



**ASSEMBLY OF FIRST NATIONS**  
**2019 ANNUAL GENERAL ASSEMBLY—FREDERICTON, NB**  
**FINAL DRAFT RESOLUTIONS**

Following the AFN Resolutions Procedures revised by Executive in October 2013, resolutions to be considered at Chiefs Assemblies are required the Friday a full two weeks prior to the first day of the Assembly. Notices of this deadline and related procedures are distributed to all First Nations via broadcast fax and posted on the AFN website.

Resolutions are provided in this package for review by Chiefs-in-Assembly. The Resolutions Committee will receive late resolutions until 12:00 pm AST on Wednesday, July 24, 2019.

#	Title
01	Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the Safe Drinking Water for First Nations Act
02	First Nations Treaty and Inherent Rights to Water
03	Advancing First Nations Clean Energy Leadership for Economic Development and Action on Climate Change
04	The Convention on Biological Diversity (CBD)
05	Support for the Food, Environment, Health and Nutrition of Children and Youth (FEHNCY) Study
06	Declaring a First Nations Climate Emergency
07	Respecting First Nations inherent and constitutionally-protected rights in the Project List for Bill C-69
08	First Nations' Oceans Priorities at the Convention on Biological Diversity
09	Species At Risk and Aquatic Species
10	International Year of the Salmon
11	Rebuilding Fish Nations: Advancing a First Nations Fisheries
12	Indigenous Knowledge Systems in Fisheries
13	The Ocean Supercluster
14	Jordan's Principle Operations
15	An Act respecting First Nations, Inuit and Metis children, youth and families—Transition and Implementation Planning
16	Establishing a First Nation's Child & Youth Advocate
17	Proper Funding for Digital Health Tools Required to Support Health System Transformation
18	Developing a "Seven Generations Continuum of Care for First Nations, by First Nations" of Health, Economic and Social Services
19	National Training Program for Indigenous Epidemiologists
20	Support for Greater Investment into Reclamation of Childbirth
21	Implementation of Recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls
22	Report of the Joint Advisory Committee on Fiscal Relations
23	Developing a Ten-Year Treaty Education in Canada Implementation Plan
24	First Nations Education Infrastructure Review
25	Additional Funding for First Nations Education Transformation
26	Chiefs Committee on Cannabis
27	Continued advocacy on Canada's International Trade Agreements to achieve economic reconciliation
28	Increasing First Nations Procurement Opportunities and Benefits

#	Title
29	Revise the Tri-Council Financial Administration Policy
30	Inclusion of Canada Summer Jobs to First Nations Labour Market Agreement holders
31	Demarcation of Indigenous Language Signs on Traditional and Ancestral Lands
32	Treaty and Adhesions to Treaty Commemoration
33	Supporting First Nations Guardians
34	National Expansion of the Indigenous Rookie League Baseball Program
35	Support for Sumas First Nation Gaming Initiatives
36	Support for Miziwe Biik Employment and Training Centre
37	Support for a First Nations Led Engagement Process on Nation Building
38	First Nations Labour Market Agreement holders and the First Nations and Inuit Child Care Initiative
39	Rejection of the Process of Co-Developing Policy and Legislation as Employed by the Government of Canada
40	Elders' Statement on Rights to Protect Nationhood
41	Table and review the Report "Honouring our Ancestors by Trailblazing a Path to the Future" from the Joint Advisory Committee on Fiscal Relations in light of current federal legislative and structural changes
42	Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines, and the Underlying Myth of Crown Title
43	Treaty and Inherent Rights Sharing Discussions
44	Treaty and Inherent Rights Legal Unit
45	100 Wellington St.
46	Reject the National Pharmacare Plan and any other plan that will violate the Medicine Chest for First Nations

**D R A F T   R E S O L U T I O N   # 0 1 / 2 0 1 9**

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<b>TITLE:</b>	<b>Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the <i>Safe Drinking Water for First Nations Act</i></b>
<b>SUBJECT:</b>	Water
<b>MOVED BY:</b>	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, B.C.
<b>SECONDED BY:</b>	Chief Lance Haymond, Kebaowak First Nation, QC

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**WHEREAS:**

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them.
- iii. 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.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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 and girls.

C. Call For Justice 4.1 identifies the appropriate response to these crises as follows:

- 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.

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- D. The *Safe Drinking Water for First Nations Act* (SDWFNA) came into force on November 1, 2013. The SDWFNA grants sweeping enforcement, legislative and judicial powers to the Crown as well as the ability to confer those powers to any person or body including private corporations. The SDWFNA and government policies and programs have failed to address the continuing financial resource gap for First Nations water infrastructure and the required operations and maintenance of that infrastructure.
- E. Assembly of First Nations (AFN) Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, called for First Nations to take the lead in determining and developing priorities and strategies for new safe drinking water and wastewater legislation, including the co-development of a draft framework for new legislation and a framework for a First Nations Water Commission.
- F. In accordance with AFN Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, the AFN developed the *First Nations Safe Drinking Water Legislation Preliminary Concepts (Preliminary Concepts)* that proposed priorities, principles and interests foundational to new First Nations safe drinking water and wastewater legislation. These *Preliminary Concepts* were endorsed by the Chiefs-in-Assembly through AFN Resolution 26/2018, *Support for a First Nations Preliminary Concepts* as a basis for further engagement with First Nations across Canada in advance of the co-development process of repeal and replacement legislation.
- G. The AFN has conducted a regionally led National Engagement Process in all regions of Canada throughout the spring and summer of 2019 to engage First Nations technicians, Leadership and representatives on their views, needs, concerns and aspirations for the repeal and replacement of the *Safe Drinking Water for First Nations Act*.
- H. The AFN has drafted the *First Nations Safe Drinking Water Refined Preliminary Concepts (Refined Preliminary Concepts)* utilizing the feedback, insights and concerns of First Nations provided through the National Engagement Process and now brings these Refined Preliminary Concepts to the Chiefs-in-Assembly for their review and endorsement as the co-development process continues for repeal and replacement legislation for the SDWFNA.

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

1. Hereby endorse the Refined Preliminary Concepts as a working document to inform a co-development process with the Government of Canada to produce joint recommendations on a framework to repeal and replace the SDWFNA that will address the provision of First Nation safe drinking and wastewater management.
2. Urge the Federal Government to participate in the co-development process in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples, the Calls to Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the numerous commitments it has made to First Nations.
3. Call upon the Assembly of First Nations to declare that, as partners in reconciliation, provinces and territories must recognize that First Nations rights, interests and title to waters and waterbodies remain unextinguished and will not be encumbered by Provincial and Territorial assertions of jurisdiction.

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4. Direct the Assembly of First Nations (AFN) to conduct follow-up engagement with First Nations throughout Canada throughout 2019 and 2020 on key issues, concerns and Regional or Local First Nations water initiatives that may be impacted or supported by the repeal and replacement of the *Safe Drinking Water for First Nations Act*.
5. Direct the AFN to seek sufficient resources to support the follow-up engagement process with First Nations, including a future co-development process with the Government of Canada.
6. Direct the AFN to return to the next Chiefs Assembly to present the results of the follow-up engagements and co-development process to the Chiefs-in-Assembly.

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<b>TITLE:</b>	<b>First Nations Treaty and Inherent Rights to Water</b>
<b>SUBJECT:</b>	Water, Treaty Rights
<b>MOVED BY:</b>	Chief Calvin Sanderson, Chakastaypasin First Nation, SK
<b>SECONDED BY:</b>	Chief Coreen Sayazie, Black Lake Denesuline Nation, SK

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  - iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The articles support our right to the relationship we have with water and our responsibilities to future generations; and for states 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.
- C. First Nations have sovereign, Inherent and Treaty rights over the land and waters in their traditional territories and continue to assert and exercise their rights and responsibilities through ceremony and practices of management and use. This is the responsibility given to us by the Creator as valuable water resources flow through and exist within First Nations territories.
- D. The Government of Canada and provincial governments have not recognized First Nations rights and responsibilities of stewardship of the water, nor have they acquired the free prior and informed consent in relation to water use and allocation. Successive government entities tasked with management of water have not properly protected water, which has had detrimental impacts.

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- E. The focus of the Assembly of First Nations (AFN) National Water Strategy has been on the *Safe Drinking Water for First Nations Act* (SDWFNA), which came into force on November 1, 2013. The SDWFNA grants sweeping enforcement, legislative and judicial powers to the Crown as well as the ability to confer those powers to any person or body including private corporations. The SDWFNA and accompanying government policies and programs have failed to address the continuing financial resource gap for First Nations water infrastructure and the required operations and maintenance of that infrastructure.
- F. AFN Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, calls for First Nations to take the lead in determining and developing priorities and strategies for new safe drinking water and wastewater legislation, including the co-development of a draft framework for new legislation and a framework for a First Nations Water Commission,
- G. In accordance with AFN Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, the AFN is convening a First Nations led Joint Working Group on Safe Drinking Water for First Nations and is developing a Chiefs Committee on First Nations Drinking Water Legislation.
- H. The AFN developed the first iteration of First Nations Safe Drinking Water Legislation Preliminary Concepts (Preliminary Concepts) that proposed the priorities, principles and interests that are foundational to new First Nations safe drinking water and wastewater legislation.
- I. The Preliminary Concepts include: protection of First Nations' rights, laws and aspirations regarding water and wastewater; confirms adequate, predictable and sustainable funding for First Nations water and wastewater needs; and supports the consensual transition of care and control over First Nations water and wastewater infrastructure to First Nations. The Preliminary Concepts also include commitments to achieving the standards of the UN Declaration and enshrining a multi-barrier approach to drinking water safety and proper sanitation for First Nations,
- J. The AFN remains committed to honouring the inherent and Treaty Right to water and remains cognizant of the broader political and legal strategy necessary for the full and meaningful implementation of First Nations rights to water where water flows on, around and/or under First Nations.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to immediately work in full partnership with First Nations to advance the work needed to achieve reconciliation and the standards as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including articles 25 and 32 for the full and meaningful implementation of Indigenous water rights in their territories including legislative commitment to the UN Declaration.
2. Direct the AFN to broaden their National Water Strategy and consider political and legal strategies that support the full and meaningful exercise of the Inherent and Treaty right to water including our jurisdiction as stewards of lands and waters in our traditional territories.

**D R A F T   R E S O L U T I O N   # 0 3 / 2 0 1 9**

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<b>TITLE:</b>	Advancing First Nations Clean Energy Leadership for Economic Development and Action on Climate Change
<b>SUBJECT:</b>	Environment, Economic Development
<b>MOVED BY:</b>	Chief Gordon Planes, T'Sou-ke First Nation, BC
<b>SECONDED BY:</b>	Chief Gerry Duquette, Dokis First Nation, ON

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - ii. Article 19: States shall consult and cooperate in good faith with 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 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** Canada, like many countries around the world, is undergoing a process of Energy Transition that is characterized by the decarbonization, decentralization, digitalization and democratization of energy systems and markets, which were centralized and colonialized in the past. This process offers major opportunities for First Nations to lead and own clean energy projects themselves, or with partners they select.
- C.** First Nations are already major participants and owners of clean energy project and businesses comprised of over 175 medium-large solar, hydro, wind and biomass projects, and over 2,300 small renewable energy projects. These projects have created thousands of First Nations jobs and generate substantial own source revenue for First Nations governments and development corporations.
- D.** Clean energy is among the most effective means of reducing Greenhouse Gas (GHG) emissions to combat Climate Change, and the Canadian government has established policy and fiscal measures that provide incentives to reduce carbon emissions.
- E.** Reducing reliance on diesel fuel in remote and northern First Nations is an imperative to reduce local pollution and GHG emissions; and clean energy projects in these First Nations represent significant economic development opportunities.

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- F.** The next stage of the Canadian and global energy revolution will emphasize: further renewable energy development; enhanced energy efficiency of homes, community facilities and industry; advanced energy systems; and, green energy infrastructure. These developments offer major economic development and climate action opportunities for First Nations.
- G.** First Nations need to: build additional clean energy capacity; work together across the country on clean energy skills development and expanded employment; collaborate with clean energy industry and governments on clean energy projects; access financial capital for clean energy infrastructure; and, share project and business experiences internationally.
- H.** Over 60 First Nations have begun the process of taking clean energy participation to the next level through participation of members and citizens in the Indigenous Clean Energy 20/20 Catalysts Program, and hundreds of First Nations and governments are participating in clean energy programs.

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

1. Call on the Assembly of First Nations (AFN) to continue advocating for legislative, policy, fiscal, and program reforms that facilitate and empower First Nations involvement in clean energy projects and economies.
2. Direct the AFN to work in partnership with organizations, such as the Indigenous Clean Energy Social Enterprise, to promote First Nations collaborative frameworks for renewable energy, energy efficiency, advanced energy systems and green energy infrastructure.
3. Support efforts by First Nations governments to take action on housing and community facility energy efficiency to make energy more affordable, improve health conditions, and establish new and ongoing jobs.
4. Direct the AFN to encourage participation of First Nations and their citizens in clean energy capacity building initiatives, such as the 20/20 Catalysts Program.
5. Direct the AFN to seek opportunities to share First Nations experiences with clean energy projects and ventures globally, as a means to combat the climate crisis, through forums such as the United Nations Framework Convention on Climate Change, among others.

**D R A F T   R E S O L U T I O N   # 0 4 / 2 0 1 9**

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**TITLE:** The Convention on Biological Diversity (CBD)

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**SUBJECT:** Environment

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**MOVED BY:** Chief Byron Louis, Okanagan First Nation, BC

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**SECONDED BY:** Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK

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**WHEREAS:**

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- iii. Article 31 (2): In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

B. The United Nations Convention on Biological Diversity (CBD) states:

- i. Article 8 (j): Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.
- ii. Article 10 (c): Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

C. Canada's conservation efforts are driven by its commitments internationally under the CBD, including the establishment of the federal *Species at Risk Act* (SARA), and more recently, its efforts on the Pathway to Canada Target 1.

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- D. Pathway to Canada Target 1 aims for the conservation of 17 percent of terrestrial and inland waters through the establishment of networks of protected areas, including Indigenous Protected and Conserved Areas (IPCAs), as part of its international commitments.
- E. An ad hoc, open-ended Working Group on 8(j) has functioned to advance the interest of Indigenous Peoples in the CBD context for two decades.
- F. The future of the Working Group on 8(j), including its program of work, is currently the subject of significant discussion at the CBD. The specific details are set to be finalized following a series of meetings taking place in coordination with the next Conference of the Parties, in 2020 and beyond.
- G. In May 2019, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), an intergovernmental body which assesses the state of biodiversity and of the ecosystem services it provides to society, released an alarming global synthesis of the state of nature, ecosystems, and nature's contributions to people.
- H. In particular, the Report stated that nature is declining globally at rates unprecedented in human history — and the rate of species extinctions is accelerating, with grave impacts on people around the world. Around 1 million animal and plant species are now threatened with extinction, many within decades, more than ever before in human history. Furthermore, climate change was cited as a direct driver that is accelerating biodiversity loss with resulting consequences for Indigenous Peoples.
- I. The future work of the CBD and its associated processes, mechanisms and protocols have ongoing existential implications for Indigenous Peoples, and the world over.
- J. The Assembly of First Nations (AFN) has been an ongoing and regular participant in meetings of the CBD and continues to be actively involved in advocating for the recognition of First Nations rights with respect to biodiversity conservation, both domestically and internationally.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for First Nations involvement, both domestically and internationally, in all actions, including by federal, provincial, and territorial governments, to prevent biodiversity loss.
- 2. Support the establishment of a strong Indigenous-led permanent body to function as part of the United Nations Convention on Biological Diversity (CBD) to:
  - a. Draw on the insights and experiences gathered from Indigenous Peoples leadership in the Working Group on 8(j) over the past two decades.
  - b. Effectively advocate for the rights, interests, and contributions of all Indigenous Peoples in the CBD context.
  - c. Include mechanisms to promote the meaningful, sustained, and visible inclusion of Indigenous Peoples and voices in all aspects of the CBD.
  - d. Ensure that Indigenous Knowledge, in all of its forms, continues to be promoted as a valuable contribution in biodiversity conservation, both internationally and domestically.

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- e. Protect First Nations inherent rights, Treaties, Title and jurisdiction, and recognize First Nations inherent and everlasting responsibilities to their traditional territories.
- 3. Call on the Government of Canada to ensure that First Nations are involved in all aspects of biodiversity conservation, both in Canada and internationally, in a manner that promotes and respects First Nations inherent and constitutionally-protected right and Treaties, along with adequate funding, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

**D R A F T   R E S O L U T I O N   # 0 5 / 2 0 1 9**

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**TITLE:** Support for the Food, Environment, Health and Nutrition of Children and Youth (FEHNCY) Study

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**SUBJECT:** Environment, Health, Housing

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**MOVED BY:** Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK

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

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - ii. Article 31 (1): Indigenous peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
  - iii. Article 31 (2): In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B. The First Nations Food, Nutrition, and Environment Study (FNFNES) is wrapping up after 10 years, yielding important results for First Nations across Canada south of the 60<sup>th</sup> parallel.
- C. The Assembly of First Nations (AFN) will host a FNFNES National Forum to mark the end of the FNFNES project, and discuss these important results, on November 5-6, 2019, in Ottawa.
- D. The results of the FNFNES have pointed to other areas for further research, most notably on the environmental and social determinants of health for First Nations children and youth.
- E. The core FNFNES team (i.e. the University of Ottawa) has been working with the AFN, including meeting with respective Chiefs Committees, to develop and finalize a new research proposal.
- F. The core research team of FNFNES has advanced a new proposal to Canada, based on Resolution 103/2016 - *Food, Environment, Nutrition and Health of First Nations Children and Youth Study*, which was passed by consensus in 2016.

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- G.** Funding has now been secured for a new study focused on children and youth living on-reserve, with four components: 1) food environment, food security, nutrition, and health; 2) housing conditions, indoor air quality, and respiratory health in children; 3) exposure to environmental contaminants; and 4) community mobilization and integrated knowledge translation for intergenerational capacity building.
- H.** The goal of this research is to collect information to support evidence-based health policy for First Nations children and youth living on-reserve and to help build capacity within communities to address nutritional and environmental health concerns.
- I.** This research would be carried out in full collaboration with interested First Nations, and would be based on the research protocols, research tools, methodology, and the interpretation and communication of results in accordance with the principles of Ownership, Control, Access, and Possession (OCAP).

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

1. Support the Assembly of First Nations (AFN) in its initiative to work as a full partner on the Food, Environment, Health and Nutrition of Children and Youth (FEHNCY) study.
2. Direct the AFN to provide leadership and ongoing technical support on all aspects of the research process including, the research protocols, research tools, methodology, and the interpretation and communication of results.
3. Call on the FEHNCY research team to ensure that the research project incorporates an appropriate cross section of local First Nations to ensure that the research findings and results will apply to the broadest spectrum of First Nations possible, consistent with the principles of Ownership, Control, Access, and Possession (OCAP).

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<b>TITLE:</b>	Declaring a First Nations Climate Emergency
<b>SUBJECT:</b>	Climate Crisis; Environment; Emergency
<b>MOVED BY:</b>	Chief Dana Tizya-Tramm, Vuntut Gwitch'in First Nation, YK
<b>SECONDED BY:</b>	Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC

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**WHEREAS:**

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.
- iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources,
- iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. The Climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in *Section 35 of the Constitution Act (1982)*, affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown. Reconciliation is about resolving impacts that affect First Nations holistic relationships with the environment and the land.

C. In 2016, the AFN Elder's Council released an Elders' Statement on Environment and Climate Change; articulating that: *Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations.*

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- D. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and way-of-life shared by Elders, knowledge keepers, women, youth, and leadership.
- E. Science is finally catching up to this information as several recent reports, such as the *Special Report on Global Warming under 1.5°C* by the Intergovernmental Panel on Climate Change and Canada's *Changing Climate Report (CCCR)*, have articulated the current state of crisis facing the world. In Canada, the climate has warmed 2.3 degrees and is projected to warm, on average, at double the magnitude of the rest of the world.
- F. In particular, the Intergovernmental Panel on Climate Change (IPCC) now predicts a temperature rise of 3° C or more at the current rate of greenhouse gas emissions, which means two-to-three times higher in the Arctic, with devastating impacts for First Nations in northern Canada.
- G. In response, First Nations are taking responsibility into their own hands. The leadership is exemplified by the Vuntut Gwitch'in First Nation, which, with the support of their community and Chief Dana Tizya-Tramm, have declared a state of emergency. The declaration, titled "Yeendoo Diinehdoo Ji'heezrit Nits'oo Ts'o' Nan He'aa," translates directly to "After Our Time, How Will the World Be," saying the traditional way of life in Old Crow is under threat from the climate crisis.
- H. Based on this leadership, the federal House of Commons adopted the following motion: "*Canada is in a national climate emergency which requires, as a response, that Canada commit to meeting its national emission target under the Paris Agreement and to making deeper reductions in line with the agreement's objective of holding global warming below two degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius.*"
- I. In light of the current trajectory of Canada's climate plan, the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), does not sufficiently meet the necessary targets, putting Canada on a pathway to 4°C of warming.

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

1. Declare a global climate emergency.
2. Recognize that the climate crisis constitutes a state of emergency for our lands, waters, animals and peoples, and that we will accordingly utilize our local, national, and international forums and partnerships to keep global warming below 1.5 degrees Celsius.
3. Call on local, national, and international communities, governments, organizations, and movements to safeguard the inherent and constitutionally protected rights of First Nations, respect Indigenous knowledge, and uphold Treaties and other constructive arrangements between First Nations and the Crown.
4. Call on the Assembly of First Nations (AFN), with guidance from the Advisory Committee on Climate Action and the Environment (ACE), First Nations Elders, Knowledge Keepers, women, youth and leadership, to develop a First Nations-led climate strategy and to host a National Gathering to advance local, domestic and international climate advocacy.

**D R A F T   R E S O L U T I O N   # 0 7 / 2 0 1 9**

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<b>TITLE:</b>	<b>Respecting First Nations inherent and constitutionally-protected rights in the Project List for Bill C-69</b>
<b>SUBJECT:</b>	Environment; Fisheries; Impact Assessment
<b>MOVED BY:</b>	Chief Archie Waquan, Mikisew Cree First Nation, AB
<b>SECONDED BY:</b>	Chief Calvin Sanderson, Chakastaypasin Band of the Cree Nation, SK

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**WHEREAS:**

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. The Assembly of First Nations (AFN) has passed nine resolutions concerning this process: Resolution 69/2018, *First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development*; Resolution 07/2018, *Addressing First Nations Rights, Title, and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*; Resolution 73/2017, *Environmental and Regulatory Reviews – Phase 3*; Resolution 20/2017, *Respecting Inherent Jurisdiction over Waters Parallel to the Review of Canada's Navigation Protection Act*; Resolution 19/2017, *Resetting the Role of First Nations in Environmental and Regulatory Review*; Resolution 86/2016, *Meaningful Consultation and Engagement with First Nations in the Environment and Regulatory Review*; Resolution 64/2016, *Support for Stk'emelemc te Secwepemc Nation Project Assessment Process*; Resolution 12/2016, *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; and Resolution 35/2016, *First Nations' inclusion in the review of Environmental and Regulatory processes*.

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- C. Prime Minister Justin Trudeau publicly committed “to a renewed nation-to-nation relationship with First Nations (...) one that is based on recognition of rights, respect, cooperation and partnership” and to “conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government.”
- D. Following two and a half years, where First Nations overwhelmingly participated in a House of Commons committee, a Senate Committee, two expert panels, a federal discussion paper, and in-person technical sessions, Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts* received Royal Assent on June 21, 2019.
- E. This is despite, since entering the Senate, significant opposition from oil and gas lobbyists, provinces, and other stakeholders, with opponents calling on Senators to either kill or delay the Bill in perpetuity. The Senate Committee on Energy, the Environment, and Natural Resources emboldened by this opposition proposed over 180 amendments to the Bill, many of which, in particular those proposed by Conservative Senators, were antithetical to the meaningful inclusion of First Nations’ rights, jurisdiction, and knowledge.
- F. In response, the Government responded to the Senate indicating that the vast majority of proposed amendments were unacceptable. In total, this meant accepting 62; modifying 37; rejecting 130; and making 6 consequential amendments
- G. While Bill C-69 is not a drastic change from the current federal assessment laws (Canadian Environmental Assessment Act, 2012 and the National Energy Board), it brought the law in compliance with the existing case law on: a) Broadened scope of assessment; b) Section 35 as part of the public interest test; c) Duty to give reasons; d) Increased engagement with First Nations; and e) Indigenous Knowledge.
- H. At the same time, Canada is engaging in a process of reviewing policies, regulations and guidelines relating to Bill C-69. This has included important regulations for the functioning of the Acts, which were released at the same time as the Senate’s study on the Bill. This has resulted in less attention on those important regulations by First Nations.
- I. In particular, two draft regulations pertaining to the *Impact Assessment Act* were released for comment: *Regulations Designating Physical Activities (Project List)*; and *Information Requirements and Time Management Regulations*. The deadline for comments closed on May 29, 2019; however, many First Nations concerns were not addressed in the Discussion Papers.
- J. The proposed approach on the Project List largely maintains the flawed system of Canadian Environmental Assessment Agency, 2012 (CEAA 2012) by focusing solely on a very limited interpretation of major projects in areas of federal jurisdiction, including exemptions for existing oil and gas development, and small modular nuclear reactors, as well as decreases in thresholds for pipelines, coal mines, and renewable energy projects (such as wind).

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- K.** The Proposed approach on the Project List for oil sands projects encourages project splitting. The exemption for mine expansions under 40% and *in situ* projects under 2000m<sup>3</sup>/day incentivizes proponents to submit multiple smaller applications that result in very large projects. At the same time, similar provincial exemptions mean that future expansion of oil sands development may see only minimal impact assessment that does not fully assess impacts to First Nations' rights
- L.** This is despite First Nations' concerns with the CEAA 2012 Projects, as well as the *Consultation Paper on The Project List* released by the Government in February of 2018. First Nations require a functioning *Project List* to understand, participate, and make decisions on which projects are entering (and potentially threatening) the exercise of their inherent and constitutionally-protected rights. The release of a Consultation Paper with one month to comment before regulations proceed to Gazette Two does not constitute meaningful consultation, which is required for regulatory development.
- M.** First Nations expect to co-draft policies, regulations, and guidelines for the environmental and regulatory processes, at, or above, the precedent set in the development and eventual passage of the *Species-at-Risk Act*, which involved full, direct, and unfettered participation of First Nations (Resolution 07/2018, *Addressing First Nations Rights, Title and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*).

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

1. Direct the Assembly of First Nations (AFN) to demand that the Government of Canada listens to First Nations in their calls for improvements to the Project List and Time Management regulations, in order to include existing (or "in situ") projects, small modular nuclear reactors, and projects that may impact First Nations rights, title, and jurisdiction.
2. Direct the AFN to call on Canada to engage in a focused dialogue with First Nations to substantively identify, recognize, and engage the protocols, elements, and processes to conduct joint regulatory and policy drafting; in particular the Project List regulation and the Indigenous Knowledge policy framework.
3. Call on Canada to provide adequate funding directly to individual First Nations for their full, direct, and unfettered participation in the joint regulatory and policy drafting of Bill C-69.
4. Call on Canada to ensure that regulatory and policy development fully respects the constitutional and other legal obligations of the Crown to First Nations and standards set by the United Nations Declaration on the Rights of Indigenous Peoples.

**D R A F T   R E S O L U T I O N   # 0 8 / 2 0 1 9**

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**TITLE:** First Nations' Oceans Priorities at the Convention on Biological Diversity

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Dalton Silver, Sumas First Nation, BC

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**SECONDED BY:** Chief Darcy Gray, Listuguj Mi'gmaq First Nation, QC

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
  - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
  - iii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iv. Article 33 (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 Convention on Biological Diversity (CBD) is an international agreement signed by 150 government leaders at the 1992 Rio Earth Summit that provides a global legal framework for action on biodiversity.
- C. The 2011-2020 CBD Strategic Plan established 20 global biodiversity targets (also known as the "Aichi Targets"), which was the impetus for the Department of Fisheries and Oceans Canada's (DFO) commitment to protect 10% of Canada's oceans by 2020, through establishing marine protected areas and other effective area-based conservation measures.
- D. Canada is currently the co-chair of the Open-ended Working Group that was established in the short-term to draft a new Global Biodiversity Framework that updates the biodiversity goals and targets at the next Conference of the Parties to the CBD in the fall of 2020.
- E. The Assembly of First Nations (AFN) has passed resolution 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan*, 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas*, and 34/2017, *First Nations Engagement and Consultation on Bill C-55*

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*Oceans Act and Marine Protected Areas*, that address First Nations' issues and the need for a decision-making role in the protection and management of their oceans and marine resources.

- F.** First Nations have inherent rights to govern and manage ocean resources related to fisheries, marine protection, monitoring, and transboundary issues, including international law of the sea.
- G.** First Nations are impacted by the decisions made at the Conference of the Parties to the CBD (e.g. the establishment of Canada's marine conservation targets, Bill C-55, and the Oceans Protection Plan) and have an important decision-making role to play on the protection of marine resources in their territories.

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

1. Direct the Assembly of First Nations (AFN) to call on the Department of Fisheries and Oceans (DFO) and any other relevant federal departments to secure funding for the AFN Fisheries Sector to adequately participate in the Convention on Biological Diversity (CBD).
2. Call upon the AFN to advocate that any work that DFO participates in to establish new marine targets in a Global Biodiversity Framework must respect First Nations' inherent rights, Treaties, Title and jurisdiction, and recognize First Nations' responsibilities to their traditional territories in the marine environment.
3. Direct the AFN National Fisheries Committee to identify and appoint representatives to participate at the Conference of the Parties on the Convention of Biological Diversity, and any related planning meetings, to ensure that First Nations' priorities are reflected in the development of new global biodiversity goals and targets.

**D R A F T   R E S O L U T I O N   # 0 9 / 2 0 1 9**

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**TITLE:** **Species At Risk and Aquatic Species**

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**SUBJECT:** Fisheries

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

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**SECONDED BY:** Chief Misel Joe, Miawpukek First Nation, NL

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) affirms:
  - i. 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.
  - ii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iii. Article 33 (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 Assembly of First Nations (AFN) has passed Resolution 120/2016, *Establish a First Nations Specific Committee under the Species at Risk Act*.
- C. The AFN has participated as a co-chair and member of the First Nations Advisory Committee on Species at Risk (FNACSAR) since it was established in March of 2017.
- D. The FNACSAR includes three working groups that focus on Socio-Economic Analysis, Caribou, and First Nations Stewardship with an interest in establishing a fourth working group focused on aquatics.
- E. In a recent document developed by Environment Climate Change Canada considering the meaningful inclusion of Indigenous impacts in a Cost-Benefit Analysis of the *Species at Risk Act* Regulations, there is a clear void in addressing issues related to dewatering, water levels, and aquatics in general.
- F. There is a demonstrated need to include the appointment of members to the FNACSAR Working Groups with a specialization in aquatics, specifically in a First Nations context.

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

1. Call on the Assembly of First Nations (AFN) to advocate that any work with the Federal Government, including joint committees and working groups, must respect First Nations inherent rights, Treaties, Title and jurisdiction, and must recognize First Nations inherent and everlasting responsibilities to their traditional territories.
2. Direct the AFN to call on the National Fisheries Committee (NFC) to identify and nominate members to the Aquatic Species at Risk Working Group and any other related Aquatics Advisory body under the *Species at Risk Act*.
3. Direct the AFN to call on the Minister of Fisheries and Oceans and the Department of Fisheries and Oceans to provide the funding necessary for First Nation participation in the First Nations Advisory Committee on Species at Risk and related working groups, to ensure First Nations participation in the recovery of marine and aquatic species.

**D R A F T   R E S O L U T I O N   # 1 0 / 2 0 1 9**

**AFN Annual General Assembly, July 23 - 25, 2019, Fredericton, NB**

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**TITLE:** International Year of the Salmon

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Ross Perley, Tobique First Nation, NB

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**SECONDED BY:** Chief Dalton Silver, Sumas First Nation, BC

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) affirms:
  - i. 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.
  - ii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iii. Article 33 (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 Assembly of First Nations (AFN) passed resolutions to protect salmon runs of the Pacific coasts; *50/2018 Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser salmon Management Agreement, 79/2018, Yukon Salmon Treaty, and 92/2016 Mismanagement of Fraser River Spring Chinook Salmon Fisheries*
- C. The International Year of the Salmon is a project launched by the North Atlantic Salmon Conservation Organization (NASCO) and other partners. The focal year is 2019, with projects and activities started in 2018 and continuing into 2022.

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

1. Call on the Assembly of First Nations to affirm the International Year of the Salmon by declaring the significance of salmon to First Nations.

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<b>TITLE:</b>	<b>Rebuilding Fish Nations: Advancing a First Nations Fisheries Reconciliation Strategy</b>
<b>SUBJECT:</b>	<b>Fisheries</b>
<b>MOVED BY:</b>	<b>Chief Dalton Silver, Sumas First Nation, BC</b>
<b>SECONDED BY:</b>	<b>Chief Michelle Edwards, Cayoose Creek Indian Band, BC</b>

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
  - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
- B. Minister of Fisheries, Oceans and the Canadian Coast Guard (DFO), the Honourable Jonathan Wilkinson, marked National Indigenous Peoples Day by announcing that the Department of Fisheries and Oceans (DFO) is committing to a new Reconciliation Strategy to advance meaningful reconciliation with Indigenous peoples on fisheries, aquaculture, oceans, aquatic habitat, and marine waterways.
- C. DFO announced that it will be working with Indigenous partners and departmental stakeholders in the implementation of the strategy, which includes strengthening collaboration on renewing laws, policies, and programs, recognizing self-determination, reducing socio-economic gaps, and will be “inclusive of rights-holders, stakeholders, provincial/territorial governments, and all Canadians”.
- D. The Assembly of First Nations (AFN) has passed resolutions related to the recognition of First Nations' rights in fisheries and a renewed relationship with Canada: Resolution 04/2018, *First Nations Role in Changes to the Fisheries Act*; Resolution 12/2016, *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; Resolution 08/2015, *Advancing Rights: Respecting First Nations Autonomy in Fisheries*; and Resolution 83/2008, *Strengthened and Renewed Mandate for the National Fisheries Strategy to Fully Share in Economic Opportunities*.
- E. The 2010-2015 AFN National Fisheries Committee's National Fisheries Strategy was built on four foundational pillars:
  - i. Rights – recognition and respect for First Nations' inherent and treaty rights.
  - ii. Access – to a fair share of fisheries resources and meet domestic and economic needs.
  - iii. Capacity – to be involved in meaningful participation in all aspects of fisheries management.

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- iv. Accountability – to provide strategic guidance that focuses on government accountability and tracks progress across the country.
- F. Despite some positive changes in Canada's legislation and policies in recent years, First Nations across the country are still challenged by DFO's lack of implementation of Supreme Court decisions, lack of priority access and allocation of inland and coastal fisheries resources, increasing conservation concerns about fish and fish habitat, as well as insufficient capacity to meaningfully engage in decision-making on resources in their territorial lands and waters.
- G. First Nations want to see their priorities reflected in a Reconciliation Strategy to achieve true recognition, respect, and implementation of their inherent and Treaty rights and self-determination with regards to the management of fisheries, oceans, aquatic habitat, and marine waterways.
- H. A strengthened Reconciliation Strategy on fisheries led by First Nations will place First Nations' priorities at the forefront, adapt to changes in the legislative context (e.g. UN Declaration, *Fisheries Act*, consideration of Indigenous Knowledge etc.), and build a strong foundation for First Nations to pursue a nation-to-nation relationship with Canada.

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

1. Direct the Assembly of First Nations (AFN) and the National Fisheries Committee (NFC) to immediately initiate work on a renewed and strengthened First Nations Fisheries Reconciliation Strategy (2019-2022) that builds on the foundation of the 2010-15 National Strategy to advocate for the priorities of First Nations in Canada related to fisheries, oceans, aquaculture, aquatic habitat, and marine waterways.
2. Direct the AFN, the NFC, and its appropriate working groups to demand the Department of Fisheries and Oceans and other appropriate federal partners (e.g. Transport Canada, Parks Canada, Natural Resources Canada, and Environment Canada and Climate Change) engage and collaborate with First Nations on the evolution and implementation of this First Nations Fisheries Reconciliation Strategy (2019-2022).

**D R A F T   R E S O L U T I O N   # 1 2 / 2 0 1 9**

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**TITLE:** Indigenous Knowledge Systems in Fisheries

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Dalton Silver, Sumas First Nation, BC

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**SECONDED BY:** Chief Michelle Edwards, Cayoose Creek Indian Band, BC

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) affirms:
  - i. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
  - ii. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places, and persons.
  - iii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal, and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
  - iv. 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.
- B. The Assembly of First Nations (AFN) has passed Resolution 61/2018, *Respect, Protection, and Preservation of Indigenous Knowledge Systems*.
- C. Bill C-68, *The Fisheries Act* received Royal Assent on June 21, 2019. Amendments passed in the act include provisions outlining the consideration of Indigenous Knowledge in certain aspects of work administered by the Federal Government under the Act.
- D. There is a need for First Nations to take the lead on work related to the development of protocols, guidelines, policies, and related regulations connected to First Nations Indigenous Knowledge Systems.

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

1. Call on the Assembly of First Nations (AFN) to continue its advocacy work concerning Indigenous Knowledge Systems with the Department of Fisheries and Oceans (DFO), and other related federal government departments, to respect First Nations inherent rights, Treaties, Title and jurisdiction, and recognize First Nations inherent and everlasting responsibilities to their traditional territories.

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2. Direct the AFN to call on the Minister of Fisheries and Oceans and DFO to adequately fund the work for First Nations to develop their own community Indigenous Knowledge protocols and related work.
3. Mandate the AFN to seek resources available to support First Nations in the work carried out by the DFO concerning Indigenous Knowledge Systems in the development of regulations, guidelines, policies, and other related tasks.
4. Direct the AFN to call on the National Fisheries Committee to seek regional representation to properly advise the AFN's work related to Indigenous Knowledge Systems.

**D R A F T   R E S O L U T I O N   # 1 3 / 2 0 1 9**

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**TITLE:**                   **The Ocean Supercluster**

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

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**MOVED BY:**             **Chief Terry Paul, Membertou First Nation, NS**

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**SECONDED BY:**          **Chief Misel Joe, Miawpukek First Nation, NL**

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  - iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Ocean Supercluster is a national initiative that will be developing ocean technology through partnerships. It is one of 5 superclusters being backed by Innovation, Science and Economic Development Canada (ISED). It is a partnership between industry, universities and colleges, community groups, small and medium enterprises, and Indigenous groups.
- C. The Atlantic Policy Congress supports this initiative.
- D. The Indigenous initiative has developed an industry internship program, in addition to a seafloor mapping project that includes Nunavut as a partner.

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

1. Call on the Assembly of First Nations to address First Nations issues with Innovation, Science and Economic Development and other partners involved with the Ocean Supercluster, specifically the Indigenous Engagement Strategy, to ensure the technological innovations resulting from the partnership initiatives are made available to First Nations.

**D R A F T   R E S O L U T I O N   # 1 4 / 2 0 1 9**

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<b>TITLE:</b>	<b>Jordan's Principle Operations</b>
<b>SUBJECT:</b>	Jordan's Principle, Social Development, Health, Education
<b>MOVED BY:</b>	Chief Ross Perley, Tobique First Nation, NB
<b>SECONDED BY:</b>	Chief Paul Alvery, Esgenoopetitj First Nation, NB

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
  - ii. Article 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. This section provides the background information for the resolution.
- B. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued a landmark ruling that First Nations children living on-reserve and in the Yukon are treated in a discriminatory manner by the federal government in its provision of child and family services. The Tribunal ordered the federal government to completely overhaul its on-reserve child welfare program, cease applying a narrow definition of Jordan's Principle and adopt measures to immediately implement the full meaning and scope of Jordan's Principle.
- C. On May 26, 2017, the Tribunal found that the Government of Canada has continued "its pattern of conduct and narrow focus with respect to Jordan's Principle," resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children.
- D. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolutions 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders*, 83/2016, *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy* and 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*, calling on Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.

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- E.** To encourage increased dialogue and timely advice on Jordan's Principle implementation and planning activities, the Jordan's Principle Operations Committee (JPOC) was struck. The Committee is currently composed of federal government and First Nation representatives from the CHRT Complaint (AFN, First Nations Child and Family Caring Society of Canada, Chiefs of Ontario, and Nishnawbe Aski Nation).
- F.** Reporting to the Consultation Committee on Child Welfare, and in order to improve access for First Nations children residing in Canada to health, social, educational, and other services and supports, the mandate of the JPOC is to:
  - i. Provide operational guidance on the implementation of the Jordan's Principle;
  - ii. Provide input into the development of a longer-term approach;
  - iii. Champion Jordan's Principle within the Department of Indigenous Services Canada (ISC), other federal departments, among First Nations partners and the broader community;
  - iv. Discuss and provide input on key policy and operational issues;
  - v. Periodically review updates on progress, performance, and the achievement of key milestones; and
  - vi. Keep participating organizations and the wider community informed about the work accomplished by the Jordan's Principle Operations Committee.
- G.** Given the national implications of discussions at the JPOC, national representative membership beyond the Tribunal parties would ensure regional First Nations voices are heard.

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

- 1. Direct the Assembly of First Nations to ensure regional First Nation representatives are appointed to the Jordan's Principle Operations Committee in order to reflect and respect regional differences and concerns regarding Jordan's Principle implementation across the country.

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<b>TITLE:</b>	<i>An Act respecting First Nations, Inuit and Métis children, youth and families- Transition and Implementation Planning</i>
<b>SUBJECT:</b>	Social Development, Child Welfare
<b>MOVED BY:</b>	Chief Cadmus Delorme, Cowessess First Nation, SK
<b>SECONDED BY:</b>	Chief Darcy Gray, Listuguj First Nation, QC

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
  - ii. Article 4: Indigenous peoples, in exercising their right to self- determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
  - iii. Article 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 Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 specifically calls upon the federal government to enact Aboriginal child welfare legislation.
- C. The overrepresentation of First Nations children and youth in care and in the child welfare system is a humanitarian crisis. This crisis requires immediate and legislative, policy and human rights action, including compensation to the victims of discrimination, to respond to this crisis.
- D. The harmful legacies of residential schools, the cross-cutting inequalities in services for First Nations children and families, the disproportionate number of First Nations children in care, the consequences of involvement in provincial and territorial child welfare systems, and the related loss of language and denial of culture and human rights has led to this humanitarian crisis.
- E. The Canadian Human Rights Tribunal's 2016 (CHRT 2) decision and subsequent rulings ordered the Government of Canada to fund First Nations Child and Family Services based on the principles of substantive equality, respect for children's best interests, needs, culture and language and to respect distinct circumstances for First Nations children.
- F. On June 21, 2019 *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent.

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- G. The Act includes provisions affirming the UN Declaration, specifically supporting self-determination and the rights of First Nations peoples to determine their own laws, policies and practices in relation to their children, youth and families.
- H. The Act affirms the inherent right of First Nations to enact laws in relation to child and family services and further affirms that such inherent rights are protected under Section 35 of the *Constitution Act, 1982*.
- I. *The Act* confirms the funding principle that First Nations children, youth and families, as well as First Nations governments, require long-term needs-based stable and sustainable funding in order to exercise jurisdiction and to effect better outcomes for children, youth and families. The Act also contains a pathway for funding to be negotiated between First Nations and provincial and/or federal government in coordination agreements at the discretion and choice of each First Nations according to their exercise of self-determination.
- J. A Legislative Working Group (LWG) was created by the Chiefs in Assembly to provide input into the development of legislation, policies and approaches to child welfare reform. The LWG has completed the first phase of the work on the development of child welfare legislation. There is also a Child Welfare Consultation (CCCW) and the National Advisory Committee on Child Welfare (NAC) that arise from the CHRT to provide national advice on First Nations child and family services and the NAC is comprised of representatives of Delegated Aboriginal Agencies and Chiefs.
- K. Canada has committed to supporting a distinctions-based approach for implementation planning for the Act.

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

1. Call on Canada to adopt a human rights approach to the implementation of child welfare reform surrounding *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), including full implementation of the Canadian Human Rights Tribunal's (CHRT) principles of: substantive equality, best interests of the child, needs based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services, as the foundation for any policies or coordination agreements entered into within the Act with Canada and the Provinces and Territories.
2. Call on Canada to fully implement the funding principle of predictable, stable, sustainable, needs-based funding consistent with the principle of substantive equality in order to secure long-term positive outcomes for First Nations children, families and Nations.
3. Call on the Governor in Council to issue an Order, without delay, to bring the Act into force by September, 2019.
4. Call on Canada to immediately support and fund a First Nations led distinctions-based transition and implementation planning process for all stages of the comprehensive reform of child and family services, affirming the inherent rights and self-determination each First Nation has to decide what is most appropriate for their own peoples, without interference by Canada.

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5. Call on Canada to ensure that as per section 32 (1) of the Act on regulations, Indigenous governing bodies are provided a meaningful opportunity to collaborate in the policy development leading to the establishment of both national and regional regulations.
6. Direct the Assembly of First Nations (AFN) to establish a Chiefs Committee on Child and Family Services and Self-Determination to provide input, oversight and guidance during the national transition and implementation process and to report to the National Chief and Executive of the AFN and the Chiefs-in-Assembly.
7. Direct the AFN to establish a Technical Sub-Committee of the Chiefs Committee on Child and Family Services and Self-Determination called the "First Nations National Transition Planning Committee," comprised of representation from First Nations and technical experts from each region, such as members of the National Advisory Committee on Child Welfare (NAC), as determined by regional processes. The Technical Sub-Committee may establish additional action tables with approval of the Chiefs Committee.
8. Direct the AFN, including the Chiefs Committee and the Technical Sub-Committee, to support First Nations self-determination in all matters relating to the Act, including the choice to not work within the Act by those Nations who have determined that they do not wish to do so, and to further conduct their work in a manner that affirms the inherent Aboriginal and Treaty rights of First Nations rights and title holders as the decision-makers for their own peoples, without interference from any organization, Canada, or Provincial/Territorial government.
9. Direct the AFN to ensure all implementation activities conducted within the Chiefs Committee and Technical Sub-Committee do not restrict or limit the pace of implementation of the Act where First Nations are prepared to exercise their own jurisdiction, and that any national committee be explicitly directed that they do not have the mandate to speak for or alter the self-determination rights of each First Nation to determine their own pace of progress, nor should they hold back the actions of any First Nation as their work is supportive and should not be used by Canada or any Province/Territory to limit or constrain the affirmation of inherent Aboriginal and Treaty rights.
10. Direct the AFN Chiefs Committee and Technical Sub-Committee to acknowledge and defer to regional or local committees that may be created to implement the Act where such committees have been established by the First Nations of the region and such First Nations have directed that such regional structures are the bodies they have freely determined should be the mechanism to support the implementation of the Act in relation to those peoples and territories, and further direct that the AFN Chiefs Committee and Technical Sub-Committee may collect and receive advice from any regional bodies or mechanisms but that the rights and title holders of the First Nations are the rightful decision-makers in relation to their children and families, including the First Nations governing bodies selected by such rights and title holders.

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**TITLE:** Establishing Regional First Nations Child & Youth Advocates

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**SUBJECT:** Child Welfare

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**MOVED BY:** Chief George Cote, Cote First Nation, SK

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**SECONDED BY:** Chief Bradley Swiftwolfe, Moosomin First Nation, SK

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
  - ii. Article 4: Indigenous peoples, in exercising their right to self- determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 specifically calls upon the federal government to enact Aboriginal child welfare legislation.
- C. The National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
  - i. We call for the establishment of a Child and Youth Advocate in each jurisdiction with a specialized unit with the mandate of Indigenous children and youth. These units must be established within a period of one year of this report. We call upon the federal government to establish a National Child and Youth Commissioner who would also serve as a special measure to strengthen the framework of accountability for the rights of Indigenous children in Canada. This commissioner would act as a national counterpart to the child advocate offices that exist in nearly all provinces and territories.
- D. First Nations have the Inherent and Treaty Rights to exercise jurisdiction in all matters pertaining to their citizens, including child and family services for their Nations.
- E. The need for a First Nation Child Advocate in each region is demonstrated by the high number of individuals seeking assistance and advocacy in dealing with child welfare agencies to address rights violations such as: access to family, community, language, culture or inaccurate or insufficient information and conflict with social workers.
- F. There is a continued practice of provincial child welfare agencies apprehending, adopting and placing First Nations children with non-Indigenous families, not following their own policies, and neglecting the rights of First Nations children and families, similar to the actions that were taken during the Sixties Scoop.

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G. On June 21, 2019 *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent. With the passing of the Act, there is legal affirmation for First Nations to exercise their right to self-determination including the establishment of independent and/or non-political oversight bodies to review and investigate conduct of child welfare agencies and protect the rights of First Nations children and youth.

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

1. Direct the Assembly of First Nations (AFN) to research and develop viable options for a First Nations Child and Youth Advocate as a precedent or for consideration of each region.
2. Call on the Federal Government to provide funding to support the work of regional First Nations Child Advocates, where requested.

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**TITLE:** Proper Funding for Digital Health Tools Required to Support Health System Transformation

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**SUBJECT:** Health

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**MOVED BY:** Chief Scott McLeod, Nipissing First Nation, ON

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**SECONDED BY:** Chief Derrick Henderson, Sagkeeng First Nation, MB

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**WHEREAS:**

- A. The First Nations Digital Health Advisory is a national body dedicated to increasing access to digital health and Internet Communications Technology opportunities and innovation for all First Nations in Canada
- B. The First Nations Digital Health Advisory advocates for the development, adoption and effective use of Internet Communications Technology and/or Digital Health solutions for First Nations in Canada.
- C. The First Nations Digital Health Advisory had drafted a Framework for investing in First Nations digital health in Canada that respects AFN, regional and community processes.
- D. Articles 1, 3, 18, 21, 23, 24, 29, and 39 of the United Nations Declaration on the Rights of Indigenous Peoples describe the rights, the purpose, the benefits and the means by which First Nations will be supported to adopt and use digital health tools to improve health services and support Health System Transformation objectives.
- E. Provincial governments have invested in health information management / digital health support for health services for several decades and have recognized digital health tools to be “mission-critical” for integrated health care processes.
- F. Efficient, patient-centric circle-of-care coordination with provincial partners is critical to support the healthcare needs of First Nations community members.
- G. The absence of First Nation health organization-level digital health tools impedes care coordination, delays communication, impacts patient safety and creates barriers to First Nations Health Data Sovereignty and Health System Transformation.
- H. Digital Health is an important catalyst for First Nations in Canada to efficiently participate in the healthcare industry. These solutions compliment traditional face to face exchange between provider and patient to achieve better outcomes.
- I. The government of Canada has a responsibility to provide funding for the sustained use of reasonable, needs-based digital health tools and processes in all First Nation health organizations.

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

1. Call upon Indigenous Services Canada (ISC) to authorize a funding envelope to support First Nation health organizations' adoption and sustained use of digital health tools.
2. Call upon ISC to ensure that this funding be an ongoing augmentation to existing community-level contribution agreements or funding mechanisms.
3. Call upon ISC to ensure that this new funding acknowledges the reasonable costs associated with the adoption and use of digital health tools (e.g. implementation, training and change management, information technology infrastructure, ongoing licensing costs, clinical workflow integration, etc.) as identified in the First Nations Digital Health Framework.
4. Call upon ISC to ensure that this new funding is to be made available within the next 12 months through an approach that does not introduce un-necessary administrative or bureaucratic processes and burdens on First Nation health organization administrators.
5. Direct ISC to address funding inequities between provincial health agencies, First Nation health organizations and communities who continue to face challenges with care coordination due to their lack of digital health infrastructure and create funding solutions that are meaningful and sustainable.

**D R A F T   R E S O L U T I O N   # 1 8 / 2 0 1 9**

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**TITLE:** **Developing a Seven Generations Continuum of Care for First Nations, by First Nations of Health, Economic and Social Services**

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**SUBJECT:** Social Development, Health, Economic Development

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**MOVED BY:** Chief Byron Louis, Okanagan First Nation, BC

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**SECONDED BY:** Chief Elaine Johnston, Serpent River First Nation, ON

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. This section provides the background information for the resolution.
  - iii. Article 21 (2): States shall take the effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities
- B.** The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:
  - i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, *inter alia*, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age sex, and Indigenous background.
  - ii. To take into account Article 5 of the Convention while implementing targets 10.2 and 10.3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind".
- C.** Bill C-81, the *Accessible Canada Act*, (*disabilities*) was passed in the House of Commons on May 29, 2019 and received royal assent on June 21, 2019.
- D.** A wholistic approach to develop a continuum of supports and services, instead of a program-by-program approach, is necessary to address long-standing and growing gaps for continuing care in First

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Nation communities and to ensure health, social, and economic wellbeing for First Nations as they age and as their care needs change.

- E.** Indigenous Services Canada (ISC) has offered to work with the Assembly of First Nations, First Nations, and other federal departments to identify needs and gaps in supports and services, capacity and infrastructure, as well as develop options for moving forward a Seven Generations Continuum of Care for First Nations, by First Nations.
- F.** The Federal Government has indicated that part of Budget 2019's \$8.5 million in funding for long-term care in First Nations and Inuit communities can be allocated to develop a continuum of care in First Nations.
- G.** Existing resolutions call for related work to develop a continuum of care, including Resolution 24/2018, *Increased Focus on Disabilities Centered on Human Rights*, Resolution 27/2018, *Support for the long-term implementation of Jordan's Principle*, Resolution 55/2018, *First Nations Disabilities Program On-Reserve*, Resolution 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*, Resolution 88/2018, *Support the Development of Wholistic First Nations Wellness Facilities*, Resolution 63/2017, *Federal Engagement on Health Transformation*, Resolution 55/2016, *First Nation Federal Accessibility Legislation*, and Resolution 75/2015, *Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*.

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

1. Direct the Assembly of First Nations (AFN) to call upon Indigenous Services Canada (ISC) and other federal departments to support First Nations and the AFN to identify needs and gaps in supports and services, capacity, and infrastructure, that impact the Seven Generations Continuum of Care, and to develop options to move forward a wholistic Continuum of Care for First Nations, by First Nations.
2. Direct the AFN to call upon ISC to coordinate federal departments' cross-sectoral work on current and previous engagement related to a Seven Generations Continuum of Care, including First Nations recommendations on Bill C-81, the United Nations Convention on the Rights of Persons with Disabilities, and the United Nations Sustainable Development Goals to "Leave No One Behind."
3. Direct the AFN to urge the Federal Government to allocate part of the \$8.5 million in funding for First Nation and Inuit long-term care engagements from Budget 2019 to support work by First Nations and the AFN to identify needs and gaps in supports and services, capacity and infrastructure, as well as develop options to move forward on a Seven Generations Continuum of Care.

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**TITLE:**                    **National Training Program for Indigenous Epidemiologists**

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**SUBJECT:**                Health

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**MOVED BY:**              Chief Stanley Grier, Piikani First Nation, AB

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**SECONDED BY:**           Chief Walter Spence, Fox Lake Cree Nation, MB

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 23: Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
  - ii. Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
  - i. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C.** As Indigenous peoples of Turtle Island we have always had our own worldview that has informed our methodologies, our own sciences, our own research, our own laws that were passed down since time immemorial, our laws that were guided and aligned with the lunar cycles and ancestral star knowledge that told us when to plant, hunt, fish, and how we relate to one another. These laws and ways of knowing allowed us to survive and continue to do so.
- D.** Our stories have been appropriated and interrupted by non-Indigenous researchers who have taken up the space and have been supported by institutions to tell our stories. Our stories have been analyzed from a non-Indigenous lens and worldview, and as a result, there is a gap and an urgent need to train our own Indigenous Epidemiologists who are grounded in an Indigenous worldview.
- E.** The Institute for Indigenous Peoples Health (IIPH) is one of thirteen institutes within the Canadian Institute of Health Research (CIHR), which is one of the three Tri-Council agencies. IIPH has supported

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Indigenous-led research Network for Environmental Indigenous Health Research (NEIHR) Program that is aimed at establishing a national network of centres focused on capacity development, research and knowledge translation centered around the worldview of Indigenous Peoples. The network is intended to provide supportive research environments for Indigenous health research driven by and grounded in Indigenous communities in Canada.

F. There is currently a limited number of trained Indigenous epidemiologists in Canada. The next generation of leaders requires exceptional Indigenous community engagement skills and a solid grounding in local Indigenous ways of knowing and doing; mentoring a culturally safe and enriched environment for Indigenous health researcher trainees, knowledge keepers and knowledge users across Canada to grow world class knowledge and skills in health information sciences, applied epidemiology, and health services evaluation.

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

1. Call on the Government of Canada to support and direct Tri-Council agencies to support Indigenous communities and organizations to develop, implement, and evaluate a national Indigenous training and mentorship network to train and support a cadre of more than 100 Indigenous health information specialists, applied epidemiologists, and health service researchers who can lead the required transformation of Indigenous health and social information systems in Canada.

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<b>TITLE:</b>	<b>Support for a Greater Investment into the Reclamation of Childbirth</b>
<b>SUBJECT:</b>	Health
<b>MOVED BY:</b>	Chief Leo Metatawabin, Fort Albany First Nation, ON
<b>SECONDED BY:</b>	Chief Greg Ermine, Sturgeon Lake First Nation, SK

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states that:
  - i. Article 21(1) Indigenous peoples have the right without discrimination to the improvement of their economic and social conditions including *inter alia*, in the area of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - ii. Article 21(2) States shall take the effective measure and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
- B. Section 3.2 in the Calls for Justice issued by the National Inquiry into Missing and Murdered Indigenous Women and Girls calls upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, 2-Spirit, Lesbian, Gay, Bisexual, Transgendered, Queer, Questioning, Intersex, and Asexual (2SLGBTQQIA) people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
- C. Indigenous midwives assisted in the birthing ceremony for thousands of years.
- D. Colonialism and paternalism, with the ultimate goal of assimilation, led the federal government to undermine all First Nations ceremonies, including birthing and impose a mandatory evacuation policy whereby women were and continue to be forced to leave the community at 36 weeks into the pregnancy to give birth in urban centres.
- E. The effects of this evacuation policy have had devastating consequences on First Nations infant and maternal mortality rates, mental health, infant attachment and bonding, child apprehension rates, and forced and coerced sterilization of vulnerable First Nations women left virtually alone due to these policies.
- F. The revitalization of language and cultural and ceremonial practices are integral to a future of self-determination and healthier communities.

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G. In 2017/2018, the federal government allocated \$6 million over five years for Indigenous midwifery. While this first of its kind announcement was welcomed, this funding is not enough.

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

1. Call on the federal government, in the spirit of reconciliation, to work towards replacing the outdated mandatory evacuation policy to ensure that First Nations women are empowered with choice in their birthing process and are supported within their communities to allow for birthing closer to home.
2. Call on the federal government to immediately establish a funding envelop dedicated to training for communities for Indigenous midwives and doulas, to ensure First Nations women are able to reclaim childbirth ceremony within their own communities, surrounded by family and their own traditional cultural practices.
3. Call on the federal government to initiate secure, increased, renewed Indigenous midwifery funding, including capital and infrastructure, beyond the five-year funding which is set to lapse in 2021/2022.
4. Direct the Assembly of First Nations to prioritize midwifery and work with organizations which support choice in birthing, such as the National Aboriginal Council of Midwives (NACM) to raise awareness of the positive impacts of midwifery and create greater opportunities for communities to bring this traditional ceremony back.

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<b>TITLE:</b>	Implementation of Recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls
<b>SUBJECT:</b>	Social
<b>MOVED BY:</b>	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
<b>SECONDED BY:</b>	Chief Dalton Silver, Sumas First Nation, BC

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**WHEREAS:**

- A. There is a responsibility by all to redress the systemic racism and to eliminate the gendered colonial violence perpetrated against Indigenous women, girls, and two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual (2SLGBTQQIA) people within Canada.
- B. The United Nations Declaration on the Rights of Indigenous Peoples, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:
  - i. 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.
  - ii. 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.
- C. The Assembly of First Nations (AFN) has worked with like-minded organizations to take action and bring attention to the critical and devastating issue of violence against Indigenous women, girls, and 2SLGBTQQIA people, including joining the call for a National Inquiry, and has been mandated by the AFN Chiefs to continue this work via Resolutions 57/2017, *Support for National Inquiry into Missing and Murdered Indigenous Women and Girls*, , 78/2017, *Support for the Extension of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, and has passed critical Resolutions that support and honor Indigenous women and girls including 30/2016, *Declaration to Honour Indigenous Women and Girls*, 4/2014, *Support for First Nation and Federal Government Roundtable on Murdered and Missing Indigenous Women*, 36/2014, *Engagement and Representation on National Roundtable on Missing and Murdered Indigenous Women and Girls*, and 06/2014, *Protection of Indigenous Women Involved in the Sex Trade*. The AFN have also continuously called for a national action plan to end violence against Indigenous women and girls, as mandated by Resolution 04/2013, *Advancing a National Action Plan to End Violence Against Indigenous Women and Girls*.
- D. A National Inquiry into Missing and Murdered Indigenous Women and Girls ("the National Inquiry") was launched September 1, 2016, with a Terms of Reference to inquire into and report on systemic causes of all forms of violence against Indigenous women and girls in Canada, and to report by April 30, 2019.

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The Inquiry held Part I – Family, Part II – Institutional, and Part III – Expert Hearings, led by Chief Commissioner Marion Buller, and released its final report on June 3, 2019, in Gatineau, QC.

- E.** The final report of the National Inquiry included 231 Calls for Justice, which “represent important ways to end the genocide and to transform systemic and societal values that have worked to maintain colonial violence.” The first Call for Justice states “We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter “all governments”), in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people”.
- F.** The National Inquiry found that Indigenous women are twelve times more likely to be murdered or to go missing than members of any other demographic group in Canada, and found that the deaths and disappearances constitute genocide, which Indigenous peoples and their allies have known and said for decades.
- G.** Indigenous, front-line, grassroots, and women’s organizations participated in the movement created by the National Inquiry by producing their own submissions, and reports, which notably included the seminal report prepared by the Downtown Eastside Women’s Centre titled *Red Women Rising: Indigenous Women Survivors in Vancouver’s Downtown Eastside*, including 200 recommendations.

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

1. Fully support the immediate implementation of the Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (“the National Inquiry”) and also the recommendations coming directly from Indigenous, front-line, grassroots, and women’s organizations, and particularly the recommendations from *Red Women Rising: Indigenous Women Survivors in Vancouver’s Downtown Eastside*.
2. Recognize that the implementation of these recommendations must include the full and meaningful implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including recognition of Indigenous peoples’ inherent Title and Rights, and the restoration of collective Indigenous women’s rights and governance.
3. Support the call for a “comprehensive national-level integrated action plan to eliminate violence against Indigenous women, girls, trans and two spirit people must address all the socio-economic factors impacting Indigenous women’s, girls’, trans and two-spirit’s safety including equitable access and self-determination over land, culture, language, housing, child care, income security, employment, education, and physical, mental, sexual and spiritual health,” as called for in *Red Women Rising: Indigenous Women Survivors in Vancouver’s Downtown Eastside*, along with an appropriate budget and resources, before the fall 2019 federal election.
4. Direct the Assembly of First Nations to work with Indigenous, front-line, grassroots, and women’s organizations, and other like-minded organizations to advocate for the full and immediate, Indigenous-women led implementation of these recommendations.

**D R A F T   R E S O L U T I O N   # 2 2 / 2 0 1 9**

**AFN Annual General Assembly, July 23-25, 2019, Fredericton, NB**

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**TITLE:** **Report of the Joint Advisory Committee on Fiscal Relations**

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**SUBJECT:** **Fiscal Relations**

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**MOVED BY:** **Chief Stanley Grier, Piikani First Nation, AB**

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

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (The 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.
- B. Through Assembly of First Nations (AFN) Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, Chiefs-in-Assembly directed Canada to create a Joint Advisory Committee on Fiscal Relations (JACFR) that would provide advice on a direction for the fiscal relationship between First Nations and Canada.
- C. In response to that resolution, the JACFR was created, based on equal recommendations from the Assembly of First Nations (AFN) National Chief and the Minister of Indigenous Services Canada (ISC).
- D. Building on thirty years of accumulated work on the fiscal relationship and ongoing discussions with First Nations leaders and technical experts, the JACFR presented its report – *Honouring our Ancestors by Trailblazing a Path to the Future* – to the National Chief and Minister on June 10, 2019.
- E. The JACFR report sets out a bold vision for a new fiscal relationship between First Nations and Canada to provide First Nations with the fiscal capacity to implement fully and effectively their inherent and Treaty rights, title and jurisdiction for the benefit of all their citizens.
- F. The JACFR report contains twenty-four (24) recommendations that will require extensive engagement with First Nations in order to review and obtain feedback for next steps.
- G. The federal election on October 21, 2019 will play an important role in determining the preparedness of Canada to pursue a new fiscal relationship with First Nations.

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

1. Call on the Joint Advisory Committee on Fiscal Relations (JACFR), the Assembly of First Nations, and Indigenous Services Canada to engage extensively with First Nations across the country on the report and its recommendations.
2. Call on the JACFR to report back to Chiefs-in-Assembly at the Annual General Assembly in July 2020 for direction.

**D R A F T   R E S O L U T I O N   # 2 3 / 2 0 1 9**

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<b>TITLE:</b>	<b>Developing a Ten-Year Treaty Education Implementation Plan</b>
<b>SUBJECT:</b>	<b>Education &amp; Treaties</b>
<b>MOVED BY:</b>	<b>Chief Leroy Denny, Eskasoni First Nation, NS</b>
<b>SECONDED BY:</b>	<b>Chief Peter Collins, Fort William First Nation, ON</b>

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**WHEREAS:**

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14 (1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- vi. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
- vii. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
- viii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.

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- ix. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- x. Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

**B. The Constitution Act, 1982 states:**

- i. Section 35 (1): The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

**C. Aboriginal Treaties with Great Britain are the foundation of all governments in Canada and public international law.**

**D. Treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened Nation-to-Nation partnership between First Nations and the Canadian government.**

**E. The Supreme Court of Canada in *R. v. Côté* at para. 57 affirmed that to ensure the continuity of Aboriginal customs and traditions, a substantive constitutional right will normally include the incidental right to teach a practice, custom or tradition to a younger generation.**

**F. The Aboriginal and Treaty right to education is constitutionally recognized across Canada and is integral to a promised and enriched livelihood.**

**G. The Truth and Reconciliation Commission of Canada, Calls to Action #62, calls on Canada to make age-appropriate curriculum on Residential Schools, Treaties, and Aboriginal Peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.**

**H. Treaty education refers to the development and implementation of a greater understanding of inherent powers and Treaties of First Nations as both historical and living agreements, which have ongoing rights, responsibilities and implications.**

**I. Treaty education should be an inclusive, obligatory exercise for the education of all citizens in the provinces and territories on the existence of Treaties, their importance as the foundation of relationship-building between First Nations and Canadians, and their value to Canadian society in both historical and contemporary contexts.**

**J. Shared history and common understanding of both Treaty partners' pasts is integral to shaping the education of each province and territory.**

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

1. Call-upon the Government of Canada, with the consultation and cooperation of First Nations, to develop and establish a ten-year Treaty Education Implementation Plan that will ensure every school, every grade, and every class has access to Treaty education resources and training.

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2. Call-upon the Government of Canada to provide First Nations with financial funding and technical assistance to develop and establish a ten-year Treaty Education Implementation Plan
3. Call-upon the Council of Ministers of Education to make Treaty education mandatory in each provincial and territorial school system, while ensuring the implementation is culturally and historically relevant and representative of all First Nations linguistic groups.

**D R A F T   R E S O L U T I O N   # 2 4 / 2 0 1 9**

**AFN Annual General Assembly, July 23-25, 2019, Fredericton, NB**

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**TITLE:** First Nations Education Infrastructure Review

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**SUBJECT:** Education

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**MOVED BY:** Chief Stanley Grier, Piikani Nation, AB

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

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**WHEREAS:**

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13(2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14(1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14(3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.

B. First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.

C. Safe, adequate and sustainable education infrastructure provides a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.

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- D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it.
- E. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to education infrastructure programs and/or policies relating to First Nations education administered by Indigenous Services Canada or other federal departments or agencies

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

- 1. Reaffirm First Nations' inherent and Treaty Rights to education.
- 2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
- 3. Affirm that a review concerning First Nations education infrastructure is not intended to detract or hinder First Nations from advancing their current infrastructure processes.
- 4. Support policy or program changes in regards to First Nations education infrastructure that:
  - a. Exercise First Nations' Treaty and inherent and rights to education, honours and advances First Nations control of First Nations education, and conforms to and upholds Canada's Treaty and legal obligations to First Nations; and
  - b. Reflect First Nations needs and deficiencies at the local and grassroots level.
- 5. Support the Chiefs Committee on Education, National Indian Education Council and Assembly of First Nations to engage and lead a First Nations review, reflective of local and grassroots level needs, on federal policies concerning education infrastructure.

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**TITLE:** Additional Funding for First Nations Elementary and Secondary Education

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**SUBJECT:** Education

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**MOVED BY:** Chief Stanley Grier, Piikani Nation, AB

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**SECONDED BY:** Chief George Ginnish, Eel Ground First Nation, NB

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**WHEREAS:**

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- vi. 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.
- vii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. First Nations have inherent and Treaty rights to education. The Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over their education.

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- C. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous Peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- D. In 1972, First Nations in Canada endorsed the policy of *Indian Control of Indian Education* which advanced an education approach premised on parental and local control. In 2010, through Assembly of First Nations (AFN) Resolution 12/2010, *First Nations' Control of First Nations' Education*, First Nations endorsed the updated AFN "First Nations Control of First Nations Education" document as a core policy position on First Nations education.
- E. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."
- F. The Minister of Indigenous Services is mandated to "Ensure the successful delivery of the significant investments made in Indigenous services through Budget 2016 and Budget 2017. This includes... ensuring First Nations children on reserve receive a quality education."
- G. The Government of Canada committed \$2.6 billion for First Nations elementary-secondary education in Budget 2016, which is considered by First Nations as a first step to address the historic funding shortfall between First Nations education and the rest of Canada.
- H. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and adequately reflect the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.
- I. First Nations across the country are currently engaging in regional technical table meetings to further examine their interim formulas to determine next steps.
- J. Regional education agreements are aimed at ensuring that students attending First Nations schools are supported by predictable base funding that is directly comparable to what students enrolled in provincial education systems receive.

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

1. Reaffirm First Nations inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to work in partnership with First Nations regionally-led technical tables in order to identify the real costs and needs of each First Nation as researched and costed by the First Nation.
4. Call on the Government of Canada to provide additional investments in 2020 for First Nations elementary and secondary education in order to complete local, Treaty and/or regional education

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agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.

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<b>TITLE:</b>	<b>Chiefs Committee on Cannabis</b>
<b>SUBJECT:</b>	Cannabis
<b>MOVED BY:</b>	Chief Edward Boulrice, Thessalon First Nation, ON
<b>SECONDED BY:</b>	Chief Paul Syrette, Garden River First Nation, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
  - i. Article 21(1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, economic development, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. On October 17, 2018, the federal government passed legislation to legalize the sale of cannabis. There was little or no community consultation by the federal government and there are still no provisions in the legislation which address First Nation social and cultural needs, and rights to economic development, health and public safety.
- C. As a result of the federal government's commitment to reconciliation and respect of First Nations through their adoption of the UN Declaration, economic reconciliation must include the meaningful development of a First Nation cannabis jurisdiction.
- D. Opportunities exist for First Nations across Canada to become safely and responsibly involved in the industry.
- E. First Nation communities exploring opportunities in the cannabis industry may consider following Health Canada regulations as well as provincial retail regulations. First Nation communities also have the opportunity and the jurisdiction to establish their own laws and regulations.
- F. First Nations must have their autonomy and authority recognized as rights holders at the table as governments when asserting their interests in the cannabis sector.
- G. AFN Resolution 90/2017, *Support for a Cannabis Working Task Force*, supported the establishment of an Assembly of First Nations Cannabis Task Force (Task Force) comprised of leadership, technicians, and knowledge keepers to undertake the work required to formalize a response and position on the legalization of cannabis and implementation of new laws.
- H. The Chiefs Committee on Cannabis (CCC) would directly provide First Nations with economic, health and safety information where the federal government has failed to do so to date.
- I. First Nations assert full jurisdiction and will exercise full jurisdiction over cannabis.

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- J.** The federal government must recognize that each First Nation has jurisdiction to govern all cannabis operations in our own territories, including, but not limited to, the regulation of the growth, processing and sale of cannabis and in all its derivatives.
- K.** Each First Nation's regulatory systems must be recognized within our territories. Provincial and federal governments must eliminate barriers and cease actions which impede and interfere with nation to nation trade and commerce.

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

1. Direct the Assembly of First Nations (AFN) to replace the Cannabis Working Task Force with the Chief's Committee on Cannabis (CCC), chaired by the Regional Chief holding the Cannabis portfolio. The CCC's mandate is to:
  - a. Serve as a clearinghouse for information for First Nations interested in becoming educated and informed on cannabis and the cannabis industry.
  - b. Provide recommendations for AFN cannabis-related communications (funding opportunities, public health and safety, etc.) delivered to First Nations and stored in an online repository.
  - c. Seek funding for the CCC to coordinate First Nations interested in the cannabis industry regionally and nationally.
  - d. Provide viable options in regards to First Nations' assertion of inherent jurisdiction over cannabis licensing and regulation throughout First Nations' territories.
2. Direct the AFN to report back on the CCC's progress to the Chiefs in Assembly at the December 2019 Special Chiefs' Assembly.

**D R A F T   R E S O L U T I O N   # 2 7 / 2 0 1 9**

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<b>TITLE:</b>	Continued advocacy on Canada's International Trade Agreements to achieve economic reconciliation
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Richard O'Bomsawin, Abenaki First Nation, QC
<b>SECONDED BY:</b>	Chief Peter Collins, Fort William First Nation, ON

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**WHEREAS:**

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

- i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; and
- ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
- v. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

B. The Government of Canada signed the Canada-United States-Mexico Agreement (CUSMA) on November 30, 2018 and continues to implement two significant international trade agreements; the Comprehensive Economic and Trade Agreement (CETA) with the European Union and the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP).

C. The Government of Canada has introduced Bill C-100, *An Act to implement the Agreement between Canada, the United States of America and the United Mexican States* (Bill C-100), on May 29, 2019 in order to ratify and implement CUSMA into domestic law.

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- D. CUSMA, as compared to the North American Free Trade Agreement (NAFTA), has the potential to further support the First Nations' economy and can be a step towards achieving economic reconciliation consistent with the UN Declaration.
- E. CUSMA is the first trade agreement to begin engaging with First Nations. The participation of First Nations and other Indigenous peoples in an Indigenous Working Group is a step towards achieving the promise of Article 19 of the UN Declaration and shows that better decisions can be reached in conjunction with First Nations people.
- F. CUSMA is the first trade agreement to include language to protect First Nation rights in a General Exception for Indigenous Peoples Rights. The provision makes it clear that Canada can take any measures necessary to protect Inherent and Treaty rights recognized and affirmed by s. 35 of the Constitution regardless of the trade rules in CUSMA. Respecting First Nation Inherent and Treaty rights in CUSMA is consistent with Article 37(1) of the UN Declaration.
- G. The Assembly of First Nations (AFN) urged that exception clauses, carve outs and set asides in modernized trade agreements be included to benefit First Nations and First Nation businesses. These new provisions are consistent with Canada's obligations to continue improving the economic and social conditions of First Nations people as set out in Article 21 of the UN Declaration.
- H. However, mandatory requirements are required in domestic legislation for government procurement and procurement for state-owned enterprises from Indigenous businesses and service providers, in order for CUSMA to be implemented in a manner that supports First Nation economic development consistent with Article 20 of the UN Declaration.

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

1. Direct the National Chief to advocate that the implementation of the Canada-United States-Mexico Agreement (CUSMA) through Bill C-100 include mandatory requirements of at least 5% of government procurement for First Nations.
2. Urge Canada to continue to work with the Assembly of First Nations (AFN) to improve upon the participation of First Nations in international trade negotiations. Canada must move beyond engagement and invite First Nations to the negotiation table for international trade and investment treaties.
3. Call upon Canada to include a 'Trade and Indigenous Peoples Chapter' in future international trade agreements, such as the Canada-Mercosur negotiations, the Canada-Pacific Alliance negotiations and the continuing discussions of an international trade agreement with the Association of Southeast Asian Nations (ASEAN).
4. Encourage the AFN and Canada to explore options for programs and policies to support exports from First Nations' businesses; such as trade missions, increased investment in First Nation businesses, and simplifying access to loans and grants for First Nation businesses. Increased access to loans and grants to businesses owned by Indigenous women is specifically encouraged.
5. Continue to seek the guidance of the AFN Chiefs Committee on Economic Development and engage with First Nations leaders and technical officials on the type of programs and services needed for First Nation trade networks and inter-nation trade.

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<b>TITLE:</b>	<b>Increasing First Nations Procurement Opportunities and Benefits</b>
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Reginald Bellerose, Muskowekwan First Nation, SK
<b>SECONDED BY:</b>	Chief Stanley Grier, Piikani First Nation, AB

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations businesses continue to actively contribute to Canada's economy and are poised to be major contributors in the procurement space. However, First Nations have significant barriers when it comes to access to procurement opportunities.
- C. The Government of Canada has stated that it is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government relationship based on recognition of rights, respect, co-operation and partnership as the foundation for transformative change.
- D. Government procurement has been, and will continue to be, a key component of the Canadian economy. Improved access and support for First Nations businesses to access the federal procurement market represents a significant growth opportunity. The Government of Canada is currently undertaking a process towards the modernization of the Procurement Strategy for Aboriginal Business (PSAB). Targeted Indigenous procurements under the current PSAB represents less than 1% of all federal procurements.
- E. The Assembly of First Nations (AFN), with the guidance of the Chiefs Committee on Economic Development (CCED), has developed an evergreen discussion paper, *Procurement in Canada: Possible Actions to Increase First Nations Opportunities and Benefits*, which outlines recommendations to increase First Nation procurement opportunities including:

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- i. undertaking an independent First Nations-led review and action plan to review procurement.
- ii. establishing a 5% First Nations Federal Government mandatory procurement target and increasing sole source thresholds for First Nations businesses.
- iii. improving First nations procurement data collection and reporting capabilities.
- iv. establishing federal/provincial/territorial oversight bodies to increase enforceability of procurement targets
- v. improve international trade procurement opportunities.
- vi. establish a comprehensive First Nations business marketplace.
- vii. fulfill the procurement recommendations provided by the Standing Committee on Government Operations and Estimates.

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

1. Support the recommendations outlined in the evergreen discussion paper *Procurement in Canada: Possible Actions to Increase First Nations Opportunities and Benefits* for submission to the Government of Canada to inform the modernization of the federal Procurement Strategy for Aboriginal Business (PSAB).
2. Direct the Assembly of First Nations (AFN) to seek resources to continue to coordinate First Nations input into the further development of options and recommendations to increase First Nations procurement opportunities and benefits.
3. Direct the AFN Chiefs Committee on Economic Development (CCED) to continue to advocate for options to increase First Nations procurement opportunities and benefits in federal, provincial/territorial and private sector procurement.

**D R A F T   R E S O L U T I O N   # 2 9 / 2 0 1 9**

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<b>TITLE:</b>	Tri-Council Financial Administration Policy, Tri-Council Policy 2 Chapter 9 and the draft Tri-Agency Research Data Management Policy in alignment with Ownership, Control, Access, and Possession (OCAP®) and the United Nations Declaration on the Rights of Indigenous Peoples
<b>SUBJECT:</b>	Health
<b>MOVED BY:</b>	Chief Stanley Grier, Piikani First Nation, AB
<b>SECONDED BY:</b>	Chief Walter Spence, Fox Lake Cree Nation, MB

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**WHEREAS:**

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

- i. Article 23: Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- ii. Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.
- iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

B. The Truth and Reconciliation Commission of Canada Calls to Action state:

- i. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.

C. As Indigenous peoples of Turtle Island we have always had our own sciences, our own research, our own laws that were passed down since time immemorial, our laws were guided and aligned with the lunar cycles and ancestral star knowledge that told us when to plant, hunt, fish, and how we relate to one another, these laws and ways of knowing allowed us to survive and continue to do so.

D. The Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council of Canada (NSERC) and the Social Sciences and Humanities Research Council of Canada (SSHRC) are federal granting agencies that support research, research training and innovation in

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Canadian post-secondary institutions. Collectively they are known as the Tri-agencies or the Government's granting councils and are governed by the Tri-Agency Financial Administration Policy and the Tri-Council Policy Statement 2 (TCPS2) Chapter 9, "Research Involving the First Nations, Inuit and Métis Peoples of Canada".

- E. The Tri-Agency Financial Administration Policy and the TCPS2 has effectively created barriers for community-based organizations to access research funding, to be an eligible institution an organization needs an affiliation with an academic institution, the costs of administering research funding in an ineligible expense, also known an indirect expense that is allowed for academic institutions, a cost not granted to community-based organizations.
- F. The Tri-Council has developed a draft *Tri-Agency Research Data Management Policy*, where the research data collected with the use of public funds should be responsibly and effectively managed and belong in the public domain and available for reuse by others, this draft policy is violation of the First Nations principles of OCAP®, where First Nations have a right to have Ownership, Control, Access and Possession of their data and information regardless of where it is held and the Indigenous peoples right to Free, Prior and Informed Consent (FPIC) as stated within United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

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

1. Call on the Government of Canada to direct the Tri-Council agencies to collectively work with First Nations regions to revise the Tri-Agency Financial Administration Policy and the Tri-Council Policy 2 Chapter 9 to remove existing barriers to Indigenous community-led research, including indirect costs that would alleviate the costs of administering research grants.
2. Call on the Government of Canada to work with the First Nations Information Governance Centre (FNIGC) and their membership to revise the draft Tri-Agency Research Data Management Policy to ensure that it does not violate the First Nation principles of Ownership, Control, Access and Possession (OCAP®) and United Nations on the Rights of Indigenous Peoples (the UN Declaration).

**D R A F T   R E S O L U T I O N   # 3 0 / 2 0 1 9**

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**TITLE:** Inclusion of Canada Summer Jobs to First Nations Labour Market Agreements

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**SUBJECT:** Economic Development, Youth

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**MOVED BY:** Chief Barron King, Moose Deer Point First Nation, ON

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**SECONDED BY:** Chief Myeengun Henry, Chippewas of the Thames First Nation, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations have participated in national employment and training programs (Pathways, Regional Bilateral Agreements, Aboriginal Human Resource Development (AHRDS)1, AHRDS-2, and the Aboriginal Skills and Employment Training Strategy (ASETS) since 1992.
- C. First Nations Labour Market Agreement (FNLMA) holders have delivered Canada Summer Jobs (CSJ) for one year under the ASETS, and under predecessor programs since 1992.
- D. First Nation administrations and employers have had to apply for summer student positions in competition with other employers in a Member of Parliament's riding.
- E. First Nation administrations and employers have experienced a great loss of funding for First Nation students since CSJ was removed from FNLMA holders delivery.
- F. The federal government has espoused a commitment to youth training and employment, which includes First Nations youth.

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

1. Reaffirm First Nations jurisdiction over the governance of skills training and employment services and programs for their citizens, regardless of residency.

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2. Call on the Minister of Employment, Workforce Development and Labour to work with the Assembly of First Nations (AFN) to plan for reinstatement of Canada Summer Jobs (CSJ), now under the Youth Employment and Skills Strategy (YESS), for funding to flow under First Nations Labour Market Agreement (FNLMA) holders.
3. Direct the Assembly of First Nations Chiefs Committee on Human Resources Development (CCHRD) to continue to advocate for increased investments for First Nations youth training and employment.

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<b>TITLE:</b>	Demarcation of Indigenous Language Signs on Traditional and Ancestral Lands
<b>SUBJECT:</b>	Languages, Treaties
<b>MOVED BY:</b>	Chief Jeremy Norman, Flying Dust First Nation, SK
<b>SECONDED BY:</b>	Chief Alvin Francis, Nekaneet First Nation, SK

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**WHEREAS:**

- A. This resolution is in support of the meaningful implementation of Calls to Action 13, 14, and 15 of the Truth and Reconciliation Commission of Canada, elements of the United Nations Declaration on the Rights of Indigenous Peoples, and the federal government's commitment to a renewed relationship with Indigenous Peoples based on the recognition of rights, respect, cooperation and partnership.
- B. 2019 was declared the International Year of the Indigenous Languages by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Indigenous languages are an integral part of Indigenous Peoples' cultures and identities, and of Canada's society. Indigenous languages are also integral to Indigenous worldview connecting Indigenous Peoples to their lands and territories.
- C. Bill C-91, *An Act respecting Indigenous languages*, received Royal Assent on July 21, 2019, and seeks to reclaim, revitalize, strengthen and maintain Indigenous languages in Canada. The Department of Canadian Heritage, the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council worked together to co-develop national First Nations, Inuit, and Métis languages legislation that reflected the distinct geographical, political, legislative and cultural context impacting language preservation, promotion and revitalization.
- D. Governments at all levels have failed to honour the spirit and intent of Treaty, which impacts First Nations communities' abilities to exercise their Treaty and Inherent rights. It is important that all levels of government and the citizens of Canada recognize and acknowledge when they are in Indigenous Treaty and traditional territory.
- E. Indigenous Treaty First Nations have the right to exercise their Treaty and Inherent right to hunt, fish, trap and gather within their traditional territories. First Nations have the right to determine who enters their Treaty reserve lands and that non-First Nation individuals must have proper authority to be on those lands.
- F. A step toward re-affirming our connection to our lands can be achieved through language reclamation and revitalization initiatives that support Indigenous Peoples in the demarcation of signs in Indigenous languages that mark lands, waterways and territories for each First Nation, including boundaries of the Treaty areas, reserve boundaries and traditional hereditary lands and waterways.

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

1. Direct the Assembly of First Nations to support Indigenous Nations in regional reclamation and revitalization initiatives that strengthen our connection to our traditional lands and Treaty Territories, as the Government of Canada has invested \$89.9 million over three years to preserve, promote and revitalize Indigenous languages and culture.
2. Call on the Federal Government, Minister of Canadian Heritage, and Minister of Crown-Indigenous Relations and Northern Affairs Canada to work with provinces, territories, Indigenous representative organizations, and Indigenous governments to create effective support for Indigenous languages in Canada through a variety of mechanisms, including the demarcation of signs in our traditional and Treaty territories that mark our boundaries and strengthen our connection to our Treaty and traditional lands and waterways.

**D R A F T   R E S O L U T I O N   # 3 2 / 2 0 1 9**

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**TITLE:** **Treaty and Adhesions to Treaty Commemoration**

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**SUBJECT:** Treaties

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**MOVED BY:** Chief Frank Roberts, Montreal Lake Cree Nation, SK

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**SECONDED BY:** Chief Calvin Sanderson, Chakastaypasin First Nation, SK

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**WHEREAS:**

- A. The Government of Canada is working to advance reconciliation and renew the Nation-to-Nation relationship based on recognition of rights, respect, cooperation and partnership.
- B. There are many Treaty First Nations that will be celebrating important anniversary dates and commemoration celebrations such as the 130<sup>th</sup> anniversary (1889-2019) of Montreal Lake Cree Nation and Lac La Ronge Indian Band signing an adhesion to Treaty Number 6 on February 11, 1889 at Molanosa 'kiskahikanisihk'.
- C. Treaty signings and adhesions to Treaty were the foundation and affirmation of Nation-to-Nation relationships and should be celebrated by both partners and beneficiaries to the Treaty.
- D. As our Treaty Nations undertake the commemoration of significant anniversary dates, it is important for Treaty nations to respect and support each other, and that all beneficiaries to the Treaty relationship share in marking these significant dates.

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

1. Recognize, respect and support the Montreal Lake Cree Nation and Lac La Ronge Indian Band in the commemoration of the 130<sup>th</sup> anniversary of the Treaty Number 6 Adhesion (1889-2019) on August 28, 2019, at Molanosa 'kiskahikanisihk'.
2. Direct the Assembly of First Nations to call upon the Federal Government to advance reconciliation and renew the Nation-to-Nation relationship by marking and participating in commemoration celebrations as Treaty Nations across Canada are reaching significant anniversary dates.

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**TITLE:** **Supporting First Nations Guardians**

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**SUBJECT:** Environment

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

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**SECONDED BY:** Chief Dalton Silver, Sumas First Nation, BC

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - iii. Article 32(2): States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - iv. Article 32(3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Resolution 60/2015, *Support for a National Guardian Program*, mandates the Assembly of First Nations (AFN) to fully support Indigenous Guardian programs and assist with the development of a nationally funded Indigenous Guardians program in Canada.
- C. First Nations have a profound relationship with the land and all of creation that has existed since time immemorial. This relationship is expressed as a cultural responsibility to care for and protect the land. As such, First Nations are the rightful managers, stewards, and guardians of our lands.
- D. First Nations are also responsible for ensuring our traditional knowledge systems and practices are appropriately acknowledged, respected, considered and incorporated in all related decision-making.
- E. First Nations traditional territories are under unprecedented pressure from the impacts of the climate crisis and development that requires urgent financial and technical capacity to ensure that any and all development and associated decision making meets the needs, desires and aspirations of our Nations.

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- F.** First Nations presence on the land is not only a meaningful assertion of our Inherent Aboriginal and Treaty Rights, but also reconciliation in action.
- G.** Guardian programs worldwide have produced stable and meaningful employment for a large number of Indigenous Peoples, which has resulted in the unprecedented improvement of socio-economic conditions and the development of enhanced planning and management tools, including the establishment of Indigenous Protected and Conserved Areas (IPCAs).
- H.** There is a growing recognition of the critical leadership role of Indigenous Peoples in achieving positive conservation outcomes. Examples of leadership include land-based educational programming and Guardian accreditation developed by Dechinta, Bush University Centre for Research and Learning, in the Northwest Territories, and the Government of Canada's recent support for a five-year Indigenous Guardians pilot project.
- I.** There are a number of successful community-based Guardian and Ranger programs across Canada that comprise a broader network in support of Indigenous led conservation efforts which have been championed by Indigenous organizations including the Indigenous Leadership Initiative who have been working to advance an Indigenous led model for a national guardians network.

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

1. Fully support the concept of Indigenous Guardians and the need for a nationally-funded Indigenous Guardian network in Canada.
2. Direct the Assembly of First Nations (AFN) to work with First Nations leadership to discuss the establishment of effective and appropriate mechanisms to support First Nations Guardians.
3. Direct the AFN to call on Canada, as well as the Provinces and Territories, to support a national Guardians network through the creation of mechanisms that ensure First Nations have access and control over their lands.
4. Direct the AFN to call on Canada, as well as the Provinces and Territories, to ensure the long-term viability of a national Guardian network across Canada through the allocation of dedicated and sustained funding.

**D R A F T   R E S O L U T I O N   # 3 4 / 2 0 1 9**

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**TITLE:** **National Expansion of the Indigenous Rookie League Baseball Program**

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**SUBJECT:** Sports and Recreation

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**MOVED BY:** Chief Lorraine Cobiness, Niisaachewan Anishinaabe Nation, ON

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**SECONDED BY:** Chief Darlene Comegan, Northwest Angle #33, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) proclaim a standard of achievement to be pursued in the spirit of partnership and mutual respect to include improvement of their economic and social conditions. Specifically noting;
  - i. Article 23; Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
  - ii. Article 24 (2); Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health, States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The Kenora Chiefs Advisory and the File Hills Qu'appelle Tribal Council have partnered with Jays Care Foundation to successfully implement the Indigenous Rookie League baseball program.
- C. Indigenous Rookie League is unique in its design and promotes social connection, health and wellness among children, youth, families and communities by promoting and encouraging participation of the entire community.
- D. The Indigenous Rookie League is a wellness initiative that not only teaches the game of baseball to young people, but also encourages resiliency against negative social determinants of health and provides a healthy environment for community engagement and togetherness.
- E. The Kenora Chiefs Advisory, the File Hills Qu'appelle Tribal Council, Grand Council Treaty #3 and Jays Care Foundation have signed a declaration recognizing the value the league has brought to communities by providing opportunities for growth and building resiliency among youth and families to strengthen and continue improving their own economic, physical and social conditions. The declaration solidifies a partnership to support, promote and participate in the expansion of a National Indigenous Rookie League Baseball program.

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

1. Recognize the benefits and strengths the Jays Care Indigenous Rookie League has had in building youths' resiliency and improving the wellbeing of member communities.

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2. Support the declaration of collaboration signed by Kenora Chiefs Advisory, File Hills Qu'appelle Tribal Council, Grand Council Treaty #3 and Jays Care Foundation in expanding to a National Indigenous Rookie League Baseball program.
3. Direct the Assembly of First Nations to advocate to the all government and non-governmental organizations to ensure necessary resources and to support the planning and implementation of a National Indigenous Rookie League baseball program, through funding provided to Kenora Chiefs Advisory, File Hills Qu'appelle Tribal Council and Grand Council Treaty #3, in partnership with the Jays Care Foundation.

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<b>TITLE:</b>	<b>Support for Sumas First Nation Gaming Initiatives</b>
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Dalton Silver, Sumas First Nation, BC
<b>SECONDED BY:</b>	Chief Scott McLeod, Nipissing First Nation, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 5: Indigenous people have the right to maintain and strengthen distinct political, economic and social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural institutions to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment and vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations possess inherent jurisdiction in the area of gaming, recognized and affirmed in Canada's Constitution.
- C. Since 1987, the Assembly of First Nations (AFN) Chiefs-in-Assembly resolved to support First Nations assertion of their authority and jurisdiction in the regulation of gaming or gambling activities.
- D. The Truth and Reconciliation Commission of Canada's (TRC) Executive Summary of its Final Report, *Honouring the Truth, Reconciling for the Future*, called upon the federal, provincial, and territorial and municipal governments to:
  - i. fully adopt and implement the UN Declaration as the framework for reconciliation.
  - ii. reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiations and implementation processes involving Treaties, land claims, and other constructive agreements.
- E. First Nations in British Columbia have unextinguished Aboriginal title and rights, including Treaty rights.

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- F.** The Government of Canada has committed to work with the Indigenous Nations and Treaty Partners on a " Nation to Nation" basis, and work toward reconciliation, including the implementation of the TRC's Final Report and Calls to Action.
- G.** Sumas First Nation has been working on the development of a facility including hotel, convention centre, and gaming and entertainment center with limited progress in advancing their economic initiatives with the British Columbia Lottery Commission (BCLC) and the Province of British Columbia.
- H.** Sumas First Nation is exercising jurisdiction over their lands to pursue economic opportunities in the gaming sector for the benefit of future generations, which will also benefit surrounding municipalities and the Province of British Columbia.

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

1. Reaffirm support for First Nations assertion of their inherent jurisdiction in the regulation of gaming or gambling activities and acknowledge that reconciliation includes recognition of First Nations inherent jurisdiction in a wide number of areas, including gaming.
2. Support Sumas First Nation in assertion of jurisdiction over gaming and their efforts towards economic independence and sustainability.
3. Call on Canada to amend the Criminal Code of Canada to repeal any legislative prohibitions to First Nations exercising their jurisdiction over gaming or gambling activities.

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<b>TITLE:</b>	<b>Support for Miziwe Biik Employment and Training Centre</b>
<b>SUBJECT:</b>	Employment and Training
<b>MOVED BY:</b>	Chief Laurie Carr, Hiawatha First Nation, ON
<b>SECONDED BY:</b>	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B.** Miziwe Biik Employment and Training has been the leader in providing pathways for employment for the First Nations and Indigenous community of the Greater Toronto Area.
- C.** Miziwe Biik has provided, and continues to provide, essential career and employment services to First Nations people who live and work in the Greater Toronto Area since 1991.
- D.** Miziwe Biik has focused its work towards assisting in integral efforts to eliminate training and employment gaps that persist between Indigenous and non-Indigenous Canadians and are partnering with other urban Indigenous organizations in the Greater Toronto Area to develop Toronto's first-ever Aboriginal Hub.
- E.** As a key training partner in the Aboriginal Hub, Miziwe Biik aims to double their physical space and their service offerings to accommodate the growing demand for training and employment services for First Nations and Indigenous people.
- F.** Miziwe Biik is proposing to develop a new training centre at the Aboriginal Hub that will include:
  - i. A multi-purpose vocational training workshop, including a carpentry shop to prepare clients for careers in the skilled trades.
  - ii. Tutoring classrooms, that will function as a culturally-relevant and supportive study location for clients.
  - iii. Incubator and multi-purpose spaces for First Nations and Indigenous business start-ups.

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- iv. Special purpose space to support collaboration with other partners.
- G. By creating this new training centre, Miziwe Biik aims to support an additional 700 First Nations and Indigenous people to secure new jobs each and every year.
- H. The Government of Canada, through the Department of Indigenous Services Canada, affirms that economic prosperity is one of their five key priorities, stating that Canada will continue working with Indigenous partners and organizations to advance community economic development.
- I. Funding announcements since Budget 2017 have targeted funding supports for Indigenous community economic development, skills and employment training specific to the urban Indigenous communities and capital and infrastructure to support community development.
- J. Supporting innovative First Nations and Indigenous-led opportunities, including Miziwe Biik Training Centre, will further the Truth and Reconciliation Commission's Call to Action #7, which calls upon the Government to work with Indigenous partners to eliminate educational and employment gaps between Indigenous and non-Indigenous Canadians.

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

1. Support Miziwe Biik Employment and Training in the continuing development and vision of the Miziwe Biik Training Centre.
2. Support Miziwe Biik Employment and Training to seek funding support from the Government of Canada to realize the creation of the Miziwe Biik Training Centre that will benefit First Nation citizens who live and work in the Greater Toronto Area.

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**TITLE:** **Support for a First Nations Led Engagement Process on Nation Building**

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**SUBJECT:** Inherent Rights, Title and Jurisdiction

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**MOVED BY:** Kupki7 Judy Wilson, Neskonlith Indian Band, BC

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**SECONDED BY:** Chief Lance Haymond, Kebaowek First Nation, QC

**WHEREAS:**

- A. The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, announced Canada's unqualified support for, and intent to fully implement, the United Nations Declaration on the Rights of Indigenous Peoples at the United Nations Permanent Forum on Indigenous Issues on May 10, 2016;
- B. The Right Honourable Prime Minister Justin Trudeau promised to fully respond to each of the Calls to Action of the Truth and Reconciliation Commission.
- C. Call to Action 43 calls upon federal, provincial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the framework for reconciliation.
- D. The UN Declaration states:
  - i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect of the customs, traditions and land tenure systems of the indigenous peoples concerned.
  - iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
  - iv. Article 28: (1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
  - v. Article 28: (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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- vi. Article 29: (2) States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- 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 their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- E. Article XXIV of the American Declaration on the Rights of Indigenous Peoples states, “Indigenous peoples have the right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, in accordance with their true spirit and intent in good faith and to have States honor and respect same. States shall give due consideration to the understanding of the indigenous peoples as regards to treaties, agreements and other constructive arrangements.”
- F. Canada’s Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and associated processes undermine the true Nation-to-Nation relationship between First Nations and the Crown and have been widely rejected by First Nations for their focus on the infringement and extinguishment of Indigenous Rights, Title, and Jurisdiction. Both policies are inconsistent with Canadian jurisprudence (*Haida, Delgamuukw, Tsilhqot'in Nation*), Section 35 of Canada’s Constitution, and the UN Declaration.
- G. Unilaterally developed policy and legislation that sets parameters on the Crown’s relationship with First Nations is in direct contravention of the Nation to Nation relationship and the Crown’s obligations under International law.
- H. AFN Resolution 47/2015, *Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title*, rejects the CLCP and calls on Canada, “on a Nation-to-Nation basis, in direct consultation with Aboriginal Title First Nations, to undertake a process to replace the federal Comprehensive Claims Policy (CCP) with a policy that recognizes and respects Aboriginal Title and Rights in accordance with Canada’s Constitutional obligations, the Tsilhqot'in Nation decision, and consistent with the UN Declaration.”
- I. AFN Resolution 37/2016, *Establishing a Crown-First Nations Process on Land, Peoples and Governance*, calls for the creation of a First Nations process that seeks “mutual understanding, consensus and solutions to matters pertinent to First Nations including decolonization, empowerment and “going beyond the Indian Act,” and direct the Assembly of First Nations to coordinate this process with First Nation regions and Canada.”
- J. AFN Resolution 08/2018, *Implementing Canada’s Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, calls on Canada to “completely repudiate and abandon the inherent rights policy and the any related operating practices.”
- K. In July 2018, AFN Chiefs-in-Assembly passed AFN Resolution 39/2018, *First Nations Determination of the Path of Decolonization*, calling for the Framework process to be halted and a First Nations-led process created.

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- L. On September 11-12, 2018, the AFN hosted a National Policy Forum attended by over 500 delegates to discuss Canada's Framework process. The Final Report identified 7 emergent First Nations principles that could guide the path forward:

  - i. Affirm the pre-existing sovereignty and inherent Title of First Nations. Inherent rights and Title already exist and have been affirmed. Our rights as peoples and nations cannot be extinguished, and do not owe their existence to any other level of government.
  - ii. First Nations laws, language, culture, governance, jurisdiction must inform mutually acceptable solutions.
  - iii. The honour of the Crown means that the Crown's words meet their actions and the Crown always keeps its promises, including the full implementation of treaties and agreements.
  - iv. Value the equality of peoples as in the *Guswentah* (Two Row Wampum Treaty).
  - v. Fair and inclusive collaboration means making decisions together not in isolation.
  - vi. Clear, transparent communication must restore, not erode trust.
  - vii. Organize the federal government and its practices so that the *UN Declaration* guides reconciliation. Reconciliation does not mean compromise, it means moving forward in a respectful way.
- M. In December, 2018, the AFN Chiefs-in-Assembly passed AFN Resolution 67/2018, *Rejection of the recognition and Implementation of Indigenous Rights Framework and Associated Processes*, which called on the AFN to support First Nations in "developing their own Nation-building processes, including law-making, institution-building, and research of traditional governance systems in order for First Nations to begin developing standards of governance and law-making and to assert their inherent rights outside the purview of Canadian legislative control."
- N. On December 4, 2018, Minister Bennett and Prime Minister Justin Trudeau publicly agreed to halt the Framework process while also committing to replace the existing CLCP and IRSG policies in partnership with First Nations.
- O. On May 1-2, 2019 the AFN hosted a National 4 Policies and Nation Building Forum in Edmonton, Alberta. At this Forum Minister Bennett announced that her government would support a First Nations led engagement process to develop new policy.
- P. On May 21, 2019, a *Draft Directive for Federal Officials on the Recognition and Implementation of Indigenous Rights*, was leaked. It is an internal draft government document that did not include any apparent involvement or consent of any First Nations or the Assembly of First Nations. Federal officials confirmed via email on June 11, 2019 that "at this point, nothing further is happening with it."
- Q. The May 21, 2019, Draft Federal Directive has serious implications for Indigenous Title, Rights and historic Treaty Rights and in response the National Chief wrote Minister Bennett on June 10, 2019, informing her AFN cannot support the unilateral Draft Directive.

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- R.** The Principals of the 1992 British Columbia Treaty Commission (BCTC) Agreement are working on a *Draft Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia*, which was prepared without the involvement or consent of First Nations outside of the BCTC Agreement. Process, even though the Policy has serious legal and political implications for First Nations outside of the BCTC Agreement Process and across Canada where the federal Comprehensive Land Claims and 1995 Self-Government Policies apparently still apply.
- S.** The 2019 Draft BC Treaty Negotiations Policy only recognizes “Indigenous peoples engaged in the negotiation of treaties, agreements and other constructive arrangements within the British Columbia treaty negotiations framework [will be] referred to as “Indigenous Nations”.”
- T.** The 2019 Draft BC Treaty Negotiations Policy, if approved, will replace “the *Statement on Claims of Indian and Inuit People, 1973*, various versions of the *Comprehensive Land Claims Policy*, and the *1995 Federal Self-Government Policy*”, but only for those First Nations in the BCTC Agreement Process.
- U.** First Nations not currently engaged in the BCTC process may be impacted by the 2019 Draft Treaty Negotiations policy, in terms of the governments of Canada and British Columbia, and further to the 2014, *SCC Tsilhqot'in Nation v British Columbia* decision, by the proposed 2019 BCTC process; 1) defining the standards of proof and terms of agreements to establish Indigenous Title in BC, 2) defining the scope of Indigenous Title and Rights, and 3) abdication by the federal and BC governments taking responsibility for and worsening the problem of overlaps between First Nations in and out of the BCTC Process, all without the involvement or consent of First Nations not participating in the BCTC Agreement Process.
- V.** The 2019 Draft BC Treaty Negotiations Policy has not yet been approved by Canada or British Columbia, but the intent of the governments of Canada and British Columbia is to adopt a final version of the Policy.

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

1. Re-affirm our rejection of Canada's Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and all associated policies and processes.
2. Re-affirm Assembly of First Nations (AFN) Resolution 37/2016, *Establishing a Crown-First Nations process on Land, Peoples and Governance*, AFN Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, AFN Resolution 39/2018, *First Nations Determination of the Path to Decolonization*, and AFN Resolution 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*, which collectively:
  - a. Reject federally imposed processes and approaches to the recognition of Indigenous Rights, Title and Jurisdiction.
  - b. Recognize, elevate, and support Indigenous self-determination and decision-making processes.
3. Reiterate our call for a First Nations-led process to develop new federal policies and/or legislation to address the recognition and implementation of our inherent Rights, Title and Jurisdiction.

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4. Reiterate our expectation that any policy or framework which may affect the Title, or Rights of any First Nation, irrespective of whether that First Nation is currently engaged in negotiations with the Crown, requires the free, prior and informed consent of all First Nations potentially impacted by such a policy or framework.
5. Direct the AFN, through coordinated action, to implement the common elements of these inter-related resolutions (08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, 39/2018, *First Nations Determination of the Path to Decolonization* and 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*) through a national engagement process.
6. Direct the AFN to advocate for adequate federal funding to support meaningful First Nations engagement at the local, regional, and national levels on nation building.
7. Direct the AFN to provide an update on progress at the December 2019 Special Chiefs Assembly.

**D R A F T   R E S O L U T I O N   # 3 8 / 2 0 1 9**

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**TITLE:** First Nations Labour Market Agreement (FNLMA) holders and the First Nations and Inuit Child Care Initiative (FNICCI)

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**SUBJECT:** Economic Development, Social Development

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**MOVED BY:** Chief Myeengun Henry, Chippewas of the Thames First Nation, ON

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**SECONDED BY:** Chief Scott McLeod, Nipissing First Nation, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations have participated in national employment and training programs (Pathways, Regional Bilateral Agreements, Aboriginal Human Resource Development (AHRDS)1, AHRDS-2, Aboriginal Skills and Employment Training Strategy (ASETS) agreements since 1992.
- C. First Nations Labour Market Agreement (FNLMA) holders have delivered the First Nations and Inuit Child Care Initiative (FNICCI) funds to their communities since 1999. FNLMA holders have participated in only one engagement session in July 2017 regarding the revamping of Early Learning and Child Care programs nationally.
- D. The summary report from the July 2017 meeting concludes that “the need to address deficiencies is quite obvious and long-standing. An Indigenous Early Learning and Child Care (ELCC) framework that prioritizes an empowered FNICCI program will be able to produce substantial benefits practically immediately because the ASETS framework is already in place and working.”
- E. The federal government has provided the Indigenous Skills and Employment Training (ISET) Program, a ten-year national employment and training strategy.
- F. The ten-year contribution agreement includes only two years of funding of the FNICCI through the FNLMA holders.

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

1. Call on the Minister of Employment, Workforce Development and Labour, to acknowledge in written form, that the Chiefs of the First Nations of Canada retain jurisdiction for the governance of their citizens, regardless of residency.
2. Call on the Minister of Employment, Workforce Development and Labour work to with the Assembly of First Nations (AFN) First Nations Technical Working Group on Human Resources Development and the First Nations Labour Market Agreement (FNLMA) holders within each region/territory to plan for retention of the FNICCI through the ten-year agreement, 2021-2029, and any subsequent agreements.

**D R A F T   R E S O L U T I O N   # 3 9 / 2 0 1 9**

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**TITLE:** Rejection of the Process of Co-Developing Policy and Legislation as Employed by the Government of Canada

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**SUBJECT:** Treaty Rights

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**MOVED BY:** Chief Kurt Burnstick, Alexander First Nation, AB

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**SECONDED BY:** Okimaw Henry Lewis, Onion Lake Cree Nation, SK

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**WHEREAS:**

- A. The Government of Canada (Canada) is engaged in what they call a “First Nations-led” process of co-developing policy and legislation that will negatively impact the inherent rights of First Nations across Turtle Island.
- B. Existing co-development processes are inadequate, do not fulfill the requirements for free prior and informed consent and is not a “First Nations led” process, as:
  - i. There is no standard or set of principles for co-developing legislation and policy with Canada;
  - ii. The Department of Justice, under Canada is solely responsible for drafting legislation;
  - iii. The Senate and House committee process has proven to be a failed mechanism for ensuring First Nations inherent rights are respected;
  - iv. First Nations priorities are consistently left out of the final versions of legislation and policy; and
  - v. Canada is not required to consult with First Nations before a bill receives Royal Assent.
- C. Minimal regional engagement efforts do not provide Canada with the authority to advance “co-developed solutions” on behalf of rights and title holders.
- D. Negotiations impacting the inherent rights of First Nations must be undertaken directly with rights and title holders, with the only acceptable standard being free, prior, and informed consent.
- E. Federal legislation is not required for long-term and sustainable funding.

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

1. Reject the co-development processes employed by the Government of Canada that are bypassing the Treaty-making processes and negotiations with rights and title holders.
2. Direct a notice to the Assembly of First Nations (AFN) and Canada that it is solely up to First Nations rights and title holders to define long term solutions, co-development, and self-determination plans for their Nations.
3. Direct the AFN to stop all participation in the co-development of policy or legislation with Canada, including regional engagement sessions, resulting in actions affecting Treaty and Inherent rights.

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<b>TITLE:</b>	<b>Elders' Statement on Rights to Protect Nationhood</b>
<b>SUBJECT:</b>	Inherent Rights, Jurisdiction and Treaties
<b>MOVED BY:</b>	Chief Judy Wilson, Skat'sin te Secwépemc, Neskonlith, BC
<b>SECONDED BY:</b>	Chief Vernon Watchmaker, Kehewin Cree Nation, AB

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**WHEREAS:**

- A. First Nations inherent right to self-determination pre-exists contact with settler governments', including Canada and the provinces. First Nations sovereign jurisdiction has existed since time immemorial as we are the original peoples to our lands and territories.
- B. *The Royal Proclamation of 1763* establishes the Treaty process between Indian Nations or Tribes and the Crown which represents a Nation-to-Nation covenant or agreement, entered into according to our laws as Indian Nations and those of the Crown.
- C. The Crown wanted to access our territories for his subjects and as the original people we agreed to only share our territory, the Crown undertook certain obligations and responsibilities.
- D. Treaty and inherent rights must be upheld through the Honour of the Crown for "as long as the sun shines, the grass grows and the waters flow".
- E. Elders from Treaty and sovereign Nations met in Edmonton, Alberta (April 29, 2019), Onion Lake Cree Nation (June 14, 2019) and Kehewin Cree Nation (June 26 and 27, 2019) to discuss the current government agenda that impacts First Nations inherent and Treaty rights, title and jurisdiction.
- F. The Elders directed the drafting of a document entitled 'statement of rights' which has been translated into the Cree language in response to the current government agenda that attacks and undermines our inherent and Treaty rights, title and jurisdiction. The Elders direct leadership to take immediate action to protect our Nations Treaty rights and Inherent Rights sovereign jurisdiction to ensure decisions are made for our people, children and future generations.
- G. Treaty and Sovereign Title holders of our Nations gathered to maintain the sacred fire of our ancestors for all future generations where they stated that:
  - i. Our Treaty laws are based on Creator's laws.
  - ii. In affirming the spirit and intent of our Treaties, since the beginning will last 'as long as the sun shines, waters flow, grass grows and as long as there are original peoples', as understood and consented to by both parties to co-exist as families.
  - iii. In affirming our Treaties, we firmly reject the federal government's colonial agenda that violates our international Treaty relationship.

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- iv. We, the original peoples of Turtle Island uphold our truth, our languages and sacred responsibilities (protection, prevention, intervention, direction, and connection) to our peoples and our lands.
- v. We continue to carry the responsibility to protect and live our sovereignty, jurisdiction, laws and legal orders of our governance lodges so that they are transferred into the hands of the next generations for the circle of life to continue.
- vi. We hold in reverence all that Mother Earth gives to us including our responsibility to maintain balanced and harmonious relationships with all forms of life now and continually.
- vii. We direct all our leaders to make decisions protecting our Nations, people, children and future generations now and continually.
- viii. We agree and commit ourselves to respectfully work together sustaining our jurisdiction through:
  - a. Speaking the truth about our inherent connection to our land and our Treaties.
  - b. Carrying on our ceremonies, our laws and speaking our languages.
  - c. Living in good relationship with our families, clans, Nations, our Treaties with the Crown and all of creation.
  - d. Upholding our international Treaty relations that were confirmed for.
  - e. Upholding the inherent and Treaty responsibilities for our future generations.
  - f. Confirming our right of self-determination.

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

1. Support the Elders 'statement of rights' that rejects the current government's termination agenda that is federally drafted and controlled through legislation and policy changes and associated processes.
2. Support First Nations to develop their own self-determination plans to protect our Treaty and inherent rights and sovereign jurisdiction.
3. Acknowledge that the signatories to the Elders' statement of rights reject Bills C-86, *Budget Implementation Act, 2018, No. 2*; C-91, *Indigenous Languages Act*; C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families; and Budget Bill, 2019*, C-97; S-3, *An Act to amend the Indian Act and any legislation that undermines our inherent rights, complete jurisdiction and sovereignty made in the spirit and intent of Treaty*.

**D R A F T   R E S O L U T I O N   # 4 1 / 2 0 1 9**

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<b>TITLE:</b>	Table and review the Report “Honouring our Ancestors by Trailblazing a Path to the Future” from the Joint Advisory Committee on Fiscal Relations in light of current federal legislative and structural changes
<b>SUBJECT:</b>	Fiscal Relations/ Treaty and Inherent Rights
<b>MOVED BY:</b>	Okimaw Henry Lewis, Onion Lake Cree Nation, SK
<b>SECONDED BY:</b>	Chief Lynn Acoose, Sakimay First Nation, SK

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**WHEREAS:**

- A. The Crown has interfered in the jurisdiction of communally-held Treaty and Inherent Rights by setting up a selected committee, appointed federally, to undertake a comprehensive review of the existing fiscal relationship, research, develop proposals and recommendations for the design of a new fiscal relationship that moves forward towards sufficient, predictable and sustained funding, and lifts the 2% cap on annual funding increases to First Nations.
- B. Treaty and Inherent Rights are held communally by all members within a Nation and cannot be altered or negotiated without the rights-holders.
- C. Assembly of First Nations (AFN) Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, called on the Government of Canada to “fund work toward the development of a new fiscal relationship, including increased discussions at the individual First Nation, Treaty group, tribal council and regional level to augment national discussions, and apply the work and knowledge developed by regions to date.”
- D. AFN Resolution 17/2017, *Support for principles to guide a new First Nations-Crown fiscal relationship*, supported in-principle, the document, *Principles for a new First-Crown Fiscal Relationship*, as a minimum starting point to guide discussions of a new First Nations-Crown fiscal relationship.
- E. The Crown has begun a process, through the passing of Bill C-86, *A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures* that has not been sanctioned by Treaty and Inherent Rights holders. The outcome of this process is a new fiscal relationship which was done without authority or jurisdiction.
- F. A Memorandum of Understanding (MOU) was signed by the Assembly of First Nations and then Indigenous and Northern Affairs in July 2016 and resulted in the creation of an interim report for discussion purposes.
- G. On February 14, 2018, Prime Minister Trudeau signaled intent to develop a Recognition and Implementation of Indigenous Rights Framework.
- H. AFN Resolution 67/2018, *Rejection of the Implementation of Indigenous Rights Framework and Associated Processes*, passed at the Special Chiefs Assembly December on 6, 2018, stated that the rejection included “e. All other related structural changes to government as a result of this process”.

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- I. Through the passing of Resolution 67/2018, the rejection of “all other related structural changes to government as a result of this process” includes the work initiated under the AFN – Indigenous and Northern Affairs Canada MOU.
- J. The Report, *Honouring our Ancestors by Trailblazing a Path to the Future*, is based on a pan-aboriginal approach that does respect or protect Treaty based relationships as determined by the actual Treaty or Inherent Rights holders who were not fully involved in the making of this report and its recommendations.
- K. Assembly of First Nations Resolution 50/2017, *Support Onion Lake Cree Nation to Pursue Treaty Based Funding* and Resolution 36/2018, *Support to Pursue Treaty-based Funding*, support Treaty Based Funding Arrangements for those First Nations that entered into Treaty with the Imperial Crown.

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

1. Declare that the Report of the Joint Advisory Committee on Fiscal Relations, “*Honouring our Ancestors by Trailblazing a Path to the Future*,” originates from a structural change that was rejected unanimously at the Assembly of First Nations (AFN) Special Chiefs Assembly in December 2018 through Resolution 67/2018, *Rejection of the Implementation of Indigenous Rights Framework and Associated Processes* and cannot be repackaged for reconsideration.
2. Direct that the “Honouring our Ancestors by Trailblazing a Path to the Future” report be tabled and reviewed in light of the changes to the federal structure (Bill C-86, *A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018* and Bill C-97, *An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures*) and the two fiscal policies (Indian Act – 10 Year or less Grants and Self Government Fiscal Policy).
3. Assert that the First Peoples that are the holders of Treaty and Inherent Rights respect the diversity in other fiscal arrangement discussions, however Treaty First Nations do not give our consent for discussions and processes that impact or impede the Treaty-based funding arrangements.

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**TITLE:** Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines, and the Underlying Myth of Crown Title

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**SUBJECT:** Inherent Rights, Jurisdiction and Treaties

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**MOVED BY:** Chief Judy Wilson, Skat'sin te Secwépemc, Neskonlith, BC

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**SECONDED BY:** Okimaw Henry Lewis, Onion Lake Cree Nation, SK

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**WHEREAS:**

- A. Our peoples are the original peoples of the traditional territories of our Indigenous Nations, having been placed on our respective territories on Turtle Island by the Creator.
- B. The Creator gave us laws that govern all our relationships for us to live in harmony with nature and humankind.
- C. The laws of the Creator have defined our rights and responsibilities, gave us spiritual beliefs, our language, our cultures and places on Mother Earth which provided us with all our needs.
- D. We have maintained our freedom, our languages and our traditions from time immemorial.
- E. The Creator has given us the right to govern ourselves and the right to self-determination. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.
- F. Our Indigenous title, jurisdiction, rights and interests exist and are recognized by international law, our sacred Treaties with the Crown of Great Britain and the Constitution of Canada.
- G. The government of Canada has misused the term nation-to-nation relationship and has unilaterally imposed 10 Principles for Indigenous Relationships for use in policy, legislation and negotiations.
- H. Canada's Ten Principles Respecting the Government of Canada's Relationship with Indigenous Peoples cannot override Section 35 rights as they relate to modern treaties or self-government agreements.
- I. The government of Canada, without our involvement or consent, has unilaterally dissolved the Department of Indian Affairs and Northern Development (DIAND) and created two new Departments (Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada) through Bill C-97, *Budget Implementation Act, 2019, No. 1*.
- J. The Government of Canada, without our involvement or consent, has developed a directive for federal officials on the recognition and implementation of Indigenous Rights, which contain fundamental flaws such as:
  - i. Maintains a pan-Indigenous approach diminishing First Nations Treaty and Inherent Title and Rights.

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- ii. Makes a distinction between non-binding discussions and “co-developing” negotiation mandates.
- iii. Gives federal and provincial government representatives a veto because “co-developed” mandates have to “reflect the interest of all parties.
- K.** In 2017, several Treaty Nations and Indigenous Title Nations presented Joint Recommendations to the United Nations Committee on the Elimination of Racial Discrimination (CERD) on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title.
- L.** Several Treaty Nations and Indigenous Title Nations cooperated in Geneva, Switzerland at the United Nations, and in Canada to defend and protect the original Treaties and Indigenous Title and Rights from federal and provincial encroachments.
- M.** The August 13, 2017 joint recommendations by the Indigenous Nations appearing before the CERD have been reformatted as a Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title.
- N.** The Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title calls for the following action:
  - i. For the Crown in right of Canada to comply with CERD’s rejection of the colonial doctrines of discovery as a racist basis for the claim to sovereignty, jurisdiction and title.
  - ii. For Canada to cease and desist its unilateral approach to changes to policy and legislation and develop a process for mutual recognition based upon Indigenous sovereignty, original Treaties and jurisdiction.
  - iii. For CERD to condemn Canada for promoting and developing laws and policies based on colonial doctrines behind closed doors, in a non-transparent manner without the full involvement and the free, prior and informed consent of the Indigenous Nations as the proper Title and Rights holders.
  - iv. For CERD to hold Canada accountable to implement General Recommendation No. 23 requiring States Parties to ensure that Indigenous peoples are full decision-makers regarding issues relating directly to Indigenous peoples and that such decisions are not taken without their informed consent with specific reference to land and resource rights.
  - v. For CERD to hold Canada accountable and require Canada to ensure the free, prior, and informed consent of Indigenous Peoples with regard to development and resource exploitation within their traditional lands and territories; and ensure restitution where decisions have already been taken without the prior and informed consent of all affected Indigenous Peoples.
  - vi. For CERD to hold Canada accountable for its failure to implement its previous concluding observations rejecting Canada’s Comprehensive Land Claims Policy aiming at the de facto extinguishment of Indigenous title, as a racially discriminatory policy against Indigenous Peoples and their proprietary interests.

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- vii. For CERD to facilitate a dialogue and recommend an international facilitator to manage discussions with the Indigenous Nations, in relation to lands and other matters concerning underlying Indigenous title to the land and the issue of free, prior and informed consent as it relates to Indigenous Nations and Peoples.
- viii. For CERD to reject “*Canada’s Policy Approach to Implementation of the Inherent Right and the negotiation of Aboriginal Self-Government (1995)*”, as violating the Indigenous right of self-determination.
- ix. For CERD to request that the settler colonial state of Canada provide a report on its efforts to reform the laws, policies and programs that aim at the de facto extinguishment of title to lands and the issue of self-government agreements as a means to resolve outstanding issues related to lands and resources.
- x. For CERD to make an official request to send one or more of its members to Canada in order to facilitate the implementation of international standards regarding the situation as described in these submissions of Indigenous Nations and to ensure implementation of its concluding observations.
- xi. To request the CERD Secretariat to collect information from field presences of the Office of the High Commissioner of Human Rights and specialized agencies of the United Nations, national human rights institutions and non-governmental organizations on the situation as described in these submissions and more specifically to appoint and direct CERD members to investigate and collect information regarding the allegations contained in this Declaration and to report back to UN Committee on the Elimination of Racial Discrimination with recommendations; including, but not limited to these examples, follow-up on early warning and urgent action submissions in regard to the BC Treaty process, the Algonquins of Ontario Process, and the Lubicon Cree, and the failure to engage with the proper title and rights holders.
- xii. For Canada to comply with the International Convention on the Elimination of Racial Discrimination (ICERD) Article 5 (d)(1) which guarantees the right of peaceful assembly within our territories. When Indigenous Nations are protecting our territories, the racist state of Canada interferes with our Indigenous rights in relationship to our territories. Indigenous Peoples’ free, prior and informed consent is denied when the state asserts rights in our territories by criminalizing Indigenous and water defenders who should be protected which denies Indigenous Peoples right to peaceful assembly. CERD requests Canada to respect all the articles of the Convention especially as it relates to the rights of Indigenous Peoples.

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

1. Affirm that the federal Recognition and Implementation of Indigenous Rights Framework is rejected because the “Rights Recognition” Framework’s legislative and policy components were developed without many First Nations involvement or consent pursuant to Assembly of First Nations (AFN) Resolution 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*.

**D R A F T   R E S O L U T I O N   # 4 3 / 2 0 1 9**

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**TITLE:** **Treaty and Inherent Rights Sharing Discussions**

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**SUBJECT:** **Treaty and Inherent Rights**

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**MOVED BY:** **Chief Reginald Bellerose, Muskowekwan First Nation, SK**

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**SECONDED BY:** **Chief Frank Roberts, Montreal Lake Cree Nation, SK**

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**WHEREAS:**

- A. The Assembly of First Nations support the United Nations Declaration on the Rights of Indigenous Peoples and that those rights include Inherent and Treaty Rights.
- B. Article 7 of the Assembly of First Nations Charter states:
  - i. The First Nations-in-Assembly is a forum for First Nations to conduct nation-to-nation discussions, consultations and deliberations and to collaborate on any matter within the jurisdiction of First Nations.

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

1. Direct that each Committee of the Assembly of First Nations shall re-affirm Inherent and Treaty rights and shall apply the relevant Articles of the United Nations Declaration on the Rights of Indigenous Peoples to their area of responsibility.
2. Direct that each Committee of the Assembly of First Nations consider discussions of Inherent and Treaty rights at each meeting and shall consider including a scan of regional, national and international activities.

**D R A F T   R E S O L U T I O N   # 4 4 / 2 0 1 9**

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**TITLE:**                   Treaty and Inherent Rights Legal Unit

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**SUBJECT:**               Treaty and Inherent Rights

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**MOVED BY:**           Chief Clarence Bellegarde, Little Black Bear First Nation, SK

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**SECONDED BY:**       Chief Michael Starr, Star Blanket First Nation, SK

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**WHEREAS:**

- A. First Nations Treaty and Inherent Rights are actively breached by the federal, provincial, and municipal governments and the actions of private citizens and that such breaches may need to be addressed through legal and political interventions
- B. The Assembly of First Nations (AFN) represents constituent First Nations whose rights may be affected both negatively or positively by legal or political actions of other First Nations and an awareness of such action is critical for maintaining unity of purpose and rights protection and enforcement amongst all Nations
- C. Respect for the sovereignty and self-determination of each individual First Nation and unity of the sovereign First Nations are mandates of the AFN.

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

1. Direct the development of a national legal unit to assist First Nations across the country in coordinating legal actions to ensure the most efficient and effective legal strategies for the protection of the Inherent and Treaty rights of all First Nations that shall report regularly to this Assembly on progress of legal actions.
2. Direct the Assembly of First Nations to develop a funding model based on own source revenue to support the aforementioned national legal unit.

**D R A F T   R E S O L U T I O N   # 4 5 / 2 0 1 9**

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<b>TITLE:</b>	<b>100 Wellington Street</b>
<b>SUBJECT:</b>	Reconciliation
<b>MOVED BY:</b>	Chief Lance Haymond, Kebaowek First Nation, QC
<b>SECONDED BY:</b>	Chief Judy Wilson, Neskonlith Indian Band, Secwepemc Nation, B.C.

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**WHEREAS:**

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

- i. Article 11: 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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- ii. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. Article 26(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iv. Article 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.
- v. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- vi. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- vii. Article 28(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

**D R A F T   R E S O L U T I O N   # 4 5 / 2 0 1 9**

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- B. The Algonquin Nation holds inherent title to their traditional lands. The “Parliamentary Precinct” is located on unceded Algonquin territory.
- C. On June 21, 2017 the Prime Minister of Canada announced that the 100 Wellington Street building, located in Ottawa, is to become a space for Indigenous Peoples.
- D. There is a need for First Nations to establish their own process to determine the preferred use, function, and governance of the 100 Wellington Street space.
- E. AFN Resolution 29/2017, *100 Wellington Street*, mandated the Assembly of First Nations (AFN) to initiate a process to determine the most effective use of the 100 Wellington Street space, with certain conditions.
- F. AFN Resolution 29/2017 directed the National Chief and the AFN to acknowledge the duly recognized Algonquin First Nations and make sure that the appropriate protocols with the Algonquin Nation are engaged to ensure a respectful process is initiated and to ensure Algonquin involvement.
- G. AFN Resolution 29/2017 also urged Canada to recognize the title of the Algonquin Nation and ensure the Algonquin Nation participates equally in the ongoing process to allow the building to ultimately be used as an Indigenous Peoples space in a manner which reflects and respects the engagement process with First Nations and the protocols with the Algonquin Nation.
- H. In July 2019, Canada committed to including 119 Sparks St. in the project. Canada also committed to establishing a bilateral process with the Algonquin Nation on the creation of a building in the existing infill between 100 Wellington St. and 119 Sparks St. for the Algonquin Nation.

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

- 1. Further to AFN Resolution 29/2017, *100 Wellington St.* support the Algonquin Nation to represent their own interests, rights and title by establishing their own bilateral process with Canada to ensure they are equal partners in the process for the Indigenous Peoples Space (IPS) and without prejudice to their Algonquin Title and rights, hold a 25% interest in the 100 Wellington St. building.
- 2. Further to AFN Resolution 29/2017, direct the AFN Executive Committee and the AFN National Chief to ensure that the Algonquin Nation is included as equals in the ongoing process of discussions with the other two National Indigenous Organizations and the Government of Canada, and that the Algonquin Nation is included in the allocation of space (25%) in the building at 100 Wellington Street.
- 3. Further to AFN Resolution 29/2017, direct the AFN National Chief to apologize to Algonquin Anishinabe Grand Chief Verna Polson for her treatment, which caused her to camp in front of 100 Wellington Street, to ensure the rights and interests of the Algonquin Nation are included in the ongoing process with the two other National Indigenous Organizations and the government of Canada.
- 4. Further to AFN Resolution 29/2017, direct the AFN Executive Committee and AFN National Chief to ensure that the occupation of 100 Wellington Street does not proceed; unless and until, the representatives of duly recognized Algonquin First Nations are satisfied their rights and interests have been included as equal partners.

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5. Further to AFN Resolution 29/2017, direct the AFN Executive Committee and the AFN National Chief to immediately communicate the decision of this Assembly to the Prime Minister, his relevant Ministers, the Inuit Tapiriit Kanatami and the Métis National Council.

**D R A F T   R E S O L U T I O N   # 4 6 / 2 0 1 9**

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**TITLE:** **Reject the National Pharmacare Plan and any other plan that will violate the Medicine Chest for First Nations**

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**SUBJECT:** Protection of Treaty and Inherent Rights

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**MOVED BY:** Okimaw Henry Lewis, Onion Lake Cree Nation, SK

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**SECONDED BY:** Chief Kurt Burnstick, Alexander First Nation, AB

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**WHEREAS:**

- A. By way of Treaty making, the Crown wanted to access our territories for her subjects. As the First original peoples we agreed to only share our Treaty Territories. The Crown acquired specific obligations and responsibilities to ensure the health and well-being of all First Nations.
- B. The Honour of the Crown upholds Treaty and Inherent Rights for “as long as the sun shines, the waters flow, and the grass grows,” for the sustenance of life as long as there are Treaty Peoples, which includes health and livelihood affirmed by the Medicine Chest for all Treaty and Inherent Territories.
- C. The Crown has the obligation through the Medicine Chest provisions under Treaty which cannot be contracted to a third party.
- D. First Nations recognize that the present Non-Insured Health Benefits program pharmaceutical component does not meet the needs of our Treaty peoples in its current administrative framework and the existing administrative framework through the Pharmacare National Plan if First Nations are included.
- E. First Nations have not given the Assembly of First Nations the authority to pursue discussions on Treaty and Inherent Rights.

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

1. Reject the federal government’s National Pharmacare initiative based on its impact on our health and livelihood which violates our Medicine Chest for all Treaty Territories.
2. Assert that the First Peoples who entered into International Treaty with the Crown insist that pharmacy coverage for First Nations must not be contracted to any third party at any time as it will violate provisions under the medicine chest which are guaranteed by Treaties.