
Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 19/2022

TITLE: Executive Committee Representation, Newfoundland

SUBJECT: AFN Charter

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

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

DECISION Carried; 20 objections; 38 abstentions

WHEREAS:

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

19 – 2022
Page 1 of 2

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

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

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

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 20/2022

TITLE: Charter Amendment - Corporate Name Change

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

MOVED BY: Council Chairperson Khelsilem, Squamish Nation, BC

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

DECISION Carried by consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) Charter is a living document that can be amended from time to time.
- B. First Nations leaders believe in the importance of First Nations women and gender-diverse people in our national organization and in the need to use welcoming and inclusive language that promotes harmony and equality.
- C. Article 18 of UNDRIP states: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- D. Formed in 1978, the National Indian Brotherhood (NIB) was an umbrella group for provincial and territorial organizations (PTOs) that acted as a national political body comprised of the leadership of the various PTOs, which lobbied for changes to federal and provincial policies.

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

20 – 2022
Page 1 of 3

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 20/2022

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

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

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

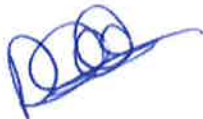
20 – 2022
Page 2 of 3

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

Resolution no. 20/2022

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

20 – 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 21/2022

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

WHEREAS:

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

21 – 2022
Page 1 of 2

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

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

Conflict of Interest

Article 27

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

1.2 Conflict of interest are or may be:

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

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

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

Certified copy of a resolution adopted on the 6th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

21 – 2022
Page 2 of 2

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 22/2022

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

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

22 – 2022
Page 1 of 3

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 22/2022

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

- E. Article 4 of UNDRIP states: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- F. Article 5 of UNDRIP states: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- G. Article 18 of UNDRIP states: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- H. Article 20 of UNDRIP states: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- I. The Assembly of First Nations (AFN) has a role and responsibility to provide orientation on the AFN, including to new members, new leaders, Regional Chiefs, First Nations youth, and AFN staff, among others.
- J. Such orientation should introduce participants to AFN structures and procedures, expectations concerning delegate and participant conduct and interaction at Assemblies, committees, working groups, and AFN gatherings and include education and teachings on AFN principles, traditional values and guiding foundations.

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

22 – 2022
Page 2 of 3

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 22/2022

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

22 – 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 23/2022

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

SUBJECT: Health and Water

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December 2022 in Ottawa, ON

ROSEANNE ARCHIBALD, NATIONAL CHIEF

23 - 2022
Page 1 of 5

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

Certified copy of a resolution adopted on the 7th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

23 - 2022
Page 2 of 5

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

Resolution no. 23/2022

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

Certified copy of a resolution adopted on the 7th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

Resolution no. 23/2022

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

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

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

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

Certified copy of a resolution adopted on the 7th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

23 - 2022
Page 4 of 5

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

Resolution no. 23/2022

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

Certified copy of a resolution adopted on the 7th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

23 - 2022
Page 5 of 5

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 24/2022

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

SUBJECT: Governance and Finance

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

SECONDED BY: Council Chairperson Khelsilem, Squamish Nation, BC

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

24 – 2022
Page 1 of 3

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

Resolution no. 24/2022

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

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

**Special Chiefs Assembly
December 6,7,8, 2022, Ottawa, ON**

Resolution no. 25/2022

TITLE: Advancing Gender Equity in Leadership for Women and Families

SUBJECT: Gender Equity

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

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

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind.
 - ii. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
 - iii. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
 - iv. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - v. Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.
- B. First Nations Women, Elders, Youth and the 2SLGBTQQIA+ represent vulnerable sectors within society.

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

25 – 2022
Page 1 of 4

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

25 – 2022
Page 2 of 4

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

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

25 – 2022
Page 3 of 4

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 26/2022

TITLE:	Plan for National Community Safety Reform: Political Support and Resourcing
SUBJECT:	Policing
MOVED BY:	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
SECONDED BY:	Kevin Hart, Proxy, Little Grand Rapids First Nation, MB
DECISION	Carried; 1 abstention

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

26 – 2022
Page 1 of 2

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 26/2022

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

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

26 – 2022
Page 2 of 2

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 27/2022

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

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

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

27 – 2022
Page 1 of 4

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 27/2022

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

27 – 2022
Page 2 of 4

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

27 – 2022
Page 3 of 4

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

27 – 2022
Page 4 of 4

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 28/2022

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

SUBJECT: Child and Family Services

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

28 – 2022
Page 1 of 3

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 28/2022

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

28 – 2022
Page 2 of 3

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

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

Certified copy of a resolution adopted on the 7th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 29/2022

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

SUBJECT: Residential Schools

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

29 – 2022
Page 1 of 4

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario




ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 30/2022

TITLE: Call to Formally Repudiate the Doctrine of Discovery

SUBJECT: Justice

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

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

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
 - iv. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

30 – 2022
Page 1 of 5

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 30/2022

- v. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - vi. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B.** The Doctrine of Discovery and *terra nullius* are based on the presumed racial superiority of European Christian peoples and has been used to dehumanize, exploit, and subjugate Indigenous peoples and dispossess Indigenous peoples of their lands and rights.
- C.** Canadian courts, such as the case of *St. Catherine's Milling and Lumber Company v. The Queen*, have relied on early United States Supreme Court decisions, such as *Johnson v. McIntosh*, that are based on the discovery doctrine. The Supreme Court of Canada has grounded its interpretation of section 35 of the Canadian Constitution on the racist and unjust legal principles that underlay the Doctrine of Discovery.
- D.** In the landmark *Tsilhqot'in Nation v. British Columbia* ruling, the Supreme Court ruled, "The doctrine of *terra nullius* (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the Royal Proclamation (1763)."
- E.** The federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 (Canada's Declaration Act) includes a clear statement that "all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the doctrines of discovery and *terra nullius*, are racist, scientifically false, legally invalid, morally condemnable and socially unjust."
- F.** Under section 6 of Canada's Declaration Act, the Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the UN Declaration and must include specific measures to address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination against Indigenous peoples.
- G.** The very first recommendations of the 1996 Report of the Royal Commission on Aboriginal People are as follows

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

30 – 2022
Page 2 of 5

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 30/2022

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

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

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

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

30 – 2022
Page 3 of 5

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

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

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 30/2022

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

30 – 2022
Page 5 of 5

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 31/2022

TITLE: Establishment of an Indian Residential Schools Museum

SUBJECT: Indian Residential Schools

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

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

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group;
 - ii. Article 8(2): States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration.
- B. On May 8, 2006, Canada and the Assembly of First Nations (AFN) entered into the Indian Residential Schools Settlement Agreement (IRSSA).
- C. On June 2, 2015, Justice Murray Sinclair released the TRC's document titled, *Honoring the Truth, Reconciling for the Future: A Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. The summary report contained 94 Calls to Action to all levels of government and must be implemented as the bare minimum to respect, recognize and reconcile for the sake of our future generations.

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

31 – 2022
Page 1 of 2

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

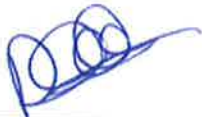
Resolution no. 31/2022

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

31 – 2022
Page 2 of 2

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 32/2022

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

SUBJECT: Day School Claims

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

32 – 2022
Page 1 of 2

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

Resolution no. 32/2022

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

32 – 2022
Page 2 of 2

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 33/2022

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

SUBJECT: Justice

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

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

DECISION Carried by consensus

WHEREAS:

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

- i. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- ii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

33 – 2022
Page 1 of 3

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 34/2022

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

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

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

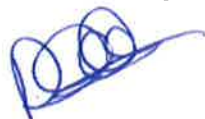
34 – 2022
Page 1 of 3

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 35/2022

TITLE: Reimbursements of Legal Costs for Residential School Survivors

SUBJECT: Residential Institutions

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

35 – 2022
Page 1 of 2

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

35 – 2022
Page 2 of 2

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 36/2022

TITLE: Reopening of Indian Residential Schools Settlement Agreement

SUBJECT: Indian Residential Schools

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

36 – 2022
Page 1 of 3

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

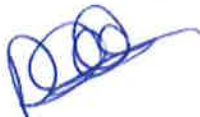
36 – 2022
Page 2 of 3

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

Resolution no. 36/2022

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

36 – 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 37/2022

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

SUBJECT: Culture

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

37 – 2022
Page 1 of 3

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

Resolution no. 37/2022

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

37 – 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 38/2022

TITLE: Support to Further Actions Post-Papal Apology

SUBJECT: Indian Residential Schools Portfolio

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

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

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration):
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

38 – 2022
Page 1 of 3

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 39/2022

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

SUBJECT: Justice

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON

ROSEANNE ARCHIBALD, NATIONAL CHIEF

39 - 2022
Page 1 of 3

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

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

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

39 - 2022
Page 2 of 3

SPECIAL CHIEFS ASSEMBLY

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

Resolution no. 39/2022

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

39 - 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 40/2022

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

SUBJECT: Child and Family Services

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

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

DECISION Carried by consensus

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

40 – 2022
Page 1 of 3

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

Resolution no. 40/2022

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

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

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario




ROSEANNE ARCHIBALD, NATIONAL CHIEF

40 – 2022
Page 2 of 3

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

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

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

40 – 2022
Page 3 of 3

Assembly of First Nations

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



Assemblée des Premières Nations

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

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

Resolution no. 41/2022

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

SUBJECT: Lands and Resources

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

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

DECISION Carried; 1 abstention

WHEREAS:

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

41 - 2022
Page 1 of 4

- iv. Article 18: Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
 - v. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.
- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, as legal imperatives called upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (like UNDRIP and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- C.** On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent. The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- D.** The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada, "in consultation and cooperation with Indigenous Peoples", to:
- i. take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration pursuant to Section 5.
- E.** Indigenous Peoples have the inherent right to their Aboriginal Title, lands, territories, resources, and waters, which they have historically owned, occupied or otherwise used or acquired.
- F.** Premier Scott Moe introduced The Saskatchewan First Act ("Bill 88") for first reading on November 1, 2022, which asserts Saskatchewan's exclusive jurisdiction over natural resources within the province.
- G.** In 1930, the federal government transferred assumed responsibility to the provinces of Manitoba, Saskatchewan, and Alberta under the Natural Resource Transfer Act, 1930 (NRTA) via the Constitution Act.

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

41 - 2022
Page 2 of 4

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

Resolution no. 41/2022

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

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

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

41 - 2022
Page 3 of 4

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

Resolution no. 41/2022

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

Certified copy of a resolution adopted on the 8th day of December 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

41 - 2022
Page 4 of 4