Recovery

SUBJECT: COVID-19

MOVED BY: Chief Rod Travers, Kinonjeoshtegon First Nation, MB

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

16 – 2022
Page 1 of 3

- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** The Truth and Reconciliation Commission of Canada states:
- i. Calls to Action # 19, We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- C.** Since the smallpox epidemic in North America, the historic patterns of rates of infection and mortality have not been favourable to First Nations in Canada. In the 1918-1919 Spanish flu pandemic, along with the 2009 H1N1 Influenza A pandemic, First Nations populations were over-represented in Canadian case counts.
- D.** First Nations have been at greater risk of contracting and developing severe complications from COVID-19 since the start of the pandemic due to the greater health, social and economic inequities faced by First Nations compared to the rest of Canadians.
- E.** The First Nations Inuit and Health Branch reported on November 04, 2021, that the rate of cumulative and active cases and rate of death in First Nations communities remains higher than the rate in the general population.
- F.** Jurisdictions where data-sharing agreements with First Nations are in place have shown that COVID-19 is impacting First Nations in urban and off-reserve areas at a higher rate than in the general population.
- G.** Public health restrictions and measures to contain the spread of the virus came at a great cost for many Canadians, but for many First Nations, these measures further stressed flawed systems and exacerbated inequities. The long-term impacts of these measures remain unknown.
- H.** First Nations responded to the pandemic through the introduction and enactment of public health measures to maintain and protect the well-being of community members. These measures were most effective when supported by federal, provincial, and territorial governments and in coordination with regional health authorities.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

16 – 2022
Page 2 of 3

- I. Conversations across the country on post-pandemic recovery and an economic restart have begun to take place, and in most cases, provincial and territorial governments have not included First Nations in their discussions. A renewed start requires new relationships with all levels of government and a full acknowledgement of the role that First Nations play in recovery.
- J. An intersectional gender lens in recovery efforts is required to ensure that no one is left behind, including persons with disabilities, seniors, children, and youth, and gender-diverse populations.
- K. As per Assembly of First Nations (AFN) Resolution 03/2020, *Addressing Priority Concerns and Needs of First Nations Around COVID-19*, the Chiefs-Assembly directed the AFN COVID-19 National Task Force to provide on-going support to the AFN Executive Committee for the duration of the pandemic to support the mitigation of impacts of COVID-19 on First Nations.
- L. The National Chief's 100-day plan emphasized the importance of securing resources from the federal government so that First Nations pandemic plans have strong components for health, economic and social recovery by working with the AFN COVID-19 National Task Force to develop a national advocacy plan.

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

- 1. Call on Indigenous Services Canada (ISC) and other federal departments to work with provincial and territorial governments to ensure First Nations are included in discussions related to the post-pandemic recovery and the economic restart.
- 2. Direct the Assembly of First Nations (AFN) to call upon ISC to provide the necessary funding required by First Nations to guide their own recovery and healing processes.
- 3. Direct the AFN to call upon ISC to fund First Nations to review and re-design their Pandemic Plans to reflect learnings from the pandemic and a focus on health, economic and social recovery.
- 4. Direct the AFN to develop a national advocacy plan to support the work of First Nations in reviewing their Pandemic Plans and supporting work focused on recovery.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

16 – 2022
Page 3 of 3

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 17/2022

TITLE: Support for the First Nations Languages Funding Model

SUBJECT: First Nations Languages

MOVED BY: Chief Ira McArthur, Pheasant Rump First Nation, SK

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

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 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 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

B. Languages are fundamental to First Nations culture, worldview, self-determination and ways of knowing, and language rights are inherent rights under section 35 of the *Constitution Act, 1982*, and supported by the UN Declaration.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

17 – 2022
Page 1 of 3

- C. The purpose of the *Indigenous Languages Act* includes establishing "measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages."
- D. The Department of Canadian Heritage (DCH) must obtain approval for a Treasury Board Submission for the Indigenous Languages Funding Model in order to unlock the language revitalization funding that Budget 2019 provided for 2023-24 and future years. This amounts to \$115.7 million annually in total for First Nations, Inuit, and Métis Peoples, and for related expenses including the Office of the Commissioner of Indigenous Languages and departmental administration costs.
- E. Following the Assembly of First Nations (AFN) Annual General Assembly of 2021, the Executive Committee approved Resolution 10/2021, *Support for the co-development of a distinctions-based Indigenous Languages Funding Model*, on August 16, 2021.
- F. The Technical Committee on Languages (TCOL) and the Assembly of First Nations developed a draft First Nations Languages Funding Model to inform the distinctions-based Indigenous Languages Funding Model that the Department of Canadian Heritage is developing for Treasury Board.
- G. The AFN held regional engagement sessions, with approximately 400 participants, to explain the draft First Nations Languages Funding Model and receive input and comments from First Nations.
- H. The TCOL and the AFN have incorporated First Nations' comments and suggestions into the First Nations Languages Funding Model.
- I. Resolution 10/2021, *Support for the co-development of a distinctions-based Indigenous Languages Funding Model*, directed the AFN to return to the First Nations-in-Assembly when the First Nations Languages Funding Model is complete to seek ratification of the model.
- J. The Chiefs Committee on Languages has reviewed the First Nations Languages Funding Model.
- K. The First Nations Languages Funding Model addresses language revitalization outside the First Nations school system. Indigenous Services Canada provides limited funding for First Nations language revitalization for pre-school, elementary school, secondary school, and post-secondary education to strengthen First Nations languages education.

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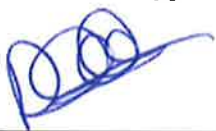
17 – 2022
Page 2 of 3

- L. The lack of funding to support First Nations languages limits the interim First Nations Languages Funding Model and exemplifies DCH's continued colonial approach in working with First Nations.

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

1. Reaffirm that First Nations self-determination over First Nations languages must be respected as a fundamental principle of any federal language initiative, including Numbered Treaties, Modern Treaties, land claim agreements, and self-government agreements.
2. Ratify the interim First Nations Languages Funding Model to inform the Treasury Board Submission to unlock Budget 2019 funding for 2023-24 and future years.
3. Call on the Department of Canadian Heritage (DCH) to annex the First Nations Languages Funding Model to the Treasury Board Submission that it is developing to unlock language revitalization funding for 2023-24 and future years.
4. Call on the Government of Canada to honour its commitment to provide adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance and strengthening of First Nations languages, including by means of a whole-of-government approach that includes other federal departments and other governments.
5. Call on DCH to improve and strengthen partnerships with First Nations and to fully co-manage the implementation of the Funding Model.
6. Direct the Assembly of First Nations (AFN) to monitor and oversee the implementation of the First Nations Languages Funding Model, to periodically review the model, and to recommend amendments, as required, for consideration by the First Nations-in-Assembly.
7. Direct the AFN to advocate for adequate, sustainable, and long-term funding both from the Department of Canadian Heritage for language revitalization outside schools, and from Indigenous Services Canada for pre-school, elementary school, secondary school, and post-secondary education to strengthen First Nations languages education.
8. Call on the Government of Canada to provide sufficient funding for language revitalization both outside of schools and within First Nations schools.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

17 – 2022
Page 3 of 3

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**Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 18/2022

TITLE: Support for Criminal Code Amendments Regarding Gaming Jurisdiction

SUBJECT: Gaming

MOVED BY: Chief Michael Starr, Star Blanket First Nation, SK

SECONDED BY: Chief Lloyd Buffalo, Day Star First Nation, SK

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations assert a right to a Treaty economy and a Treaty right to gaming is an important source of own source revenue in the economy.
- C. The Criminal Code of Canada prevents First Nations from participating in gaming unless they have a licence from a province of Canada.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

18 – 2022
Page 1 of 2

- D. Provinces were granted this right without consultation with First Nations and the licence requirement is a direct infringement of First Nation's inherent rights.

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

1. Support the following amendments to section 207 of the Criminal Code of Canada to recognize First Nations jurisdiction over gaming;
 - i. 207(1)(a.1) for an Indian Band, either alone or in conjunction with another Indian Band or collective of Indian Bands, to conduct and manage a lottery scheme in their home province, or in that province and the home province of the other Indian Band or Indian Bands, in accordance with any law enacted by that Indian Band;
 - ii. 207(1)(b.1) for a charitable or religious organization, pursuant to a license issued by an Indian Band, or by such other licensing authority as may be specified by the Indian Band, to conduct and manage a lottery scheme in that province if the proceeds from the lottery scheme are used for a charitable or religious object or purpose.
2. Support any consequential amendments to federal legislation required to give effect to the above amendments to the Criminal Code of Canada.
3. Calls on the Government of Canada to amend the Criminal Code of Canada accordingly.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

18 – 2022
Page 2 of 2