



ASSEMBLY OF FIRST NATIONS
2023 SPECIAL CHIEFS' ASSEMBLY – OTTAWA, ON
DRAFT RESOLUTIONS

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TITLE: Approval and Implementation of a National First Nations Homelessness Action Plan

SUBJECT: Housing and Homelessness

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

SECONDED BY: Chief Daniel Manuel, Upper Nicola Band, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 21 (1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
 - iii. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations people experience homelessness at a rate 23 times higher than the rest of the population and comprise 28% of the unhoused population in communities that specifically collect this data.
- C. First Nations homelessness is a direct consequence of colonial practices and policies that have dispossessed First Nations of their traditional territories, economies, governance systems, histories, languages, and worldviews.
- D. First Nations require dedicated, adequate, and sustainable funding to manage and deliver their own homelessness services.
- E. First Nations citizens living in the north, youth, Elders, people dealing with addictions or in recovery, people transitioning from correctional facilities, women fleeing violence, 2SLGBTQIA+ peoples, single parent families, and Veterans have distinct experiences of homelessness which require specific consideration.
- F. First Nations have the right to design, deliver and control their own housing and social services aimed to address homelessness impacting their citizens no matter where they live, in alignment with the UN Declaration.

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- G. In 2018, First Nations-in-Assembly approved the *10 Year First Nations National Housing and Related Infrastructure Strategy* (Housing Strategy) which aims to support First Nations care, control, and management of their own housing and infrastructure.
- H. Assembly of First Nations Resolution 79/2019, *Action Plan for First Nations Homelessness On- and Off-Reserve*, directed the AFN to develop a draft National First Nations Homelessness Action Plan (Action Plan) in alignment with the Housing Strategy to be presented to First Nations-in-Assembly for approval and implementation.
- I. A draft Action Plan has been developed which provides a detailed road map towards fulfilling its vision: First Nations control and deliver holistic and culturally safe supports and services so their citizens can access safe and supportive housing no matter where they live.
- J. The Action Plan sets out concrete actions pertaining to research and data collection, support for citizens off-community, service navigation, partnerships, governance, and other key areas to advance First Nations priorities related to addressing homelessness. It also contains several recommendations aimed at the federal government, provincial/territorial governments, and service providers.

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

1. Adopt the National First Nations Homelessness Action Plan Action Plan to its full implementation, in alignment with the Assembly of First Nations (AFN) *10 Year First Nations National Housing and Related Infrastructure Strategy*.
2. Direct the AFN to develop an implementation plan laying out timelines and detailed steps to meet the objectives laid out in the Action Plan.
3. Direct the AFN to develop an advocacy plan including targeted messaging to raise awareness about First Nations homelessness, to support First Nations in accessing resources to develop and deliver homelessness services, and to hold governments and service providers accountable to meeting the recommendations laid out in the Action Plan and supporting its implementation.
4. Call upon the AFN to develop an updated and renewed National First Nations Homelessness Action Plan in 2028 or earlier, in alignment with the vision and objectives of an updated Housing Strategy, once developed.
5. Direct the AFN to urge the federal government, provincial and territorial governments, and service providers to work with First Nations in revising policies and amending program criteria to better address First Nations homelessness in line with the recommendations of the Action Plan.
6. Call upon the AFN to advocate for long term, sustained, needs-based funding options for First Nations to develop and deliver their own programs and services to address homelessness impacting their citizens no matter where they live.

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| TITLE: | Temporarily Suspend Proposed Distinctions-Based Indigenous Health Legislation Process |
| SUBJECT: | Health |
| MOVED BY: | Chief Sheldon Kent, Black River First Nation, MB |
| SECONDED BY: | Chief Allan Polchies Jr, St. Mary's Wolastoqiyik First Nation, NB |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social 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.
 - 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 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.
 - vii. Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

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- viii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
- C. In 2019 and 2020, the Speech from the Throne and mandate letters from the Prime Minister affirmed the Government of Canada's commitment to co-develop new legislation to ensure that Indigenous Peoples have access to high-quality, culturally relevant health care and mental health services.
- D. Assembly of First Nations (AFN) Resolution 69/2017, *Exploring A Legislative Base for First Nations Health*, mandated the AFN to examine options and federal obligations towards First Nations health and to develop tools to aid interested First Nations in developing their own positions on federal First Nations health legislation.
- E. AFN Resolution 18/2021, *Supporting First Nations Participation in Dialogue on Health Legislation*, directed the AFN to advocate for regional engagement processes in relation to health legislation, promote First Nations participation, lead national level dialogue and engagement, and to call upon Indigenous Services Canada (ISC) to ensure that the timelines for engagement on health legislation are reflective of First Nations' needs and capabilities and not those of the federal government.
- F. AFN Resolution 16/2023, *Distinctions-based Indigenous Health Legislation*, directed the AFN to make recommendations to the federal government on what should be included in any proposed health legislation. This work is guided by the Chiefs' Committee on Health with an obligation to report back to the AFN Executive Committee periodically, and to First Nations-in-Assembly for final vetting before going through the parliamentary process.
- G. The Government of Canada has committed to introducing the new distinctions-based Indigenous Health Legislation in the Winter of 2024.
- H. ISC released a 'Key Elements Document' In late August 2023. The purpose of the document is to anchor the contents of the proposed legislation. Both the AFN and regions analyzed the document and found it inadequate and misguided, lacking specific guarantees and detail in terms of legislative content, and failing to ease the pre-existing concerns of First Nations, created through conditions under which the proposed legislation's development has been operating to date. Concerns outlined include, but are not limited to:
- i. Timeline: First Nations capacity to respond to the scheduled release of benchmark documents from ISC to support distinctions-based Indigenous health legislation places First Nations at a disadvantage for meaningful and precise contributions into legislative drafting.

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- ii. **Funding:** First Nations have not been adequately and equitably funded to formulate strategic and thorough assessments of the proposed legislation based on traditional health frameworks consistent with First Nations worldviews and aspirations. National funding for engagement was \$1 million in total. This amount did not cover the costs of even one region's engagement funding request. As a result, participation from community and regional level engagement is insufficient to affirm comprehensive free, prior, and informed consent.
- iii. **Jurisdiction:** ISC has not respected the jurisdictional rights and realities of First Nations. There is no demonstrated commitment to ensure necessary work with the provinces and territories is incorporated. Transparent agreements from the provinces and territories are necessary to strengthen engagement credibility and implementation viability.
- iv. **Treaty and Inherent Rights:** the Key Elements Document is in opposition to the full implementation of and adherence to the Treaty Right to Health. It is inconsistent with the international, constitutional, and inherent rights of First Nations, undermining efforts for a renewed nation-to-nation relationship and First Nation self-determination specific to the area of health.

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

1. Call on Canada to temporarily suspend the proposed distinctions-based Indigenous Health Legislation process due to unreasonable timelines, lack of appropriate funding, and lack of opportunities for active and meaningful dialogue between and amongst First Nations as proper rights and title holders in accordance with their Inherent and Treaty Rights.
2. Call on Canada to fund and support First Nations-led engagement, including with Inherent and Treaty rights-holders, on the critical principles required for distinctions-based Indigenous Health Legislation.
3. Call on Indigenous Services Canada, Crown Indigenous Relations and Northern Affairs Canada, and provinces and territories to work with the Assembly of First Nations (AFN), with the guidance of the AFN Chiefs' Committee on Health and the AFN Executive Committee, to ensure active and meaningful engagement with First Nations on the legislation.
4. Call on the AFN and Canada to co-develop a funding formula for adequate and sustained funding for implementation of distinctions-based Indigenous Health Legislation.

DRAFT RESOLUTION # 03 / 2023

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|---------------------|---|
| TITLE: | Support for Urgent First Nations Languages Funding |
| SUBJECT: | Languages |
| MOVED BY: | Chief Ira McArthur, Pheasant Rump Nakoda Nation, SK |
| SECONDED BY: | Chief Leroy Denny, Eskasoni First Nation, NS |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 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.
- B. The *Indigenous Languages Act (ILA)* establishes measures to facilitate the provision of adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance, and strengthening of Indigenous languages.
- C. The Department of Canadian Heritage (DCH) has failed to fulfill their legislative requirements and is reducing funding in the Indigenous Languages Component (ILC) by an estimated \$65 million in 2024/2025.
- D. More than 62 active First Nations language programs and local capacities that were developed over three years will be lost in 2024/2025 due to DCH's reduced funding.
- E. The Assembly of First Nations (AFN) 2022 Report, *Revitalizing First Nations Languages: A Costing Analysis*, estimates that over \$3.8 billion is required over the next five years to promote life-long learning in First Nations languages by supporting language reclamation, revitalization, maintenance, and strengthening outside schools, including the transition from proposal-based funding to consistent and ongoing funding as outlined in the ILA.
- F. The DCH continues to unilaterally determine funding through an allocation formula without the free, prior, and informed consent of First Nations.
- G. The DCH continues to unilaterally impose a funding formula that was developed without First Nations and has resulted in an \$18 million inequity amongst regions in the current fiscal year.

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

1. Reaffirm that First Nations have the Inherent, Constitutional and Treaty rights to speak their languages which are further reinforced in the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*.
2. Reaffirm that the Government of Canada has the financial responsibility to support the reclamation, revitalization, maintenance and strengthening of all First Nations languages.
3. Call on the Government of Canada to immediately address funding shortfalls by providing:
 - a. A \$3.8 billion commitment over the next five years for language reclamation, revitalization, maintenance, and strengthening outside schools, including the transition from proposal-based funding to consistent and ongoing funding as outlined in the Indigenous Languages Act (ILA), and incremental funding for Section 8 and 9 agreements.
 - b. An \$18 million commitment to ensure no First Nations region loses funding based on the unilaterally imposed funding formula from the Department of Canadian Heritage (DCH).
4. Call on the DCH to remove any unilaterally imposed funding formula on any new First Nations languages funding.
5. Direct the Assembly of First Nations (AFN), the Chiefs' Committee on Languages, and the Technical Committee on Languages to codevelop a funding allocation methodology that is consistent with AFN Resolution 17/2022, *Support for the First Nations Language Funding Model*, for any new funding.
6. Affirm that a co-development approach concerning First Nations languages is not intended to detract or hinder any self-government processes.

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| TITLE: | Call for Canada to Consult on All Amendments Pursuant to the <i>UNDRIP Act</i> |
| SUBJECT: | Rights |
| MOVED BY: | Chief Sidney Peters, Glooscap First Nation, NS |
| SECONDED BY: | Chief Michelle Glasgow, Sipekne'katik First Nation, NS |

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 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - 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.
- B. On June 21, 2021, the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA). Section 5 of the UNDA requires Canada to take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration. Section 6 of the UNDA requires the Minister of Justice to prepare and implement an Action Plan to achieve the objectives of the UN Declaration.
- C. On June 21, 2023, the federal government announced the National Action Plan (the Action Plan) to implement the UN Declaration. The 2023-2028 Action Plan was the result of two years of consultation with Indigenous Peoples. However, the Action Plan contains gaps when it comes to implementing the UN Declaration.
- D. The UNDA requires Canada to continue to work with First Nations rights holders and their representative institutions and organizations as identified by First Nations rights holders.

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- E. Assembly of First Nations (AFN) Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Draft National Action Plan*, called on First Nations-in-Assembly to support First Nation and region-specific approaches that uplift First Nations rights holder and advance the implementation of the UN Declaration based on ongoing work, identified priorities and positions in relation to the UNDA, and the Action Plan.
- F. The Crown has a duty to consult and accommodate on all matters when the Crown has real or constructive knowledge of the potential existence of Aboriginal or Treaty rights and contemplates conduct that might adversely affect such rights.
- G. All legislative, policy and regulatory amendments made pursuant to the *UNDA* inherently impact First Nations rights by nature of the Act itself. The amendment of laws as per Section 5 of the UNDA can trigger a duty to consult.

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

1. Call on the Assembly of First Nations (AFN) to demand the Government of Canada consult with all First Nations on all amendments to federal legislation, policy, or regulation pursuant to Section 5 of the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*.
2. Call on the AFN to advocate for the full implementation of the UNDA National Action Plan Measures.
3. Call on the AFN to demand long-term and sustainable funding for First Nations to participate meaningfully in the implementation of the National Action Plan and UN Declaration processes, including consultation processes.
4. Direct the AFN to report to First Nations-in-Assembly annually on the state of the implementation of the UN Declaration within Canada.

DRAFT RESOLUTION # 05 / 2023

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

TITLE: Establishing a Chiefs' Committee on the UN Declaration Act

SUBJECT: United Nations Declaration on the Rights of Indigenous Peoples

MOVED BY: Chief Jerry Jack, Mowachaht/Muchlaht First Nation, BC

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) was adopted by the General Assembly of the United Nations in 2007.
- B. Canada endorsed the UN Declaration without qualification in 2016.
- C. In 2021, the Government of Canada enacted Bill C-15, *the United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
- D. Section 5 of the UNDA provides:
 - i. The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.
- E. Section 6 of the UNDA provides:
 - i. 6 (1): The Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the Declaration.
 - ii. 6 (2) The action plan must include:
 - i. measures to:
 - 1. address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons, and
 - 2. promote mutual respect and understanding as well as good relations, including through human rights education; and
 - ii. measures related to monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration.
 - iii. 6 (3) The action plan must also include measures related to monitoring the implementation of the plan and reviewing and amending the plan.

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- iv. 6 (4) The preparation of the action plan must be completed as soon as practicable, but no later than two years after the day on which this section comes into force.
 - v. 6 (5) The Minister must cause the action plan to be tabled in each House of Parliament as soon as practicable after it has been prepared.
 - vi. 6 (6) After the action plan is tabled, the Minister must make it public.
- F. In April 2023, First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, which:
- i. Calls upon the Government of Canada to proceed without delay to amend the United Nations Declaration on the Rights of Indigenous Peoples Act, for tabling the Action Plan with Parliament annually, in order that Indigenous Peoples be consulted and accommodated pursuant to Section 6(1) of the UNDRIP Act and Section 35 of the Constitution Act, 1982.
 - ii. In the event that the Government of Canada is unwilling or unable to amend Section 6 (4) of the UNDRIP Act, direct AFN to:
 - i. Call on the Government of Canada to commit to amending the Action Plan annually after June 21, 2023, following consultation that meets the requirements of the UNDRIP Act, and First Nations Inherent and Treaty rights, title, and jurisdiction.
 - ii. Call upon the Government of Canada to ensure additional funds and resources be made available to all First Nations who wish to participate in the consultation of the Action Plan, in order to meet the requirements of free, prior, and informed consent as per Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples and the duty to consult and accommodate.
 - iii. Call on the Government of Canada to continue to consult and cooperate with First Nations title and rights and treaty holders and their representative institutions, where mandated by the First Nation, to review and co- develop amendments to the National Action Plan in order to address the gaps that have been identified by First Nations. This process must be supported by a national oversight body with representation from First Nations and Crown governments, to ensure transparency and the incorporation of First Nations submissions on the National Action Plan.
 - iv. Support First Nation and region-specific approaches that uplift First Nations right-holders and advance the implementation of the Declaration based on ongoing work, identified priorities and positions in relation to the UNDRIP Act, and the National Action Plan.
 - v. Call on the Department of Justice to provide a copy of all the proposals it has reviewed and approved, without restrictions, to the AFN.
- G. To date, Canada has failed to meet the expectations outlined in Resolution 20/2023 and called for by First Nations-in-Assembly.

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- H. The UNDA requires Canada to continue to work with First Nations rights holders and their representative institutions and organizations as identified by First Nations rights holders, on all matters related to the implementation of the UN Declaration in Canada, including in all efforts to amend and/or review any future National Action Plans and develop the legislated Annual Report.
- I. First Nations must lead the process of achieving alignment of Canada's laws and policies with the UN Declaration.
- J. To date, no new funding has been announced to support First Nations in undertaking this critical work required under the UNDA.
- K. An Ad-Hoc Chiefs' Committee on the UN Declaration was established through executive motion at the AFN Executive Committee to ensure First Nation priorities were being advocated for during the development of the UNDA Action Plan. The Ad-Hoc Committee's mandate expired after the July 2023 Annual General Assembly. Due to its temporary nature, a Terms of Reference was not created for the Ad-Hoc Committee. A permanent Chiefs Committee on the UNDA will build upon the advocacy of the Ad-Hoc Committee.
- L. 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.
 - i. 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. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.

D R A F T R E S O L U T I O N # 0 5 / 2 0 2 3

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

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

1. Direct the Assembly of First Nations (AFN) to continue working with relevant federal and provincial ministries to support First Nations as the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) is implemented.
2. Direct the AFN to transition the current Ad-Hoc Chiefs' Committee on the UN Declaration to become a standing Chiefs' Committee on the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA).
3. Direct the AFN Executive Committee to appoint, and in some cases re-appoint, existing members as needed, to the Chiefs' Committee on the UNDA, in accordance with Article 7 (3) of the AFN Charter, to provide advice and direction on matters relating to the implementation of the UN Declaration.
4. Direct the Chiefs' Committee on the UN Declaration to create a Terms of Reference and to report back to First Nations in-Assembly on the status of implementation within Canada.
5. Direct the AFN to seek adequate resources to support the Chiefs' Committee as it advocates for the full implementation of the UN Declaration.

DRAFT RESOLUTION # 06 / 2023

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

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| TITLE: | Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle |
| SUBJECT: | Child and Family Services, Jordan's Principle |
| MOVED BY: | Chief Mary Duckworth, Caldwell First Nation, ON |
| SECONDED BY: | Chief Johnny Pierre, Tsay Keh Dene First Nation, BC |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - iv. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination)
- B. In 2021 CHRT 41 (para. 545) the Canadian Human Rights Tribunal ordered Canada to fund the actual cost of capital projects for child and family services and Jordan's Principle, as determined by First Nations and First Nations Agencies until:
- i. A "Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
 - ii. Canada reaches an agreement that is Nation-specific even if that Nation is not yet providing its own child welfare services and the provisions for major capital in the agreement for child and family services or Jordan's Principle are more advantageous for the Nation than the orders in the ruling.
 - iii. Long-term reform is completed in accordance with best practices recommended by the experts and the parties and interested parties, and funding for the purchase or construction of major capital assets is no longer based on discriminatory funding formulas or programs, including as set out in a Final Order by the Tribunal approving a Final Settlement Agreement signed by Canada."

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- C. The lack of capital funding for First Nations child and family services was found by the Canadian Human Rights Tribunal to be a major source of discrimination in 2016 CHRT 2.
- D. Pursuant to the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, executed December 31, 2021, Canada agreed to fund capital costs for child and family services and Jordan's Principle at their actual cost as determined by First Nations and First Nations Agencies.
- E. Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for capital at actuals and a move toward implementing capital funding based on a formula of "recapitalization".
- F. Most First Nations have not had the opportunity to access funding at actuals for capital for child and family services and Jordan's Principle, due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for capital.

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

1. Call upon Indigenous Services Canada to comply with the provisions of the Canadian Human Rights Tribunal order 2021 CHRT 41, withdraw its deadline to access funding at actuals for capital for First Nations and First Nations agencies for child and family services and Jordan's Principle, and continue access to funding for capital at its actual cost until such time as a funding model can be developed that meets distinct community needs (including remoteness), is consistent with substantive equality, and is endorsed by First Nations-in-Assembly.

DRAFT RESOLUTION # 07 / 2023

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| TITLE: | Continuation of Funding at Actuals for Post-Majority Support Services and Support for High Needs Jordan's Principle Recipients |
| SUBJECT: | Child and Family Services, Jordan's Principle |
| MOVED BY: | Chief Mary Duckworth, Caldwell First Nation, ON |
| SECONDED BY: | Chief Johnny Pierre, Tsay Keh Dene First Nation, BC |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - iv. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. Pursuant to the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, executed December 31, 2021, Canada agreed to:
- i. fund post-majority support services for First Nations youth "aging out" of care to the age of 25 at the actual cost of delivering services/supports, as determined by the First Nation or First Nations Agency.
 - ii. assess the resources required to assist families with navigating access to additional supports past the age of majority for high needs youth accessing Jordan's Principle.
- C. Both of these funding commitments were further ordered on consent by the Canadian Human Rights Tribunal in 2022 CHRT 8.
- D. Transition to adulthood for First Nations youth aging out of care has historically been significantly underfunded causing serious harms to youth such as heightened risks of homelessness, substance use challenges, and incarceration.

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- E.** There is convincing evidence, including before the Tribunal, that brain development continues up to age 26 during a period known as “emerging adulthood” meaning that young adults between the age of majority and their 26th birthday benefit from additional supports tailored to their needs, cultures, and contexts.
- F.** Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for post-majority support services for youth aging out of care.
- G.** The majority of First Nations have not had the opportunity to access funding at actuals for post-majority support services for their youth due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for support for all First Nations youth transitioning to adulthood.
- H.** The needs of high needs Jordan’s Principle recipients do not end when they are reaching the age of majority in the province or territory where they reside, and there are limited, and in many cases non-existent, supports and services for these youth to turn to as adults.
- I.** Canada’s commitments to assessing the resources required for Jordan’s Principle post-majority navigation supports do not go far enough to address the actual needs of First Nations youth with high needs reaching the age of majority.

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

- 1.** Call upon Indigenous Services Canada (ISC) to extend the deadline for access to funding at actuals for post-majority support services for youth aging out of care for First Nations and First Nations Agencies pursuant to 2022 CHRT 8 until such time as a funding model can be developed that meets distinct community needs (including remoteness), is consistent with substantive equality, and is endorsed by First Nations-in-Assembly.
- 2.** Call upon ISC to immediately implement its commitment to fund navigation support for high needs children accessing Jordan’s Principle after the age of majority and to provide said supports to any young adults retroactively who would have otherwise benefited from the Order but are now 26 years of age or older.
- 3.** Call upon ISC to immediately extend the age of majority for Jordan’s Principle and fund post-majority supports for youth up to age 26.
- 4.** Call upon ISC to work with the Parties to the Tribunal proceedings to develop pathways for youth aging out of care to access post-majority support services independent of an agency or a First Nation.

DRAFT RESOLUTION # 08 / 2023

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| TITLE: | Support for the Technical Working Group on Social Development to Continue Income Assistance Program Reform |
| SUBJECT: | Social Development |
| MOVED BY: | Chief Allan Polchies Jr., St. Mary's Wolastoqiyik First Nation, NB |
| SECONDED BY: | Chief Daniel Manuel, Upper Nicola Band, BC |

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 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing sanitation, health and social security.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- 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. In 2018, Indigenous Services Canada (ISC) invested \$8.5 million over two years to engage with First Nations on the reform of the IA Program. The First Nations-led engagements held between 2018 and 2020 identified critical areas for IA Program reform. Since 2021, the Assembly of First Nations (AFN) Technical Working Group on Social Development (TWGSD) and ISC have been co-developing reform of the IA Program, taking a bottom-up approach that leverages the First Nations-led engagements.

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- E. The TWGSD developed policy recommendations to reform the IA Program including income assistance rates that are needs-based, expanding case management, pre-employment and administrative supports, strengthening wrap around supports for client wellbeing, and supporting First Nation determination and governance with traditional knowledge embedded in the IA Program.
- F. AFN Resolution 07/2022, *Reform of the On-Reserve Income Assistance Program*, supported the First Nations-developed policy recommendations and called upon Canada to use the policy recommendations for their Memorandum to Cabinet on IA Program reform. The resolution also directed the TWGSD to conduct and oversee an assessment of the long-term financial investments required to fill the gaps in the on-reserve IA Program.
- G. In May 2023, the AFN was informed of Cabinet's support of the First Nations-developed policy recommendations, however, a formal record of decision has not been provided. Further, Budget 2023 did not provide funding for reform of the IA Program. ISC is seeking to continue IA Program reform through a co-developed phased implementation plan for the reformed IA Program.

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

1. Direct the Technical Working Group on Social Development to conduct and oversee costing and transition of reform of the Income Assistance Program (IA Program) using the First Nations-developed policy recommendations that outline considerations for a First Nations-specific, needs-based funding model, key elements for a First Nations-determined social safety net and recommendations for building First Nations capacity for self-determination and data sovereignty within the IA Program.
2. Call upon Canada to fund the Assembly of First Nations (AFN) to conduct costing of the long-term financial investments required to fully implement the First Nations-developed policy recommendations for the reform of the on-reserve IA Program.
3. Direct the AFN to report back to First Nations-in-Assembly on the progress and findings of the costing and transition of IA Program reform by July 2024.
4. Call on Canada to provide a formal record of decision on the First Nations-developed policy recommendations to reaffirm their commitment to co-develop IA program reform.
5. Call on Canada to co-develop future budget requests for the IA Program with First Nations that include regional priorities.
6. Call on Canada to continue to provide ongoing inflation relief benefits for IA clients, until the IA Program rates are reflective of the cost of living in northern and remote areas.

DRAFT RESOLUTION # 10 / 2023

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

SUBJECT: Child and Family Services

MOVED BY: Chief Norma Catarat, Buffalo River Dene Nation, SK

SECONDED BY: Chief Rachel Manitowabi, Wiikwemkong Unceded First Nation, ON

WHEREAS:

- A. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory which resulted in harms including the removal of children from their families and communities and those delayed and denied in receiving services.
- B. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families.
- C. The CHRT ruling established that First Nations children and families are legally entitled to receive prevention services and the least disruptive measures.
- D. Between 2016 and 2021, the First Nation parties were required to hold Canada accountable and return to the Tribunal on multiple occasions, resulting in 21 non-compliance orders.
- E. In wake of First Nations and public pressure regarding the children in unmarked graves near Residential Schools and the Federal Court's dismissal of two of Canada's appeals of rulings from the CHRT, the federal government finally agreed to negotiate a resolution.
- F. In Fall 2021, the complainants (the Caring Society and AFN), the interested parties (Chiefs of Ontario & Nishawbe Aski Nation) and Canada entered into negotiations to resolve outstanding discrimination pursuant to the CHRT orders.
- G. The CHRT issued an order (2022 CHRT 8) by consent of the parties providing funding for prevention, post-majority services, and other measures. This funding, combined with an order on capital (2021 CHRT 41) and other previous CHRT orders, amounts to over 75% of the \$19.807 billion over 5 years announced as part of the Agreement-in-Principle (AIP).
- H. Community-driven research to inform long-term funding solutions for FNCFS for First Nations with and without agencies is not due to be completed until the Fall of 2023 and Jordan's Principle in the spring of 2024.

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- I. Under the reformed FNCFS funding model, Canada has proposed that a 2% inflation adjustment be provided, which mirrors the discriminatory funding cap imposed on First Nations' budgets for nearly two decades. The 2% inflation adjustment does not reflect the higher costs of living or impact of inflation on First Nations, nor the record-high rates of inflation being observed in Canada.
- J. Canada has also imposed using the Indian Registry to identify the number of people in a First Nation for the purposes of calculating prevention. This excludes many citizens who are eligible for registration but are currently registered, and particularly disadvantages communities in remote areas.
- K. Canada has been imposing an unnecessarily heavy burden on First Nations and First Nations child and family service providers and Jordan's Principle service providers to access the capital funding that Canada is legally compelled to provide pursuant to Canadian Human Rights Tribunal Order 2021 CHRT 41.
- L. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities.

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

- 1. Support regional-specific, independent, First Nations-led secretariats to support First Nations in implementing and transitioning to a reformed First Nations Child and Family Services (FNCFS) approach, including data, best practices, tools, and research.
- 2. Call upon the Assembly of First Nations (AFN) to consult with the National Advisory Committee on FNCFS Program Reform to provide expert advice on long-term reform of FNCFS.
- 3. Call upon the AFN to provide an update to First Nations leadership on the implementation of AFN Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*.
- 4. Call upon the AFN to ensure the establishment of an Alternative Dispute Resolution process under long-term reform that is apolitical, independent, properly resourced, culturally sensitive, trauma-informed, and accessible to safeguard the rights of First Nations children, youth, and families are respected and upheld.
- 5. Call upon the AFN to work with regional First Nations leadership and FNCFS experts to strengthen the role of regional experts within the FNCFS and Jordan's Principle negotiations.
- 6. Call upon Canada to ensure that the population count used to calculate FNCFS services reflect the actual number of people who are the residents and citizens of a First Nation.
- 7. Call upon Canada to provide its negotiating mandates and any relevant information in a timely manner to facilitate good faith negotiations.
- 8. Call upon the AFN to advocate for the use of the Consumer Price Index, with a minimum of 2% per annum adjusted upwards if the Consumer Price Index exceeds 2% for any given year, to account for inflation in the reformed FNCFS funding model and the provision of funding respecting Jordan's Principle.

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9. Call on the AFN to conduct and support regional engagement on the Final Settlement Agreement on long-term reform to ensure that First Nations leadership has an adequate opportunity to discuss and approve the Final Settlement Agreement.

DRAFT RESOLUTION # 13 / 2023

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| TITLE: | Creation of a Chiefs' Committee on Treaties |
| SUBJECT: | Treaties |
| MOVED BY: | Chief E.J. Fontaine, Sagkeeng First Nation, MB |
| SECONDED BY: | Chief Wilfred King, Kiashke Zaaging Anishinaabek, ON |

WHEREAS:

- A. The *Royal Proclamation of 1763* is the first legal recognition of Indigenous land rights and title. It set out the general principles of Treaty-making recognizing First Nations' rights to the land and to self-govern.
- B. The *Royal Proclamation of 1763* was affirmed by First Nations in the Treaty of Niagara, 1764. First Nations in the treaty region find this to be the basis through which First Nations ownership of land and resources can be accessed within treaty territories.
- C. Prior to 1982, pre- and post-Confederation treaties were signed between the British Crown and First Nations.
- D. In 1982, Canada repatriated the Canadian Constitution, resulting in the *Constitution Act, 1982*. Section 35 of the *Constitution Act, 1982* explicitly recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal Peoples of Canada.
- E. Many judicial decisions, beginning with *R v. Sparrow*, [1990] 1 S.C.R. 1075, have interpreted Section 35 and provided the framework for the recognition of First Nations constitutional rights.
- F. Other sources, including the *Royal Commission of Aboriginal Peoples (RCAP) Report* in 1996, called for renewed national reconciliation efforts, and have provided important context to the mistreatment of the treaty relationship within Canada.
- G. In 2021, Canada passed the *United Nations Declaration on the Rights of Indigenous People Act (UNDA)*. In 2023, Canada created a National Action Plan to implement the UNDA, as required by section 6 of the UNDA.
- H. The identification, protection, and implementation of Aboriginal and Treaty rights, which are recognized and affirmed by section 35 of the *Constitution Act, 1982*, is an underlying principle and value of Canada's Constitution.
- I. Treaty rights must be implemented through a national Section 35 First Nations rights framework that defines and develops these rights. This framework must be negotiated with Canada, the provinces, and territorial governments.
- J. 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.

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- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.

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

1. Direct the Assembly of First Nations (AFN) to create a Chiefs' Committee on Treaties to deal with Pre-Confederation Treaties and Treaties 1 to 11.
2. Direct the Chiefs' Committee to create Terms of Reference which includes the preamble of this resolution to ensure implementation.
3. Direct the Chiefs' Committee to create implementation principles on treaty interpretation to be included in the terms of reference of the Chiefs' Committee.
4. Direct the AFN to ensure that the treaty interpretation principles are brought before First Nations in Assembly in a future resolution and integrated into Canada's National Action Plan for the *United Nations Declaration on the Rights of Indigenous People Act*.
5. Direct the AFN to advocate and seek adequate resources for the mandate of this Committee to be fully realized.

DRAFT RESOLUTION # 14 / 2023

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TITLE: Call for a National Inquiry into The Sixties Scoop and Indigenous Child Removal by The Government Of Canada

SUBJECT: Sixties Scoop

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

SECONDED BY: Chief EJ Fontaine, Sagkeeng First Nation, MB

WHEREAS:

- A. The Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools (IRS) nationwide. The TRC also identified more than 4,100 children died at these facilities, although Survivors and families say that that number is much higher.
- B. The discovery of the remains of 215 children who were forced to attend the former Kamloops Indian Residential School in unmarked graves has led to the discovery of the remains of thousands of children in other former Indian Residential facilities across the country.
- C. As government and church-operated Residential Schools were “winding down”, the federal and provincial governments enacted policies and legislation designed to break and destroy First Nations’ families, many of whom who had been affected by Indian Residential Schools and Indian Day Schools.
- D. Thousands of First Nations, Métis, and Inuit children were taken and adopted or placed in care with non-First Nations’ families throughout Canada from approximately 1951-1991 as another means of assimilation and genocide in what is now known as the Sixties Scoop.
- E. There has been no national inquiry into the precise numbers of children and families affected by the Sixties Scoop, the number of children murdered or killed while in care or adopted by non-Indigenous families, the geographical displacements of Survivors still living abroad, and the far-reaching long-term psychological and physical effects of permanent child removal on Survivors, our families, and communities.
- F. The 60s Scoop Legacy of Canada, formed in 2017, is a national non-profit organization based in Manitoba that has repeatedly called on the Trudeau Government for a national inquiry, funding, and amendments to the First Nations/Inuit Sixties Scoop Settlement.
- G. Former TRC Chair and Senator, the Honourable Murray Sinclair has publicly supported the need for a national inquiry in an August 2, 2021 joint press release in partnership with the 60s Scoop Legacy of Canada:

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- i. “The magnitude of the removal of children in Canada has not yet been measured. It ought to be. It is likely that the Canadian numbers are proportionately as high as those in the United States which led to changes in policy, funding, and law. A study or an inquiry to look into the issue is needed not merely to measure the magnitude of the sin or the names of the sinners but to respond to the suggestion that the child removal system was saving the children from incapable families.”
 - ii. “There is merit to the suggestion that any incapacities of the families were a result of the actions of government, such as 100 years of Indian Residential Schools, and systemic and outright racism. If so, it would be manifestly unfair to allow the perpetrator of an historical injustice to wrap itself in the saviour’s cloak. The children who were removed need to know they are not alone, but they also need to know that there were reasons for what happened that were not of their parents’ making.”
- H. Many Survivors and families were unaware or unable to apply for the First Nations/Inuit Sixties Scoop Settlement before the deadline of December 2, 2019.
- I. There has been no settlement for Sixties Scoop Survivors for the harms, abuses, neglect, and trauma they experienced in care or while adopted.

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

1. Support the call for a national inquiry into the Sixties Scoop and permanent child removal and direct the Assembly of First Nations (AFN) National Chief’s Office to call on the federal government for a national inquiry in partnership with the 60s Scoop Legacy of Canada.
2. Direct the AFN to draft a Memorandum of Understanding with the 60s Scoop Legacy of Canada, a national, non-profit peer-support organization, to support Survivors of the Sixties Scoop.
3. Direct the AFN Executive Committee to call on the federal and provincial governments for long-term funding to support a repatriation and healing program for Survivors and families of the Sixties Scoop.
4. Direct the AFN to seek legal advice in reopening the application deadline in the First Nations/Inuit Sixties Scoop Settlement, provided it does not interfere with processing current applications and payments to claimants.
5. Direct the AFN National Chief to seek resources to hold a joint press conference with the 60s Scoop Legacy of Canada to call on the federal government to commission a national inquiry, and other First Nations in Canada to support the call for a national inquiry.

DRAFT RESOLUTION # 15 / 2023

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TITLE: Communal Protection Orders for Violent and Repeat Offenders in First Nations

SUBJECT: Justice, Law Enforcement

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

SECONDED BY: Chief Wally Burns, James Smith Cree Nation, MB

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - ii. Article 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 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. On June 3, 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls released their Final Report *Reclaiming Power and Place* and 231 Calls for Justice. The 231 Calls for Justice states:
- i. Call to Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - ii. Call to Justice 5.2: We call upon the federal government to review and amend the *Criminal Code* to eliminate definitions of offences that minimize the culpability of the offender.

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- iii. Call to Justice 5.3: We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQIA people.
 - iv. Call to Justice 5.9: We call upon all governments to ensure that protection orders are available, accessible, promptly issued, and effectively serviced and resourced to protect the safety of Indigenous women, girls, and 2SLGBTQQIA+ people.
 - v. Call to Justice 5.16: We call upon federal, provincial, and territorial governments to provide community-based and Indigenous-specific options for sentencing.
- C. Many First Nations have community protection Laws, by-laws, and other laws where enforcement is contentious or non-existent. Many Assembly of Manitoba Chiefs (AMC) member First Nations execute Chief and Council Resolutions (“CCRs”, formerly known as Band Council Resolutions or BCRs), to banish violent and/or repeat offenders from First Nations.
- D. First Nations and leadership are left with no recourse as these community protection CCRs are routinely and openly defied, resulting in violent and repeat offenders returning to their respective First Nations.
- E. Current Canadian law does not empower the Royal Canadian Mounted Police (RCMP) to enforce trespassing charges with any means other than a nominal fine, and the violent and repeat offenders who are fined for trespassing often disregard the fines and openly defy the community protection orders.
- F. First Nations are communal people and have recognized the importance of the collective rights of the Nation and the priority of those collective rights over the rights of the individual.

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

1. Call on all levels of government to work with First Nations in seeking and enforcing communal protection orders for violent and repeat offenders and to work with First Nations in strengthening their legal institutions, including the enforcement of laws aimed at protecting their First Nations and First Nations citizens.
2. Direct the Assembly of First Nations (AFN) to seek resources to support working with First Nations to explore the creation or amendments to both federal and provincial legislation to define the scope and criteria for communal protection orders, as well as ensuring that such orders align with the cultural and legal frameworks of the respective First Nations.
3. Direct the AFN to collaborate with Justice Canada, Public Safety Canada, and Crown-Indigenous Relations and Northern Affairs to develop a clear process for seeking and enforcing communal protection orders against violent and repeat offenders.

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| TITLE: | Call for Canada to Implement the National Inquiry's 231 Calls for Justice relating to MMIWG2S+ and First Nations Control of Funding |
| SUBJECT: | MMIWG2S+, Funding |
| MOVED BY: | Chief Annie Bernard-Daisley, We'koqma'q First Nation, NS |
| SECONDED BY: | Chief Kyra Wilson, Long Plain First Nation, MB |

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 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - iv. Article 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.
 - v. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Assembly of First Nations (AFN) has long acknowledged that First Nations' Chiefs and Councils are the recognized governing authorities for every aspect of governance, including social programs, housing programs, and budget processes.
- C. In 2004, AFN passed Resolution 104/2004, *AFN Opposes Government of Canada's Pan-Aboriginal Approach*, where the Chiefs-in-Assembly called for the immediate cessation of the Government of Canada's pan-Aboriginal approach, which was to be replaced with a co-developed First Nations specific approach to identify and address First Nations issues.

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- D. In August 2016, the Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry). The National Inquiry released its Final Report entitled *Reclaiming Power and Place* (Final Report) on June 3, 2019.
- E. The Final Report explores many intersectional issues contributing to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ peoples, and as such, details 231 Calls for Justice, which include:
- i. Call for Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - ii. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- F. In response to the Final Report, the 2021 MMIWG2S+ National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People (National Action Plan) was released on June 3, 2021.
- G. In 2021, AFN passed Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*, was approved by the AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of the implementation the National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQQIA+ peoples.
- H. Since the implementation of the National Inquiry's Final Report, minimal progress has been made to support and implement the Calls for Justice for Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ peoples.
- I. Despite federal commitments to "distinctions-based approaches" to legislative and policy initiatives, including issues related to MMIWG2S+, the Government continues to engage in pan-Indigenous approaches that fail in recognizing First Nations local leadership and prevents First Nations' active participation and administration of funding and activities meant for their citizens.
- J. Any federal distinctions-based approach must underscore the significance of First Nations' authority over their citizens and does not recognize Crown-established "Aboriginal organizations" that purportedly represent First Nations citizens as legitimate entities.

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

1. Demand quantifiable action from the Government of Canada to implement the 231 Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People.

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2. Demand that the Government of Canada ensure that all activities implemented under the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ people are completed meaningfully and in collaboration with First Nations and MMIWG2S+ Survivors and family members.
3. Call on the Government of Canada to co-develop mechanisms with First Nations that ensure funding allocated to address the issues and challenges faced by MMIWG2S+ First Nations and their families is being streamed directly to First Nations or First Nations-mandated organizations.
4. Direct that the Assembly of First Nations (AFN) advocate to the Government of Canada that funds dispersed to First Nations relating to MMIWG2S+ are carried out in a way that upholds First Nations jurisdiction.
5. Direct the AFN to advocate for long-term sustainable funding that has First Nation-led processes to ensure funding is allocated in a transparent manner for First Nations and First Nations citizens.

DRAFT RESOLUTION # 17 / 2023

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TITLE: Demand for Continued, Sustainable, and Adequate Funding to Search for Children Who Died or Became Missing Persons while Attending Indian Residential Schools

SUBJECT: Indian Residential Schools

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

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group from another group.
 - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- B. On May 17, 2022, the federal government allocated an additional \$122 million in funding for the Residential School Missing Children's Community Support Funding program until 2025.
- C. No new financial commitments have been announced to support ongoing efforts to recover, repatriate, document, or commemorate children who lost their lives at Indian Residential Schools past 2025, and the last date for funding applications ends on November 15, 2024.
- D. Searches and related work must continue well beyond 2025 due to the sensitive and comprehensive nature of the efforts to recover, repatriate, and/or commemorate children who lost their lives or went missing because of Residential Schools.
- E. Not all remains of children who lost their lives or went missing while attending Residential Schools have been identified, and searches are still ongoing across Canada.
- F. The Truth and Reconciliation Commission's Final Report estimates that missing children from Indian Residential Schools to be well over 5,000.

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- G. There remains a need to complete existing searches of former Indian Residential School sites, respond to new searches, identify remains, investigate the cause of death, and repatriate and commemorate children. This has been hindered by a lack of resources and cooperation from churches and governments to provide access to records, documents, and grounds.
- H. First Nations have called for continued, sustainable, and adequate funding beyond 2025 for the ongoing work of recovering, identifying, investigating, and providing proper burials and commemoration for the children who perished or became missing persons while attending Indian Residential Schools.
- I. Article 91 (24) of the *Constitution Act* 1867 provides Canada with exclusive legislative authority to make laws for the peace, order, and good government of Canada in relation to subject classes including "Indians, and Lands reserved for Indians". Under Article 91 (24), Canada holds a constitutional legal obligation to the children .
- J. This constitutional legal obligation includes the creation of the 1876 Indian Act and the 1920 amendments that made it compulsory for every First Nations child between seven and sixteen years of age to attend Residential Schools. As a result, Canada holds an ongoing obligation to provide resources to recover, identify, repatriate, and commemorate children who lost their lives or became missing as a result of the Indian Residential School System. Children perished at these sites or became missing persons as a direct result of the issuance of federal Orders in Council by Parliament and amendments to the Indian Act which established and operated the Indian Residential School system.

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

1. Demand that the Government of Canada provide financial commitment beyond 2025 for continued, sustainable, and adequate funding for all current and future work related to the search and recovery of remains, identification, investigation, repatriation, and commemoration for the children who died or became missing persons while being forced to attend Indian Residential Schools.
2. Direct the Assembly of First Nations (AFN) to advocate to the federal government to immediately announce a commitment to provide continued, sustainable, and adequate funding to First Nations until the ongoing work related to the children who died or became missing persons is completed.
3. Call on the Government of Canada to begin a co-development process with the AFN on a legal framework that addresses constitutional, legislative, regulatory and policy changes that acknowledge and confirm Canada's obligations for children who died or went missing as a result of the Indian Residential School System, which also reaffirms the UN Declaration Articles 7,8 and 10.

DRAFT RESOLUTION # 18 / 2023

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TITLE: Reform Exploitative Legal Fee Structures

SUBJECT: Access to Justice, Discrimination

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

SECONDED BY: Chief Derek Nepinak, Pine Creek First Nation, MB

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 8(2): States shall provide effective mechanisms for prevention of, and redress for:
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.

B. As First Nations litigation activities have increased over recent decades, certain law firms and lawyers have developed exploitative legal fee structures which allow them to receive exorbitant sums in exchange for legal work. These practices revictimize First Nations who are seeking justice and siphon off settlement funds which are intended to mitigate harm to Survivors, rather than overcompensate predatory lawyers.

C. Lawyers may use a number of fee arrangements in their work with First Nations, including highly inflated hourly rates and contingency fee agreements, wherein the lawyer's compensation is dependent on the successful completion of the matter for which they have been retained. Contingency fees can be particularly exploitative for First Nations who do not have the financial means to legal pay fees up front. Such fees have been subject to court scrutiny, where firms have charged up to 20 per cent of a settlement for legal services. They have been widely criticized for unfair outcomes, lack of transparency, and for resulting in legal fees which are out of proportion to typical market rates in other areas of law.

D. There are a number of noteworthy allegations of lawyer exploitation of First Nations, including the Merchant Law Group, which the federal government accused of inflating bills for the Indian Residential Schools class action. In 2021, the Alberta Court of Queen's Bench reviewed Rath & Company's contingency fee agreement with the Tallcree First Nation, which entitled the firm to 20 per cent of the Nation's \$57.5 million agricultural benefits settlement payment. The Court found that Rath & Company was entitled to \$3 million, rather than the \$11.5 million sum claimed. Maurice Law has also been subject to claims of unfairness, as the Saskatchewan Court of Appeal ruled in 2017 that the firm's retainer agreement with Sakimay First Nation was unfairly obtained.

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- E.** As reported in October 2023, the federal government has opposed the \$80+ million in legal fees requested by class action lawyers for their work on the proposed settlement for First Nations child welfare. Lawyers associated with the claim argue that the sum is justified because of the unprecedented nature of the settlement. However, Cindy Blackstock, who filed the 2007 human rights complaint that formed the basis of the settlement agreement, has asserted that the bill is unreasonable and that it creates an imbalance between Survivors who will receive approximately \$40,000 while law firms stand to make millions.
- F.** In response to increasing incidents of conflict between lawyers and First Nations over financial arrangements, the Indigenous Bar Association (IBA) has called for changes to the Federation of Law Societies of Canada's model code of professional conduct to prevent lawyers from exploiting Indigenous clients. The IBA has also advocated for caps on the percentage firms can charge for work on Indigenous claims and developing mandatory training for lawyers working on disputes between law firms and Indigenous clients.
- G.** Despite these advocacy efforts, exploitative legal fee structures have persisted. Discriminatory practices target First Nations, enabling lawyers to capitalize on First Nations in vulnerable financial and social positions and utilize power imbalances for their own profit.

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

- 1.** Call on the Assembly of First Nations to oversee the development a comprehensive legal fee structure reform strategy with advocacy and implementation efforts directed towards the Federation of Law Societies of Canada and each of the provincial and territorial Law Societies that regulate the practice of law.
- 2.** Call on the Government of Canada to take a strong stance against law firms who prey upon First Nations and utilize exploitative legal fee structures against them.

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

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

SUBJECT: Fiscal Relations

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

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

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 Nation 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.
- 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.

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- 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 Nation 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.

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.

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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 Chiefs in Assembly for regular updates.

DRAFT RESOLUTION # 21 / 2023

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TITLE: Amend Federal Bilingual Requirements for Civil Servants

SUBJECT: Employment/Languages

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

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

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:
- 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.

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- 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.

DRAFT RESOLUTION # 22 / 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

SUBJECT: Governance

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

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

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.
- 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*.

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- 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.

DRAFT RESOLUTION # 23 / 2023

AFN Special Chiefs Assembly, December 5 - 7, 2023 Ottawa, ON

TITLE: Support for the Development of a First Nations National Action Plan for Disaster Risk Reduction

SUBJECT: Emergency Management

MOVED BY: Cecile Brass, Proxy, Oregon Jack Creek Band, BC

SECONDED BY: Chief Joyce McLeod, Montreal Lake Cree Nation, SK

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.
- 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.

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- 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 identifies 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.”

DRAFT RESOLUTION # 23 / 2023

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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.

DRAFT RESOLUTION # 24 / 2023

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

TITLE: Transport Canada Flight Duty Time Regulation Impacts

SUBJECT: Transportation, Health, Emergency Management,

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

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

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.
- 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.

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

DRAFT RESOLUTION # 25 / 2023

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

SUBJECT: Health

MOVED BY: Chief Duncan Michano, Biigtigong Nishnaabeg, ON

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

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 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.

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

- 1.** Direct the Assembly of First Nations (AFN) to advocate for 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.

DRAFT RESOLUTION # 26 / 2023

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| TITLE: | First Nations-Created Policy Recommendations for a Wholistic Long-term and Continuing Care Framework |
| SUBJECT: | Health, Social Development |
| MOVED BY: | Chief Allan Polchies Jr, St. Mary's Wolastoqiyik First Nation, NB |
| SECONDED BY: | Chief Bryon Louis, Okanagan First Nation, BC |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.
 - ii. Article 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 (UNCRPD) 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 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.

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- 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;
 - 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.

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- 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 Nation 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
 - 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.

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- 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.

DRAFT RESOLUTION # 27 / 2023

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TITLE: Establishment of and Funding for a First Nations Healing Fund

SUBJECT: Health, Mental Health, Reconciliation

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

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

WHEREAS:

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

- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- ii. 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.
- iii. 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.
- 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.

B. The Truth and Reconciliation Call to Action number 21 states:

We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

C. Canada's Action Plan on the United Nations Declaration on the Rights of Indigenous Peoples Act under the priority for economic, health and social rights, Action Plan Measure 81 states:

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- i. Improve health equity through access to culturally-appropriate health and wellness services and support for holistic approaches to healing, including community-based, land-based, culturally relevant and trauma informed mental health services addressing – among other things – suicide and addictions crises. (Indigenous Services Canada)
- D. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
 - i. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- E. Assembly of First Nations (AFN) Resolution 36/2022, *Reopening of Indian Residential Schools Settlement Agreement*, called on the Government of Canada to allocate further financial resources to First Nations-led measures and institutions for the purpose of addressing the ongoing harmful effects of Residential Schools. There remains a lack of committed long-term funding.
- F. AFN Resolution 24/2021, *Call for the Permanency of the Indian Residential Schools Resolution Health Support Program*, (IRS RHSP) called on Canada to establish a permanent and enhanced version of the IRS RHSP and to ensure that the work retains its distinct focus of supporting Survivors and their families.
- G. Numerous reports from the AFN found that First Nations continue to experience the negative impacts from Residential Schools, experiencing poorer health outcomes as a result. Reports have highlighted the important work of the Aboriginal Healing Foundation (AHF) and how sustained funding and attention can support the healing of Indian Residential School Survivors.
- H. The Aboriginal Healing Foundation was created to foster sustainable healing strategies to First Nations in Canada to address the impacts of the Residential School System. While the Aboriginal Healing Foundation closed on September 14, 2014, First Nations across Canada are still reeling from personal, historical, and multi-generational and inter-generational trauma from Residential Schools.
- I. In 2014, a report from the Aboriginal Healing Foundation stated the Government made a mistake in creating tight parameters of the AHF where it could not sustain itself, contributing to its disestablishment in year. The AHF was a successful model for First Nations healing. Survivors who accessed its programs and services were able to experience improvements in their overall health and wellbeing.

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- J.** There remains widespread trauma also perpetrated through the Indian Day School System, the Sixties Scoop, the child welfare system and ongoing genocide of Missing and Murdered Indigenous Women and Girls and Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Asexual Plus (MMIWG2SLBGTQQIA+) for which there is a lack of committed, long-term funding to provide opportunities for healing to deal with the present state of self-medication, widespread addiction, suicide and violence that is collectively plaguing our nations.
- K.** Distinctions and needs-based, sustainable funding is required to support Survivors, their families, and communities in continuing to heal from the impacts of colonization including the Residential School System through a dedicated First Nations Healing Fund.

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

- 1.** Direct the Assembly of First Nations (AFN) to call on Canada to fully fund and support the creation of a First Nations Healing Fund, that will be governed and administered by First Nations, aimed at improving the physical and mental health of First Nations that addresses the ongoing multi- and inter-generational trauma from Residential Schools, Day Schools, the Sixties Scoop, the Child Welfare System, and Missing and Murdered Indigenous Women and Girls and Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Asexual Plus.
- 2.** Call on the AFN to advocate that this fund will provide resources from all levels of government to support First Nations in creating culturally appropriate and trauma-informed healing centres whereby healing programs, services and activities are developed and implemented by First Nations, including the preservation and revitalization of cultural traditions and languages.
- 3.** Direct the AFN when engaging in discussions with Indigenous Services Canada regarding Action Plan Measure 81 of Canada's Action Plan on the United Nations Declaration on the Rights of Indigenous Peoples Act, to secure support and long-term, sustainable, and dedicated funding for the First Nations Healing Fund.

DRAFT RESOLUTION # 28 / 2023

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|---------------------|---|
| TITLE: | Work to Address Misdiagnosis in First Nations |
| SUBJECT: | Health |
| MOVED BY: | Chief James Hobart, Spuzzam First Nation, BC |
| SECONDED BY: | Chief Rachel Manitowabi, Wikwemikong First Nation, ON |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (the 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 (2): States shall take the effective measure 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:
- i. Adopt cross-sectorial strategies with a view to combatting 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.
- C. The *Accessible Canada Act* (ACA) came into force in 2019. The ACA is a federal law that aims to identify, remove, and prevent barriers facing people with disabilities. The ACA established a five-year period of exemption regarding First Nations and the ACA, extending the deadline for the ACA's implementation in First Nations to 2026.
- D. The AFN is advocating for a further extension of ACA implementation in First Nations to ensure equitable services and supports are provided to First Nations to become accessible, and to address the barriers and harms caused by misdiagnosis in First Nations to ensure First Nations can build strong distinct First Nations Accessibility Legislation.
- E. The ACA relies heavily on diagnosis used to develop accessibility standards, regulations, and measure successful implementation in two main areas:
- i. disability data including disability prevalence rates
 - ii. barriers identified by persons with accurately diagnosed disability conditions.

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- F. Assessment and treatment tools currently used throughout the health and healing professions are not culturally appropriate and may incorrectly lead to First Nations people being diagnosed incorrect conditions or illnesses, given that intergenerational trauma and impacts of colonization are not culturally or meaningfully informed in the diagnostic process. For example, when culturally sensitive tools are not used with First Nations populations, First Nations people can often be misdiagnosed with depression or anxiety when the person may in fact be suffering with Post Traumatic Stress Disorder (PTSD).
- G. Assessment and treatment tools need to be informed, normed and validated in partnership with First Nations. When culturally sensitive tools are not used with First Nations populations.
- H. Accessibility in First Nations requires resolving the core issues of misdiagnosis, un-diagnosis, and eliminating barriers to access to culturally valid and reliable processes from referrals and assessments to treatments, services, and policies for First Nations persons with disabilities and others.
- I. In the 2018 report, Psychology's Response to the Truth and Reconciliation Commission of Canada's Report, the Canadian Psychological Association and the Psychology Foundation of Canada acknowledges that they are currently in violation of their own code of ethics in their treatment of Indigenous populations.
- J. Joyce's Principle aims to guarantee to all Indigenous Peoples the rights of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional, and spiritual health. Joyce's Principle requires the recognition and respect of Indigenous people's traditional and living knowledge in all aspects of health.
- K. A study is needed on the feasibility of a National Action Plan on Accessibility, Misdiagnosis, and Un-diagnosis of First Nations to ensure continued adequate response to this issue.

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

1. Direct the Assembly of First Nations (AFN) to secure adequate and appropriate funding from the federal government to build capacity to undertake a feasibility study to inform a National Action Plan on Accessibility, Misdiagnosis, and Un-diagnosis of First Nations. The study will identify knowledge gaps and biases within the field of healthcare to assess the prevalence and impact of misdiagnosis and un-diagnosis in First Nations.
2. Direct the AFN to advocate and secure resources to address the unmet needs of misdiagnosis by developing culturally responsive referral and assessment toolkits. Based on the outcomes of the feasibility study, the AFN will support interested First Nations in developing, equitable services and programs to address colonization-induced traumas linked to the ongoing detrimental impacts of intergenerational trauma and PTSD.
3. Direct the AFN to establish a horizontal Permanent Working Group on Accessibility to guide this study and to report back to First Nations in Assembly on its results.

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4. Direct the AFN to call on the Canadian Psychological Association and the Psychology Foundation of Canada to provide an update and action plan for the implementation of their 2018 report on implementation of the Truth and Reconciliation Commission's Calls to Action.

DRAFT RESOLUTION # 29 / 2023

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| TITLE: | Support for Burns Way Partnership |
| SUBJECT: | Saskatchewan First Nations Veteran's Association |
| MOVED BY: | Chief Jeremy Fourhorns, Carry the Kettle Nakota Nations, SK |
| SECONDED BY: | Chief Marcel Head, Shoal Lake Cree Nations, SK |

WHEREAS:

- A. The Saskatchewan First Nations Veteran's Association's vision is to bring equity to all First Nations Veterans in comparison with non-indigenous Veterans and with respect to quality of life, this is in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.
- B. Our First Nations Veterans have served Canada with honour, bravery and integrity and the transition into civilian life often brings challenges due to trauma.
- C. On October 22, 2023, the Federation of Sovereign Indigenous Nations Veterans Association signed an historic memorandum of understanding (MOU) with the Royal Canadian Legion giving Indigenous Veterans in the Province of Saskatchewan equal rights and treatment along with Non-Indigenous Veterans.
- D. The MOU signing broke the barriers that prevent Indigenous Veterans from getting the services they need to help them deal with their injuries, post-traumatic stress disorder and problems encountered in their everyday lives.
- E. In memory of Earl Burns, the Burns Way Partnership is between the Saskatchewan First Nations Veterans Association, Aboriginal Veterans Autochtones, the Royal Canadian Legion, and TryCycle Data Systems, which is committed to providing accessible, culturally safe, and reliable mental health support for all veterans.

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

- 1. Support The Burns Way Project Partnership between the Saskatchewan First Nations Veterans Association, Aboriginal Veterans Autochtones, the Royal Canadian Legion, and the TryCycle Data Systems.

DRAFT RESOLUTION # 30 / 2023

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TITLE: International Agreements and Indigenous Rights

SUBJECT: Indigenous Rights

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

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

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 (UNDIRP) 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 agreements to include “Investor-State Dispute Resolution” that would allow foreign corporations to sue Canada for regulatory and policy changes that adversely affect their investment in resource development projects.
- F.** Investor-State Dispute Resolution 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.** In 2016, the United Nations Special Rapporteur on the Rights of Indigenous Peoples identified that Investor-State Dispute Resolution 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.

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- H. 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 oppose the development of international agreements that include an Investor-State Dispute Resolution process allowing Canada and foreign corporations to avoid the legal principles and doctrines that protect our inherent and constitutionally protected rights.
2. Direct the AFN to call on Canada to include Indigenous representation at the bargaining table when negotiating international agreements in order to obtain our free, prior, and informed consent in advance of executing those agreements.

DRAFT RESOLUTION # 31 / 2023

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TITLE: Cannabis Excise Tax Revenue Distribution to First Nations

SUBJECT: Cannabis, Economic Development, Taxation

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

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 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.
- 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.

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- 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*.

DRAFT RESOLUTION # 32 / 2023

AFN Special Chiefs' Assembly, December 5-7, 2023, Ottawa, ON

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

SUBJECT: Treaties, Fisheries, Economic Development

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

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

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.
- 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*.

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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 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 opportunities of the Treaty-protected rights to fish and to sell fish for a moderate livelihood, to be used as an example for all First Nations.
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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| TITLE: | Support for First Nations in the Energy Industry: Small Modular Reactors |
| SUBJECT: | Economic Development, Environment, Nuclear, Energy |
| MOVED BY: | Chief Gabriel Atwin, Kingsclear First Nation, NB |
| SECONDED BY: | Chief Alvery Paul, Esgenoôpetitj First Nation, NB |

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 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- B. The Assembly of First Nations (AFN) Resolution 62/2018, *Small Modular Nuclear Reactors (SMRs)* asserted that First Nations-in-Assembly demand the free, prior, and informed consent required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories and demand the abandonment of the SMR program.
- C. Economic development is a priority for all First Nations.
- D. Small Modular Reactors (SMRs) have the potential to improve access to renewable energy, imperative to reducing reliance on fossil fuels, and may promote the generation of First Nations' own-source revenue, equity ownership, procurement opportunities, employment, and skills training, in addition to providing power and heat for First Nations, especially for remote First Nations.
- E. SMRs may provide a competitive alternative to carbon-emitting power generation, such as coal-fired and diesel-fuel generation and can also reduce mine energy costs by 20-60% while providing possible long-term benefits for First Nations.
- F. Potential environmental risks must be addressed including transportation and storing of nuclear waste.
- G. Canada's agenda to "green" the economy offers unique economic opportunities for First Nations and First Nations businesses as part of SMR initiatives.

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- H. NB Power and the New Brunswick government are leading an advanced SMR program in the next generation of small modular reactor technology to improve SMRs safety, reliability, flexibility, cost-effectiveness, and achieving zero-emission.
- I. Natural Resources Canada is advancing several high-level activities to engage with First Nations on Canada's initiatives, including Canada's Critical Minerals Strategy, Clean Energy, the National Benefits Sharing Framework, the Regional Energy and Resource Tables, and SMRs.
- J. In 2021, Pabineau First Nation signed a Memorandum of Understanding (MOU) with private industry partners to further the deployment of SMRs in their territory.

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

1. Reaffirm that First Nations' free, prior, and informed consent is required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories as per Assembly of First Nations (AFN) Resolution 62/2018, *Small Modular Nuclear Reactors (SMRs)*.
2. Support the right of individual First Nations to participate in the energy industry, including the deployment of SMRs.
3. Call on Natural Resources Canada to adequately support funding and capacity for First Nations, including engagement, to inform and shape policy and processes related to SMR development in New Brunswick and other regions, in particular where First Nations expressed interest in SMR deployment.
4. Demand that free, prior, and informed consent be required for the deployment of any nuclear projects and for the transport, storage, and disposal of any hazardous materials in First Nations lands and territories.

DRAFT RESOLUTION # 34 / 2023

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

TITLE: Support for the First Nations Education Administrators Association

SUBJECT: Education

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

SECONDED BY: Chief Scott Martin, Listuguj, QC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- B. The First Nations Education Administrators Association (FNEAA) is a national First Nations organization incorporated on February 6, 2019.
- C. The Assembly of First Nations (AFN) Chiefs' Committee on Education, National Indian Education Council and Education Sector have hosted many dialogue gatherings with education administrators and education directors across the country to determine the need for and goals of the FNEAA.
- D. AFN Resolution 15/2017, *Creation of a First Nation Directors of Education Association*, was passed by the First Nations-in-Assembly to support the creation of a national association for education administrators and directors of education working with First Nations schools, administration, children, parents, bus transportation, and communities/nations.
- E. The FNEAA vision states, "balancing the interconnectedness in education, rooted in First Nations languages, cultures, traditions and self-determination under our First Nations' control of First Nations' Education."
- F. The FNEAA mission statement identifies that "FNEAA is a gathering place for First Nations Education Administrators to share information, collect and share ideas and enhance capacity in Education, Certification, Professional Development, Partnerships, Systems Development & Services, Mentoring and Conferences."
- G. The FNEAA is a place where there is a strong and clear focus on capacity development which can be noted in the following activities being undertaken by the organization:
- i. Building capacity by networking and connecting with other First Nations education administrators and education directors to foster long term sustainable relationships where people learn and grow from each other.
 - ii. Building organizational and individual capacity by providing training, education, certification, and professional development programs.

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- iii. Delivery of in-person workshops, virtual webinars, townhalls, and self-paced online learning.
 - iv. Building capacity through on-going communication via social media, e-blasts, video clips, website messages, special events, zoom meetings, and attending conferences.
 - v. Building organizational and individual capacity through the creation of partnership programs that add value in working together, enable enhanced performance at what you do and enable the achievement of set goals.
 - vi. Establishing standards and best practices based on shared information gathered from First Nations education administrators and other educators across the country.
 - vii. Building individual, organizational, network and community capacity by providing education system development services and being a valuable resource for reliable information and providing services that meet their needs. Some of the services provided include measurement and evaluation, design and delivery of workshops and webinars, and development of toolkits and templates.
 - viii. An annual national gathering that provides an opportunity to expand networks, develop skills and share information.
- H. On June 7, 2023, Indigenous Services Canada (ISC) stated in a decision letter (funding contract) that the FNEAA did not qualify for funding, despite receiving funding in 2021-2022 and 2022-2023.
- I. The main funding source for FNEAA is through ISC's Education Partnerships Program (EPP) project funding for Structural Readiness and Partnerships in the amount of \$1.5 million.
- J. Without ISC funding support, FNEAA cannot sustain the existing staff of 10 employees and has taken steps to temporarily lay off some employees on June 30, 2023.

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

1. Reaffirm support for the First Nations Education Administrators Association (FNEAA) as a mandated association that supports First Nations educators and administrators.
2. Urge Indigenous Services Canada (ISC) to immediately provide funding to FNEAA for the 2023-2024 fiscal year.
3. Direct the Assembly of First Nations (AFN) education portfolio holder to write a letter to ISC requesting continued, sustainable, and predictable funding for 5 years for FNEAA.

DRAFT RESOLUTION # 35 / 2023

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TITLE: Support for First Nations Post-Secondary Institutions

SUBJECT: Post-Secondary Education.

MOVED BY: John Martin, Proxy, Gesgapegiag, QC

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

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.
- 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 Nation 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.

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- 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.

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.

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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.

DRAFT RESOLUTION # 36 / 2023

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| TITLE: | Support for One Young World Summit 2024 |
| SUBJECT: | Youth |
| MOVED BY: | Chief Jeff Copenace, Ojibways of Onigaming First Nation, ON |
| SECONDED BY: | Chief Kahsennenhawe Sky-Deer, Kahnawà:ke, QC |

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.
- 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.

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- 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.

DRAFT RESOLUTION # 37 / 2023

AFN Special Chiefs Assembly, December 5-7, 2023, Ottawa, ON

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

SUBJECT: Culture

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

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

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.
- 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.

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- 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.

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.

DRAFT RESOLUTION # 38 / 2023

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TITLE: Support for First Nations Accessing ICMP Expertise for Missing Children, Unmarked Graves, and Burial Sites Associated with the Former Indian Residential Schools

SUBJECT: Indian Residential Schools

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

SECONDED BY: Chief Derek Nepinak, Pine Creek First Nation, MB

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
 - v. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

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- vi. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to 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; and
 - vii. 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;
 - viii. 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.
 - ix. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action 71 -76, call on churches, the federal government, and civil society to locate all unmarked and/or mass burial sites associated with Indian Residential Institutions (IRI) and to determine the real number of children who died while being forced to attend these institutions.
 - C. To-date, approximately 2,000 anomalies have been detected using ground penetrating radar on the grounds of, or adjacent to, former IRI sites located across First Nations' territories; and that these anomalies and ground disturbances have been analyzed by experts to be consistent with burials of unidentified and missing individuals who may have died while in attendance at one of the IRIs.
 - D. First Nations have expressed a need to work with expert agencies and organizations with the proven background and technical expertise in locating and identifying missing persons using appropriate protocols, forensic archaeology, and anthropology, including DNA testing and processing.
 - E. On June 8, 2022, Crown-Indigenous Relations and Northern Affairs (CIRNA) appointed a Special Interlocutor for Missing Children and Unmarked Burials Sites associated with Indian Residential Schools whose mandate is to recommend a new legal framework to ensure the respectful and culturally appropriate treatment and protection of unmarked graves and burial sites.
 - F. A National Advisory Committee was created by CIRNA to provide a national source of independent, expert information to support community efforts to locate, identify and commemorate their missing children.

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- G. On February 17, 2023, CIRNA made a joint announcement with the International Commission on Missing Persons (ICMP) that they entered into a technical arrangement for the ICMP to conduct a cross-country outreach and engagement campaign with Indigenous communities wishing to explore options for identification and repatriation of human remains from unmarked burial sites associated with former IRIs and to develop a National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons.
- H. AFN Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, mandates the Assembly of First Nations (AFN) to formally invite the ICMP to work with First Nations to support work as part of an international entity, and seek justice through intervention at the International Criminal Court in this matter, to hold the Imperial Crown, the Government of Canada and the Vatican accountable for their actions, and to seek justice for the crimes against humanity for the victims' families and the international community.
- I. AFN Resolution 29/2022, *Establishment of an AFN Chiefs' Committee on Indian Residential Schools*, directs the AFN to establish a Chiefs' Committee on Indian Residential Schools to, among several mandates, help track and share information between First Nations who are undertaking ground searches for unmarked graves at former Residential Schools and to advocate to fully implement the TRC Calls to Action.
- J. AFN Resolution 29/2023, *Support for Indian Residential School Survivors Organizations*, calls on First Nations-in-Assembly to support regional Indian Residential School Survivors' organizations in their efforts and ongoing work.

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

- 1. Reaffirm Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, directing the Assembly of First Nations (AFN) to:
 - a. immediately begin work with all First Nations in Canada to support the investigation of former Indian Residential School sites with the purpose of identifying crime scenes of children.
 - b. work with all First Nations in Canada to support additional works as required and considered appropriate by each First Nation to conduct archeological investigations, document research and other such methods of investigation as required to collect more information about any gravesites discovered during the investigation.
- 2. Support Pimicikamak Cree Nation and all other First Nations in accessing technical support and expertise from the International Commission on Missing Persons (ICMP), and by extension the objectives and activities of the ICMP Canada Residential Schools Project.
- 3. Direct the AFN and the Chiefs' Committee on Indian Residential Schools, to engage with the ICMP for the benefit of those First Nations that wish to engage and access the technical supports of the ICMP per the technical arrangement they entered with Crown-Indigenous Relations and Northern Affairs.

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4. Direct the AFN and Chiefs' Committee on Residential Schools to advocate to Canada on behalf of First Nations for the complete independence of the ICMP Canada Residential Schools Project's National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons, while maintaining the collective First Nations' position to seek justice through intervention at the International Criminal Court as per AFN Resolution 02/2021.

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| TITLE: | Band Reparations Class Action #2 |
| SUBJECT: | Residential Schools |
| MOVED BY: | Chief Donnie Morris, Kitchenuhmaykoosib Inninuwug, ON |
| SECONDED BY: | Chief Brennan Sainnawap, Wapekeka First Nation, ON |

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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| TITLE: | Reaffirming Traditional Roles of Two-Spirit and Gender-Diverse Peoples within First Nations |
| SUBJECT: | 2SLGBTQQA+ |
| MOVED BY: | Chief Allan Polchies, St. Mary's First Nation, NB |
| SECONDED BY: | Chief Shelley Sabattis, Oromocto First Nation, NB |

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- B. Pre-colonial First Nations worldviews included complex understandings of sexuality and gender outside of the patriarchal, heteronormative male/female binary for many First Nations societies. Two-spirit and gender-diverse people were recognized as carrying unique responsibilities vital to the collective wellbeing of First Nations societies.
- C. Colonialism has had a profound impact on the roles and standing of two-spirit and gender-diverse people within First Nations societies.
- D. At the systems level, two-spirit and gender-diverse First Nation peoples face discrimination and marginalization within and outside of First Nations communities, including lack of access to safe and adequate health and social services, and systemic invisibility.
- E. Discrimination occurs when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression.
- F. There is a responsibility by all people to redress systemic racism and to eliminate the gendered colonial violence perpetrated against two-spirit and gender-diverse First Nation peoples within Canada.
- G. The underrepresentation of two-spirit and gender-diverse First Nations representatives in Canada's governing systems is problematic and dangerous as this results in less advocacy for safeguards to ensure the safety of two-spirit and gender-diverse people.

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- H. Recent provincial policy initiatives like “Pronoun Use Policy” or “Parental Rights Policy” in schools are a contemporary manifestation of the intersecting colonial violence of racism, homophobia, transphobia, and heteronormativity which puts two-spirit and gender diverse First Nations youth at risk.

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

1. Reaffirm that two-spirit and gender-diverse peoples are a traditional part of First Nations and carry unique responsibilities vital to the collective wellbeing of First Nations societies.
2. Support the Assembly of First Nations (AFN) 2SLGBTQQIA+ Council in rejecting government policies that directly impact the safety and wellbeing of two-spirit and gender-diverse First Nations people, especially those policies that negatively impact First Nations youth.
3. Direct the AFN to seek out appropriate funding and resources for the AFN 2SLGBTQQIA+ Council to advocate for safeguards to ensure the safety of two-spirit and gender-diverse First Nations people.

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| TITLE: | Support for the National Coalition Supporting Gender-Affirming Healthcare Information |
| SUBJECT: | Health, 2SLGBTQQA+, Youth |
| MOVED BY: | Spokesperson Charmaine Thom, Taku River Tlingit First Nation, BC |
| SECONDED BY: | Chief Allan Polchies, St. Mary's First Nation, NB |

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 Laramie at the Third Annual Inter-tribal Native American, First Nations, Gay and Lesbian American 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:

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- 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 Nation 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 2SLGBTQQIA+ Council as a Recognized "Principal Organ" Under Article 5 of the AFN Charter*, affirms the inherent value of First Nation Two-Spirit, trans, and non-binary peoples, and recognizes that the unique perspectives and expertise of 2SLGBTQQIA+ 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.
- 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.

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- 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 Nation peoples.

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| TITLE: | Support For Tea Creek to Access Funding |
| SUBJECT: | Economic Development, Food Security |
| MOVED BY: | Deputy Chief Harlan Schilling, Daylu Dena Council, BC |
| SECONDED BY: | Chief Jerry Jack (Klakwagiila), Mowachat-Muchalaht First Nation, BC |

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.
- 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.

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- 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 Nation homes.
 - F. Tea Creek is an award-winning, land-based, culturally safe First Nations-led food sovereignty and skills training initiative located in Gitxsan 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.
2. Support the Tea Creek Indigenous Food Sovereignty and Skills training initiative in Gitxsan 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.