



**ASSEMBLY OF FIRST NATIONS**  
**2015 Special Chiefs Assembly – Gatineau, QC**  
**Final Resolutions**

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**TITLE:** Implementation of Truth and Reconciliation Commission of Canada's Calls to Action in Saskatchewan

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**SUBJECT:** Indian Residential Schools

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

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

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The federal government breached the inherent and Treaty Rights to safety, security, health and wellness of children and families through approximately 20 residential and industrial schools in the Province of Saskatchewan since the late 1800s.
- B. Tens of thousands of Indigenous children were sent to Indian Residential Schools in the Province of Saskatchewan and were subject to forms of mental, physical, sexual and emotional abuses.
- C. Indigenous children were often forcibly removed from their homes and communities and placed in the schools for the purposes of assimilating them into western culture, language and beliefs.
- D. On May 31, 2015, the Truth and Reconciliation Commission of Canada (TRC) released its executive summary of the final TRC report entitled, *Honouring the Truth, Reconciling the Future*, that consisted of 94 Calls to Action to assist in moving towards reconciliation.
- E. The Government of Saskatchewan and the Federal Government must take the necessary action to reverse the wrongs committed against our peoples and invest in strengthening our cultures and languages.

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

- 1. Call on the Government of Saskatchewan and Government of Canada to work with the Federation of Saskatchewan Indian Nations in jointly developing both immediate actions and longer-term strategies to fully implement the Truth and Reconciliation Commission of Canada's Calls to Action.

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| <b>TITLE:</b>       | <b>National Council for Reconciliation</b>               |
| <b>SUBJECT:</b>     | Indian Residential Schools                               |
| <b>MOVED BY:</b>    | Chief Aubrey Norman Whitehawk, Cote First Nation 366, SK |
| <b>SECONDED BY:</b> | Chief Lyndon Musqua, Keeseekoose First Nation, SK        |
| <b>DECISION</b>     | Carried by Consensus                                     |

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**WHEREAS:**

- A. The Truth and Reconciliation Commission of Canada (TRC) issued 94 Calls to Action on diverse topics including child welfare, education, language and culture, health, justice, implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the development of a Royal Proclamation and Covenant of Reconciliation.
- B. Call to Action #53 calls on the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to establish a National Council for Reconciliation (NCR) through legislation, with membership jointly appointed by the Government of Canada and the National Aboriginal Organizations.
- C. Calls to Action #53, #54, #55, #56, set out the mandate and responsibilities of the NCR and provide the basis for the legislation establishing the NCR as a national, independent oversight body in the implementation of the TRC's 94 Calls to Action.

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

1. Direct the National Chief and the Executive Committee to appoint a committee comprised of Indian Residential School (IRS) survivors from each region and involvement from parties to the Indian Residential School Settlement Agreement (IRSSA) to initiate the development of a national strategy to work towards development of the National Council for Reconciliation.
2. Direct the committee of IRS survivors and the parties to the IRSSA, along with the Assembly of First Nations portfolio holder for the Truth and Reconciliation Commission of Canada, to develop a work plan and budget for presentation to the Minister of Indigenous and Northern Affairs Canada for support and approval.

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**TITLE:** Federal, Provincial and Territorial Funding Support for Right To Play Programming in First Nation Communities

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**SUBJECT:** Sports, Health and Social

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**MOVED BY:** Chief Shining Turtle, Whitefish River First Nation, ON

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**SECONDED BY:** Chief Michael LeBourdais, Whispering Pines/Clinton First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 24 (2) of the United Nations Declaration on the Rights of Indigenous Peoples provides in part that 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 Truth and Reconciliation Commission of Canada's (TRC) Call To Action #89 calls "upon the federal government to amend the *Physical Activity and Sport Act* to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples".
- C. TRC Call To Action #90 calls "upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
  - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.
  - ii. An elite athlete development program for Aboriginal athletes.
  - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.

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iv. Anti-racism awareness and training programs.”

- D. Every child deserves the right and freedom to experience the joy of playing sports at any level, whether organized at school, in a league, or supervised by parents. First Nations youth face considerable social, economic and health challenges, and many do not have access to sports programs.
- E. Since 2010, Right To Play has been providing access to safe, consistent and specially-designed sport and play activities. As a result, First Nations children and youth are able to develop confidence, resiliency and hope for the future.
- F. Right To Play currently partners with over 80 First Nation communities and organizations in Ontario, Manitoba, Alberta, and British Columbia. However, there are hundreds of communities who do not have access to Right To Play programming simply because there is no funding available.

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

- 1. Call upon the Federal, Provincial and Territorial Governments to act upon the Truth and Reconciliation Commission of Canada's Calls to Action which would include funding and supporting a national Right To Play program that will reach every community in need.
- 2. Call upon the Prime Minister of Canada, in his role as Minister of Youth, to endorse Right To Play sports programming for First Nations children and youth, and to direct the appropriate federal departments to become involved in providing the necessary funds.
- 3. Direct the Assembly of First Nations to contact the Prime Minister and the appropriate Provincial and Territorial counterparts and report back to the Chiefs-in-Assembly at the July 2016 Annual General Assembly in Niagara Falls, ON.

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**TITLE:** Call to the Newly Elected Federal Government to Take Action on Specific Claims

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**SUBJECT:** Specific Claims

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**MOVED BY:** Ken Watts, Proxy, Toquaht First Nation, BC

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**SECONDED BY:** Chief Maureen Chapman, Yakwekwioose Indian Band, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:

- i. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- ii. 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.
- iii. 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.
- iv. 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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- B. Canada introduced the *Specific Claims: Justice at Last* Action Plan in 2007 and committed to improve previous processes for specific claims resolution through meaningful negotiation and mediation. This included the creation of a new Specific Claims Tribunal which could make final, binding decisions on rejected specific claims and new policies designed to streamline the resolution of specific claims and eliminate the specific claims backlog.
- C. The Government of Canada has failed to fulfill all of the commitments made in *Justice at Last* by:
- i. Refusing to negotiate claims in good faith;
  - ii. Rejecting and closing an unprecedented 86% of claims, many of which have turned out to be valid as borne out by Specific Claims Tribunal Decisions which have been overwhelmingly in favour of First Nation claimants;
  - iii. Engendering an environment that has created massive numbers of new claims while simultaneously meting out drastic cuts to claims research and development funding (by 30-60% across Canada); and,
  - iv. Imposing bureaucratic and operational obstacles to the resolution of specific claims and, transferring the lawful obligation to resolve specific claims, and its moral obligation to do so through good faith negotiations, from the former government's departments of Aboriginal and Northern Development Canada and Justice onto an under-resourced Specific Claims Tribunal.
- D. Prime Minister Justin Trudeau has publicly stated his government's commitment to renewing the relationship with First Nations in Canada embodying the following principles:
- i. "This renewal must be a nation-to-nation relationship, based on recognition, rights, respect, co-operation, and partnership...to make real progress on the issues most important to First Nations;"
  - ii. "Serious, concrete actions [will be taken] to demonstrate [the government's] commitment to recognizing, respecting, and fulfilling its obligations and commitments to First Nations;" and,
  - iii. A Federal Reconciliation Framework will be developed in full partnership with Indigenous peoples, which includes addressing outstanding land claims.

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

1. Direct the Assembly of First Nations (AFN) National Chief, Executive Committee and Secretariat to:
  - a. Work in full partnership with the Government of Canada to properly implement the principles of *Justice at Last* to achieve the fair resolution of outstanding lawful obligations owed to First Nations with respect to specific claims.
  - b. Call for the immediate restoration of claims research funding to a minimum of \$8 million.
  - c. Immediately endorse the letter sent by the Union of British Columbia Indian Chiefs to the Minister of Indigenous and Northern Affairs of Canada (INAC) urging the Minister to restore specific claims research funding.

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- d. Call for the immediate re-appointment of Justice Harry Slade as Chair of the Specific Claims Tribunal.
- e. Call for the immediate appointment of new judges to the Specific Claims Tribunal and the provision of enough funding to allow the Tribunal to effectively operate.
- f. Work with the Prime Minister and the new Minister of INAC to address outstanding issues such as removing the \$150 million cap on claims that can access the Tribunal, as well as committing to engage in truly independent mediation in the negotiation and resolution of specific claims.
- g. Work with like-minded regional organizations and working groups, e.g., the British Columbia Specific Claims Working Group, the National Research Directors, the Claims Research Units (CRU)/Negotiation Support Directorate, Policy Development and Coordination Working Group and the CRU/Specific Claims Branch Working Group, to address issues and concerns from various perspectives and types of expertise.
- h. Work with the Specific Claims Tribunal and like-minded groups to address issues outlined in the Tribunal Annual Reports and by First Nations.
- i. Call for the removal of the extinguishment requirement, which affects our children's rights to our land, as a pre-requisite for resolving First Nations land rights as identified in the existing Specific Claims Policy, consistent with Articles 8 and 26 of United Nations Declaration on the Rights of Indigenous Peoples.
- j. Call on the Government of Canada, in consultation with the AFN, to put a permanent end to the use of Statutory Limitations to deny otherwise legitimate Specific Claims.

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**TITLE:** Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title

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**SUBJECT:** Aboriginal Title and Rights

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**MOVED BY:** Chief Harold St-Denis, Wolf Lake First Nation, QC

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**SECONDED BY:** Chief Judy Wilson, Neskonlith Indian Band, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

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- v. 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.
  - vi. 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 federal implementation of Canada's Comprehensive Claims Policy (CCP) has led to three classes of Aboriginal Title First Nations:
- i. First Nations that have entered in final comprehensive claims agreements;
  - ii. First Nations that were or have been in comprehensive claims negotiations; and,
  - iii. First Nations that have never agreed to negotiate under the federal CCP.
- C. The September 2014 interim policy, *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*, was unilaterally issued by the Harper government and was the basis of the Douglas Eyford "engagement" process.
- D. This federal "interim" policy does not acknowledge the Supreme Court of Canada *Tsilhqot'in Nation* decision of June 2014. In addition, Mr. Eyford's report gives little substantive weight to the game-changing impact of the *Tsilhqot'in Nation* decision. Aboriginal Title holders, who in some instances have been waiting over 250 years to have their Rights and Title addressed, find this deeply troubling.
- E. Despite the gap between Canadian jurisprudence (*Haida, Delgamuukw, Tsilhqot'in Nation*) and the federal "interim" CCP, as well as the failure of the Eyford "engagement" process to address the *Tsilhqot'in Nation* decision, the Liberal Party of Canada 2015 federal election platform endorsed all of the Eyford Report's recommendations.
- F. Resolution 30/2015, *Rejecting Canada's Process for Comprehensive Claims Policy Reform*, rejected Canada's process for comprehensive claims reform, calling instead on the federal government to undertake a fundamental overhaul of the CCP jointly with First Nations, including those not currently in negotiations under the CCP. The resolution also required that this work be carried out in light of the *Tsilhqot'in Nation* decision, as well as international legal norms, including the UN Declaration.
- G. During the 2015 federal election the Liberal Party of Canada made a number of promises, including:
- i. Immediately re-engage in a renewed nation-to-nation process with Indigenous Peoples to make progress on the issues most important to First Nations.
  - ii. Prioritize developing (in full partnership with First Nations) a Federal Reconciliation Framework. This framework will include mechanisms to advance and strengthen self-government, address outstanding land claims, and resolve grievances with both existing historical Treaties and modern land-claims agreements.

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- iii. Enact the 94 recommendations of the Truth and Reconciliation Commission of Canada, including the adoption of the UN Declaration.
- iv. Recognize and respect Aboriginal Title and Rights in accordance with Canada's Constitutional obligations, and further those enshrined in the UN Declaration.

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

1. Call upon the Government of 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 United Nations Declaration on the Rights of Indigenous Peoples.
2. Call on the Government of Canada to forgive all outstanding loans incurred by First Nations as a result of negotiating under the federal CCP.
3. Call on the Government of Canada to exclude all areas that are subject to overlapping Aboriginal Title and Rights claims from Comprehensive Land Claims Agreement-in-Principle negotiations and to assist, where possible, and when requested by First Nations, the negotiation of shared territory agreements between First Nations.

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**TITLE:** Respect Pre-Confederation Treaties Within the Context of the Reform of the Federal Comprehensive Land Claims Policy

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**SUBJECT:** Land Rights and Claims

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**MOVED BY:** Grand Chief Konrad H. Sioui, Conseil de la Nation Huronne-Wendat, QC

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**SECONDED BY:** Chief Scott Martin, Listuguj Migmaq First Nation Government, QC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) places emphasis on the recognition and effective enforcement of any “treaties, agreements and other constructive arrangements” concluded between States and their successors and the Indigenous peoples, in the following terms:
- i.** Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
  - ii.** 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.** Under the terms of the UN Declaration, this protection must also apply to the processes for the purpose of establishing the rights of Indigenous peoples concerning lands, territories and resources:
- i.** 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.

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- C. The Assembly of First Nation (AFN) strategy to support the Treaty Implementation, as guided by Resolution 07/2010, *Sacred Treaties – Sacred Trust: Working Together for Treaty Implementation and Advancing our Sovereignty as Nations*, seeks to recognize and support the efforts of Treaty Indigenous Nations, including the signatories of historic Treaties concluded with the Crown, such as the pre-Confederation Treaties, so that they are fully recognized and implemented by Canada and the Canadian provinces.
- D. The process of treaty-making in the 18th and 19th centuries was undertaken in the spirit of wartime alliances or peaceful co-existence and mutual respect between Indigenous Nations and the Crown. Moreover, the *Royal Proclamation of 1763* established a historic treaty process for sharing and co-existence on the lands of Indigenous Nations, a process based on their free, prior and informed consent given collectively.
- E. These Treaties are concluded between sovereign Nations and, by their nature, do not lend themselves to attempts at domestication by way of federal and provincial policies.
- F. The Supreme Court of Canada has consistently ruled that the historic Treaties, including the pre-Confederation Treaties, represent the exchange of solemn promises between the Crown and the “Indians”, agreements which represent the “word of the white man” for the “Indians” and which thereby have a “sacred” character.
- G. Respect for these Treaties and the Nation-to-Nation relationship arising from them is compromised, more often than not, by the policies and processes unilaterally put in place by the Government of Canada, including the Federal Comprehensive Claims Policy (CCP).
- H. By way of successive Resolutions 40/2009, 10/2010, 71/2011, 58/2012 and 30/2015, the Chiefs-in-Assembly confirmed the rejection of the CCP and recognized the necessity for a comprehensive reform of this policy, with the participation of all Indigenous Nations, regardless of whether or not they have accepted to negotiate agreements under this policy. A fundamental reform of the CCP has proved indispensable to ensure respect for and protection of all the rights and interests of the Indigenous Nations of Canada.
- I. Enforcement of the CCP has often been detrimental to the rights of those Indigenous Nations who are not engaged in the CCP process or signatories of a “modern” treaty, and at times even in contempt of the Crown’s obligations under Treaties previously concluded with them.
- J. Government policy cannot be presumed to reflect the law; it is subject to the law. The CCP, like any other federal or provincial policy, must recognize and respect the existing Aboriginal and Treaty Rights, including historic Treaty Rights, in accordance with the treaty interpretation principles defined by the Supreme Court of Canada.
- K. The 2015 report of Mr. Douglas Eyford, Special Ministerial Representative on the renewal of the CCP, states that the current CCP “has limited reach — it does not address the interests of Aboriginal groups not pursuing modern treaties, (...) or the beneficiaries of historic treaties”. By ignoring the rights and interests of the Indigenous Nations who are not engaged in a treaty negotiation process, the CCP not only fails to resolve adequately the questions of overlapping or shared territories, but risks creating such situations, all to the detriment of Indigenous Nations not party to so-called “modern” treaty negotiations.
- L. The non-derogation clauses generally included in Agreements-in-Principle, and the so-called “modern” treaties that result from them, do not provide any concrete or real protection for the Aboriginal and Treaty Rights of Indigenous Nations not party to these agreements.

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- M. The Senior Oversight Committee (SOC) tasked with reviewing and reforming the CCP raised the need to ensure that every policy and every comprehensive land claim negotiating process be based, first and foremost, on the recognition and respect for existing rights – Aboriginal and Treaty Rights – as protected by section 35 of the *Constitution Act, 1982*.
- N. By way of Resolution 29/2014, *Rejection of Federal Interim Policy Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*, the Union of British Columbia Indian Chiefs established four recognition and reconciliation principles that must govern the CCP, the first of which provides that “all our relationships [between the Indigenous Nations and the Crown] are based on recognition and implementation of the existence of indigenous peoples’ inherent title and rights and pre-confederation, historic and modern treaties throughout British Columbia”.
- O. On the whole, the 1986 CCP, currently in force, is not in compliance with the *Royal Proclamation of 1763*, nor with the historic treaty-making process and the Nation-to-Nation relationship to which these historic Treaties attest, nor with the *Constitution Act, 1982* and the standards of international law.
- P. The Renewed Policy of September 2014 provides no solution to these deficiencies, except to recognize the importance of ensuring that the relationships between Canada and Indigenous peoples are based on compliance with section 35 of the *Constitution Act, 1982*, which is the constitutional framework for recognition and reconciliation of Aboriginal and Treaty Rights.

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

1. Reaffirm the high priority the Assembly of First Nations (AFN) attaches to the protection of Aboriginal and Treaty Rights, including pre-Confederation Treaties.
2. Support First Nations engaged in educating the Canadian public about the pre-Confederation Treaties, their meaning and historic value, and the importance of ensuring their continued respect and full implementation.
3. Call on the AFN to continue supporting the efforts of the pre-Confederation Treaty Indigenous Nations seeking to obtain full recognition and full implementation of their Treaties, in accordance with the strategy “*Sacred Treaties – Sacred Trust: Working Together for Treaty Implementation and Advancing our Sovereignty as Nations*”.
4. Affirm that no policy can override Treaties.
5. Call upon the government of Canada to uphold and fulfil the legal and constitutional obligations of these Treaties as recognized by the United Nations.

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**TITLE:** Protection of Algonquin Sacred Waterfalls Area: Akikodjiwan Kichi Zibi (Chaudiere Falls, Ottawa River)

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**SUBJECT:** Protection of Sacred Sites

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**MOVED BY:** Chief Harold St-Denis, Wolf Lake First Nation, QC

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**SECONDED BY:** Chief Lance Haymond, Eagle Village First Nation-Kipawa, QC

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**DECISION** Carried; 4 objections; 90 abstentions

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) provides:
- i. Article 11 (1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
  - ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
  - iii. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
  - iv. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned.

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- v. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - vi. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  - vii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain 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.
  - viii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Since time immemorial the Ottawa River Watershed has been the territory of the Indigenous Peoples who form the Algonquin Nation today.
  - C. The Kichi zibi (Ottawa River) is an ancient trade and travel route through the Territory of the Algonquin Nation, as are the shores, islands and portages along the route.
  - D. The Akikodjiwan (Chaudiere) waterfalls and the adjacent waterfront and islands are a sacred area for all Algonquin Peoples. In 1613 Samuel du Champlain witnessed the Algonquin Peoples making a tobacco offering to their sacred waterfalls for good travel and good health in accordance with traditional Algonquin custom.
  - E. In 1801 when Philemon Wright arrived in what is now known as Gatineau, Quebec he witnessed Algonquin Peoples hunting and operating sugar bush camps on the north shore of their sacred area.
  - F. What is now known as the Gatineau Waterfront and the Islands of Chaudiere, Albert and Victoria, held by the federal government and the Cities of Gatineau and Ottawa, are part of a sacred area for all of the Algonquin Peoples and remain within the unceded, unsurrendered territory of the Algonquin Nation.
  - G. The Algonquin sacred area Akikodjiwan is now surrounded by the municipality of Gatineau on the north side and the municipality of Ottawa on the south side.
  - H. The Algonquin sacred area Akikodjiwan symbolizes the historic environmental destruction, starvation and impoverishment of Algonquin Peoples caused by:
    - i. Massive flooding of the Algonquin Nation territory (Ottawa River Watershed) by unauthorized, non-consensual construction of dams for log driving and hydro purposes now operated by Hydro Ontario and Hydro Quebec;
    - ii. Massive deforestation and destruction of wildlife habitats by unauthorized, non-consensual logging for sawmills and then pulpmills by logging companies like E.B Eddy, J. R. Booth and Domtar; and,

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- iii. Relocation and displacement of Algonquin Peoples from what is now called the National Capital Region due to colonization, settlement and urbanization including the unilateral establishment of Canada's National Capital Region within the unceded, unsurrendered Territory of the Algonquin Nation.
- I. The "Algonquins of Ontario" is not a band, First Nation, Nation or entity possessed of Aboriginal title or rights, under Algonquin law, Canadian law or international law. It is a formulation of the Ontario and federal governments and as such, it does not represent the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, and has never been mandated to negotiate on their behalf, or with respect to their Aboriginal title, rights or interests in what is now known as the Province of Ontario.
- J. The Algonquin Nation is represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, which are recognized as "Bands" within the meaning of the *Indian Act*, and come within the meaning of "Indian peoples" in section 35 of the *Constitution Act, 1982*.
- K. The governments of Canada, Quebec, Ontario and the municipal governments of Gatineau and Ottawa, without consulting or accommodating the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, or seeking their Free, Prior, Informed Consent, have amended the National Capital Commission's and City of Ottawa's master-plans to rezone the lands beside the Algonquin Nation sacred waterfalls area Akikodjiwan Kichi Zibi from "parks and open area" to "mixed use" for the proposed Windmill Development Project, which will place high intensity use buildings next to the Algonquin Nation sacred waterfalls.
- L. The governments of Canada, Quebec, Ontario and municipal governments of Gatineau and Ottawa are violating Canadian constitutional law by proceeding to change the status of the lands within the Algonquin Nation sacred area without meaningful consultation or accommodation.
- M. The governments of Canada, Quebec, Ontario and municipal governments of Gatineau and Ottawa are violating the international human rights of the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake as Indigenous Peoples, by proceeding to change the status of the lands within the Algonquin Nation sacred area without meaningful consultation or accommodation, particularly by ignoring the above noted Articles of the UN Declaration.

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

1. Recognize that the Kichi Zibi (Ottawa River) is an ancient trade and travel route through the Territory of the Algonquin Nation (and other Indigenous Nations), as are the shores, islands and portages along the route and the Kichi Zibi is not a border or boundary for the Algonquin Nation who pre-existed the creation of Canada and the provinces of Quebec and Ontario.
2. Call upon the governments of Canada, Quebec, Ontario, the National Capital Commission and the municipalities of Gatineau and Ottawa to immediately consult the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake regarding changes to the status of lands, waterfront and islands within the Algonquin Nation sacred area Akikodjiwan (Gatineau Waterfront in Quebec and Chaudiere, Albert and Victoria Islands in Ontario).

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3. Oppose the re-zoning of the Algonquin Nation sacred area Akikodjiwan from parks and open space to “mixed use” because of the failure to consult and accommodate Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake.
4. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their opposition to the Windmill Development Group’s “Zibi Project” proceeding within the Algonquin Nation sacred area Akikodjiwan unless, and until the Free, Prior Informed Consent of the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake is given.
5. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their demand for the Algonquin Nation sacred area Akikodjiwan to be protected in perpetuity and recognized within the National Capital Region as an Algonquin Nation Cultural Park and Historic Commemoration Site under an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations of the Algonquin Nation.
6. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their demand for the governments of Canada, Ontario, Quebec, Ottawa and Gatineau to purchase any lands privately held within the Algonquin Nation sacred area Akikodjiwan for return to an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations comprising the Algonquin Nation.
7. Call on the governments of Canada, Quebec, Ontario, the National Capital Commission and the municipalities of Gatineau and Ottawa to immediately contact the duly-elected Algonquin Chiefs and Councils forming the Algonquin Nation to discuss the establishment of the proposed Algonquin Nation Cultural Park and Historic Commemoration Site under an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations comprising the Algonquin Nation.
8. Direct the AFN National Chief to communicate the direction of the Chiefs-in-Assembly by letter to the governments of Canada, Ontario, Quebec, Ottawa, Gatineau, the National Capital Commission and the Windmill Development Group.

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**TITLE:** Support for Kelly Lake Cree Nation Land Settlement

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**SUBJECT:** Land Rights and Claims

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**MOVED BY:** Chief Roger William, Xenigwet-in First Nations Government, BC

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**SECONDED BY:** Steve Willier, Proxy, Sucker Creek First Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- 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.

B. In 1996, Kelly Lake Cree Nation (KLCN) filed a comprehensive land claim against the Federal Government in Federal Court (Action No. T-1685-96) and a civil claim against the Province of British Columbia, in 2010.

C. These claims are based on the fact that KLCN citizens are descendants of Indigenous peoples who have lived on an area of land straddling the current border of the provinces of Alberta and British Columbia since time immemorial.

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- D. When Treaty No. 8 was signed in 1899, and adhesions to it signed in the years thereafter, the KLCN continued to be outside of the areas and peoples who were covered by Treaty No. 8.
- E. The Supreme Court of Canada has held that Canada and the Provinces must comply with Treaty and Aboriginal rights, whether or not a claim has been concluded.
- F. Canada and British Columbia continue to discriminate against the KLCN by failing to acknowledge their existence and by failing to consult with them on the use of their traditional lands and resources.
- G. The Government of Canada continues to delay any recognition of KLCN knowing that they cannot continue to fund our litigation indefinitely.
- H. KLCN is prepared to fund any expenses incurred by the Assembly of First Nations consistent with the direction expressed by this resolution.

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

1. Support the Kelly Lake Cree Nation (KLCN) in the advancement of their land grievance against the Government of Canada.
2. Support KLCN calls for the Government of Canada to examine its historical research and genealogy research reports in respect to the KLCN and their proposal for negotiations.
3. Urge the Government of Canada to pursue out-of-court negotiations with KLCN in an effort to achieve a reconciliation of their rights and interests.
4. Call for an urgent meeting between the KLCN and Government of Canada, with support from the Assembly of First Nations, regarding its long standing land grievance with an aim to resolving it fairly and quickly.

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**TITLE:** Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies

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**SUBJECT:** Environment and Climate Change

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**MOVED BY:** Grand Chief Edward John, Proxy, Tl'azt'en First Nation, BC

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**SECONDED BY:** Chief Ava Hill, Six Nations of Grand River Territory, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Indigenous Peoples have an unbreakable and sacred connection to our home territories, waters, forests, animals and to our nations. Further, climate change impacts on Indigenous peoples livelihoods as Indigenous Peoples continue to rely on home territories and natural resources for sustenance and livelihoods.
- B. Indigenous Peoples live in diverse and fragile ecosystems and many are among the world's most marginalized, impoverished and vulnerable peoples. While Indigenous Peoples are impacted by climate change, they have minimal access to resources to assist in coping with these changes.
- C. From November 30 to December 11, 2015, representatives of more than 190 Member States of the United Nations are gathered at the World Climate Change Conference 2015 (COP21) at Le Bourget, Paris to discuss a new universal and legally binding Agreement on climate change.
- D. The legally binding agreement is aimed at reducing greenhouse gas emissions to avoid the threat of dangerous warming due to human activities. Further, the Paris Agreement is vital to the protection of rights of present and future generations of Indigenous Peoples globally.
- E. The Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) must deliver strong commitments to address climate change and resolve to radically shift the economic and development paradigm, moving towards climate justice and respect the rights of Indigenous Peoples.
- F. Indigenous Peoples have inherent and fundamental human rights, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Such rights must be fully recognized and respected in any

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process related to climate change adaption and mitigation. In particular, the UNDRIP recognizes our rights to our lands, territories, natural resources and the environment (Articles 25–30). Further, the UNDRIP emphasizing Indigenous Peoples right to free, prior and informed consent in the any activities and decisions involving our lands and resources.

- G. In seeking to adapt actions and develop responses to support climate change, laws directed at protecting the rights of Indigenous Peoples must be taken into account. Member States in the climate negotiations belong to at least one human rights treaty. As such, it is also incumbent upon States to ensure that all of their actions comply with their human rights obligations, which includes actions relating to climate change.

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

1. Affirm that Indigenous Peoples' traditional knowledge, teachings, innovations and practices of sustainable management and conservation serve as positive contributions in addressing climate change adaption and mitigation strategies.
2. Call on the Government of Canada to ensure that all strategies, mitigation measures and agreements made under the United Nations Framework Convention on Climate Change:
  - a. include the participation of Indigenous Peoples in both the design and implementation; and
  - b. fully conform with, and promote, the implementation of international human rights laws and standards, including the United Nations Declaration on the Rights of Indigenous Peoples.
3. Call on the Government of Canada to honour its human rights obligations including the rights of Indigenous Peoples by ensuring that the main operating paragraphs of the Paris Agreement provide for the inclusion of the rights of Indigenous Peoples. Specifically, Canada to support removing the brackets in the current draft text in article 2 and to add "including the rights of indigenous peoples" so as the new draft reads as follows:

*This Agreement shall be implemented on the basis of equity and science, and in accordance with the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, and on the basis of respect for human rights, INCLUDING THE RIGHTS OF INDIGENOUS PEOPLES, and the promotion of gender equality.*

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**TITLE:** Restoration of Tribal Council Funding

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**SUBJECT:** Tribal Council Funding

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**MOVED BY:** Chief Hugh Braker, Tseshaht First Nation, BC

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**SECONDED BY:** Doug Kelly, Proxy, Soowahlie First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples states: 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. The Tribal Council Funding program was first introduced in 1984 by Indian and Northern Affairs Canada and derives its legislative authorities for the activity from annual Parliamentary appropriations and Treasury Board authorities.
- C. The Tribal Council Funding program supports the core operations of Tribal Councils to enable them to develop the capacity of their member First Nations, as well as provide aggregated program and service delivery as agreed to by their member First Nations.
- D. Tribal Councils are primarily accountable to member First Nations and exercise flexibility in managing the delivery of capacity development or programs, consistent with the department's responsibility to account for public funds.
- E. On September 4, 2012 the Federal Government announced significant changes and funding cuts to not only Tribal Councils across Canada, but to First Nation regional and national organizations as well.
- F. The changes to the Tribal Council Funding program and policy in recent years have drastically reduced the ability of Tribal Councils to administer and deliver programs and services to their member First Nations.

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- G. The Chiefs-in-Assembly passed Resolution 36/2012, *Opposition to Aboriginal Affairs and Northern Development Canada New Funding Policy for Aboriginal Representative Organizations, Tribal Councils and First Nations*, calling for a coordinated response to the new Tribal Council funding policy.

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

1. Direct the Assembly of First Nations (AFN) to continue working with the Regions to develop a coordinated response to the new Tribal Council funding policy, including:
  - a. Calling on the Federal Government to restore the authority to First Nation Tribal Councils and organizations to administer flexible Block Funding received for program policies and delivery.
2. Advocating for the restoration of funding levels prior to the imposed 2013 funding cuts, with adjustments to account for inflation, and that the Federal Government meet with the AFN to discuss ongoing adequate funding for First Nation regional organizations and Tribal Councils.

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**TITLE:** The Right of First Nations to Determine their Individual and Collective Identities

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**SUBJECT:** First Nations Citizenship, *Indian Act* section 6

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**MOVED BY:** Chief Ronald Ignace, Skeetchestn Indian Band, BC

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**SECONDED BY:** Doug Kelly, Proxy, Soowahlie First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms the following:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
  - ii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
  - iii. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
  - iv. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
- B. First Nation peoples always governed themselves according to their customs, laws, and traditions, which included the determination of their individual and collective identities. The federal government has unilaterally interfered with Indigenous peoples and violated our inherent rights by determining who is a registered Indian under the registration provisions of the *Indian Act*.
- C. The "second generation cut off rule" under section 6 of the *Indian Act* will eventually result in the elimination and assimilation of all registered Indians.

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- D. First Nation peoples have the right to determine their individual and collective identities according to their own customs, laws, and traditions.
- E. Our peoples have used the process of adoption, both formally and informally, as a way of confirming the identity of our people, within our families and within our communities.
- F. The federal government must stop interfering with the right of First Nations to determine their individual and collective identities and recognize the people accepted by First Nations as belonging to them on the basis of their own customs, laws, and traditions.

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

- 1. Affirm that First Nation communities and individuals have the inherent right to have their cultures and identities protected, both now and into the future.
- 2. Affirm that First Nations have the inherent right to determine their collective and individual identities based on their own customs, laws, and traditions.
- 3. Direct the federal government to immediately cease imposing *Indian Act* criteria for registration upon First Nations and recognize citizens as defined by First Nations.
- 4. Call on the Department of Indigenous and Northern Affairs Canada to change its policies with respect to customary adoption, so that it respects the inherent right of First Nations to fully determine who is a member of their Nation and recognizes adoptions at the direction of First Nations.
- 5. Direct the federal government to recognize individuals who belong to First Nations according to their customs, laws, and traditions, as Indigenous peoples, as Aboriginal peoples and as First Nation peoples under section 35(1) of the *Constitution Act, 1982*.
- 6. Direct the federal government to provide resources to First Nations to support their exercise of jurisdiction over citizenship.

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**TITLE:** Support for Treaty # 1 Treaty Land Entitlement

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**SUBJECT:** Land Rights and Claims

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**MOVED BY:** Zonqidaya Nelson, Proxy, Roseau River Anishinabe First Nation, MB

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**SECONDED BY:** Terrence Nelson, Proxy, Canupawakpa (Oak Lake) Dakota Nation, MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples 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 to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. On August 3, 1871, Ojibway and Swampy Cree signed Treaty #1 with the Crown involving 16,700 square miles of land in southern Manitoba.
- C. Roseau River Anishinabe First Nation (RRAFNF) launched a lawsuit in 1993 claiming \$763 million in damages for the Crown's failure to provide the reserve lands promised by Canada at the time of the 1871 Treaty.
- D. In 1996, RRAFNF signed an out-of-court settlement on Treaty Land Entitlement (TLE) with Canada. The settlement included a payment of \$14 million and a commitment by Canada to convert 16,218 acres to reserve status.
- E. In the 1996 RRAFNF TLE, Canada admitted in writing to a "shortfall" of 5,861 acres, which were lands that should have been RRAFNF reservation lands in 1871.

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- F. In the 1996 RRAFN TLE settlement, Canada gave itself 15 years to complete the legal obligation resulting from the 1871 "shortfall" reservation land quantum.
- G. Canada not only failed to meet the RRAFN TLE "shortfall" deadline of 2011, there is ample evidence that Canada frustrated the contract. In 19 years since the TLE was signed, only 74.8 acres of RRAFN TLE lands have been converted to reserve status. RRAFN is suing for compensation and damages.
- H. RRAFN intends to serve legal notice to Enbridge Inc. on June 1, 2016 to cease operations at the Enbridge Inc. pumping station in Gretna, Manitoba. Enbridge Inc. pumps 2.2 million barrels of oil per day to the United States of America and pays nothing to the First Nation for use of RRAFN Treaty lands.
- I. Canada will have until June 1, 2016 to settle RRAFN's TLE and the Breach of Treaty legal actions. Failing settlement, RRAFN will undertake action against Enbridge Inc. on June 7, 2016.
- J. Twenty-five Enbridge Inc. pumping stations operating in Alberta, Saskatchewan, and Manitoba, will be impacted by RRAFN actions.
- K. RRAFN seeks support from the Chiefs-in-Assembly for the Breach of Treaty and asks that other First Nations assist RRAFN by taking coordinated action against the 25 Enbridge Inc. pumping stations on June 7, 2016.
- L. RRAFN is supported by several Native American Indian Tribes, and will seek support from all those who are willing to assist in pressuring the Canadian government to respect the Treaty Rights of the Indigenous peoples of Canada.

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

1. Support the Roseau River Anishinabe First Nation in its Breach of Treaty litigation and the principle of taking action on June 7, 2016, if their concerns are not addressed.

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**TITLE:** Support for an Algonquins of Barriere Lake – Canada Reconciliation Process

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**SUBJECT:** Aboriginal Rights and Title

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**MOVED BY:** Chief Derek Mathias, Long Point First Nation, QC

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**SECONDED BY:** Cherlyn Billy, Proxy, Bonaparte Indian Band, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples provides:

- 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 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 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iv. 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.
- v. 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.
- vi. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- 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.
  - viii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
  - 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. On August 22, 1991, the Algonquins of Barriere Lake signed a Trilateral Agreement in good faith with the Government of Canada and the Province of Quebec to develop an Integrated Resource Management Plan and interim Measures to Harmonize forestry activities with traditional Algonquin practices.
- C. In signing the Trilateral Agreement the Government of Canada acknowledged its fiduciary obligations to the Algonquins of Barriere Lake, yet it remains in breach of the Agreement after unilaterally walking away from the process in 2001; moreover, the Government of Canada has actively worked to undermine the Agreement by imposing the *Indian Act* elective system which directly opposes longstanding custom and the Algonquin right to self-determination.
- D. In 1997 the Government of Canada signed a Memorandum of Mutual Intent with the Algonquins of Barriere Lake, which included a Global Proposal to Rebuild the community, and to “strengthen their relationship based on the principles of trust, partnership, mutual respect and fairness”.
- E. The Government of Canada remains in breach of the 1997 Memorandum of Mutual Intent and the Global Proposal to Rebuild the community after unilaterally walking away from the process in 2001.
- F. Beginning in 2006, the Government of Canada began to systematically undermine the customary Barriere Lake Chief and Council, ultimately placing the community into a colonial state of arrested development through the following actions:
- i. In 2006, imposing Third Party Management with no exit strategy.
  - ii. In 2010, imposing the section 74 *Indian Act* Elective System over the Barriere Lake customary Leadership Selection Code.
  - iii. In 2012, excluding Barriere Lake Chief and Council from a Memorandum of Understanding between the Government of Canada and the Government of Quebec on the expansion of the community land-base and electrification, issues which will have a major impact on the community.

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- iv. In 2014, imposing the *First Nations Financial Transparency Act* and taking the Barriere Lake Chief and Council to court for non-compliance because of their refusal to sign a consolidated audit which they had no say in under Third Party Management.
- G. It has been 9 years since the Algonquins of Barriere Lake were forced into Third Party Management and there has been no attempt by the Government of Canada to build capacity within the community or develop any plan to return control over the administration of programs and services to the community.
- H. By placing the Algonquins of Barriere Lake into Third Party Management with no discernable exit strategy, the Government of Canada has condemned Barriere Lake to perpetual control by federal bureaucrats and third party managers – none of whom are accountable to the community.
- I. The recent actions taken by the Government of Canada against the people of Barriere Lake are truly shameful. The Government of Canada must work cooperatively with the Barriere Lake Chief and Council so they are able to resume responsibility for the community's affairs, so that accountability is once again returned to the community members.

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

1. Condemn the Government of Canada's decision in 2001 to unilaterally withdraw from the solemn 1991 Barriere Lake Trilateral Agreement as immoral, illegal and a breach of fiduciary duty and international human rights.
2. Strongly urge the Government of Canada to honour their obligations under the 1991 Trilateral Agreement and the 1997 Memorandum of Mutual Intent and Global Proposal to Rebuild the community.
3. Direct the National Chief and the Assembly of First Nations Executive Committee to support the Algonquins of Barriere Lake in calling on the Government of Canada to participate in a reconciliation process with Barriere Lake Chief and Council, beginning with a return of administrative control over programs and services to the Barriere Lake Chief and Council.

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**TITLE:** Opposition to Commercial Herring Fisheries on the West Coast of Vancouver Island

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Hugh Braker, Tseshaht First Nation, BC

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**SECONDED BY:** Chief Rufus Copage, Sipekne'katik First Nation (Shubenacadie), NS

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms that:
- 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 peoples for such conservation and protection, without discrimination.
- B. Nuu-chah-nulth Ha'wiih Nations, and fishers continue to be concerned about the conservation status of herring in their territories on the West Coast of Vancouver Island (WCVI).
- C. In 2014 and 2015, despite the recommendations of Nuu-chah-nulth Ha'wiih Hereditary Chiefs and Nations that the Department of Fisheries and Oceans (DFO) keep the WCVI closed to commercial herring fisheries, the DFO Minister authorized WCVI commercial herring fisheries.

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- D. In 2015, the herring returns to Nuu-chah-nulth territories were so low that Nuu-chah-nulth fishers were unable to harvest enough herring spawn-on-bough or spawn-on-kelp to meet their priority *section 35* rights for Food, Social and Ceremonial needs.
- E. Nuu-chah-nulth Ha'wiih Hereditary Chiefs and Nations have decided that their territories will be closed to commercial herring fisheries in 2016 and until WCVI herring stocks can support commercial fisheries again.

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

1. Support Nuu-chah-nulth First Nations efforts that there be no commercial herring fisheries on the West Coast of Vancouver Island (WCVI) in 2016.
2. Support Nuu-chah-nulth First Nations assertion that there be no commercial herring fisheries in Nuu-chah-nulth territories on the WCVI until Nuu-chah-nulth First Nations agree that WCVI herring stocks can support commercial fisheries and consent to commercial fisheries in their territories.
3. Recommend that the Federal Government work with Nuu-chah-nulth First Nations to develop a mutually acceptable framework for herring management on the WCVI.

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**TITLE:** Rescind the Coastal Allocation Framework in the Pacific Region

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**SUBJECT:** Fisheries, Pacific

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**MOVED BY:** Wendy John, Proxy, Musqueam First Nation, BC

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**SECONDED BY:** Chief Hugh Braker, Tseshaht First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms that:
- 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 peoples for such conservation and protection, without discrimination.
- B. During the ongoing *Ahousaht* commercial fishing rights infringement justification court case, evidence emerged about a federal Cabinet directive that sets a cap on the total allocation of fish that can be made available to all First Nations in British Columbia (BC). This directive has been called the "endpoint" directive and has set 'notional allocations' for each First Nation in BC.
- C. The Department of Fisheries and Oceans (DFO) has developed a "Coastwide Allocation Framework" to ensure that the total of all fisheries allocations to First Nations in BC does not exceed the amount set in the endpoint directive.

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- D. There is little available information about the endpoint directive because Cabinet directives are protected by legal privilege. In the *Ahousaht* case, Canada's lawyers prevented DFO witnesses from answering any questions about the actual endpoint amount or the formula used to apply the endpoint to individual First Nations. However, the following general information did emerge:
- i. The endpoint is the maximum allocation that First Nations in BC can collectively receive through ANY means, including treaty negotiations.
  - ii. It includes all Food, Social and Ceremonial (FSC) allocations as well as any commercial allocations.
- E. If the endpoint directive limits FSC access, then it must be justified using the test set out in the *Sparrow* decision. If the endpoint limits the scope of a commercial fishing right (as in the case of the Nuu-chah-nulth) it must be justified using the test set out in the *Gladstone* decision.
- F. This highlights an ongoing issue with DFO's approach to Aboriginal rights: that is, DFO refuses to engage in discussions regarding Aboriginal rights, but continues to take management actions that directly impact those rights.
- G. Rescinding the endpoint directive would be consistent with the Liberal Party's promise to "undertake a full review of regulatory law, policies, and operational practices, in full partnership and consultation with First Nations to ensure that the Crown is fully executing its consultation, accommodation, and consent obligations".

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

1. Declare the following:
  - a. The endpoint directive is inconsistent with the constitutional priority of Aboriginal fishing rights. Courts have been clear that Food, Social and Ceremonial (FSC) fishing rights take precedence over all other uses of the resource, after conservation.
  - b. The five factors used to determine 'notional allocations' for each BC First Nation are problematic, in that, for First Nations in BC, "current fishing practices" are not an appropriate measure of interests or rights as those interests and rights are constrained by the Department of Fisheries and Oceans (DFO) management practices or conservation requirements.
  - c. In the context of FSC fishing, it is not appropriate to consider non-Aboriginal interests in order to determine a limit on First Nation allocations.
  - d. It is out of keeping with the Honour of the Crown and the principle of good faith negotiations for DFO to rely on its endpoint analysis rather than an Aboriginal rights analysis to guide its negotiations with First Nations regarding implementation of their fishing rights.
2. Direct the National Chief to engage with the Prime Minister and the new Federal Cabinet with the objective of having the endpoint directive rescinded.

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**TITLE:** Support for Chippewas of the Thames First Nation Appeal of Line 9 Pipeline Decision

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**SUBJECT:** Environment

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**MOVED BY:** Chief Leslee White-Eye, Chippewas of the Thames First Nation, ON

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**SECONDED BY:** Chief Chris Plain, Aamjiwnaang First Nation (Sarnia), ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states in Article 19 that States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. The Crown's duty to consult and accommodate Aboriginal peoples must be interpreted in light of the contemporary views on the rights of Indigenous peoples, as espoused by the Supreme Court of Canada and as articulated in international legal instruments such as the UN Declaration.
- C. Chippewas of the Thames First Nation seeks leave from the Supreme Court of Canada to appeal a decision of the Federal Court of Appeal which upheld a National Energy Board (NEB) decision granting Enbridge Pipeline Inc.'s ("Enbridge") authorization to reverse a section of Pipeline between North Westover, Ontario and Montréal, Québec, to expand the annual capacity of Line 9 from Sarnia, Ontario to Montréal, Québec from 240,000 barrels per day (bpd) to 300,000 bpd, and to allow heavy crude to be shipped on Line 9.
- D. The Chippewas of the Thames First Nation appeared before the National Energy Board and provided evidence of its existing Aboriginal and treaty rights in the vicinity of the Pipeline Project and the potential risks associated with the new activity requested by Enbridge.
- E. The NEB's Reasons for Decision were issued without the Crown carrying out any meaningful consultation or accommodation with Chippewas of the Thames appropriate to the circumstances.

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- F. The Chippewas of the Thames appealed the NEB's decision to the Federal Court of Appeal, which upheld the decision of the NEB.
- G. In addition to the impact on the Chippewas of the Thames, the jurisdictional decision of the NEB may have serious negative implications for other existing and contemplated applications under the NEB which may impact other First Nations who attempt to assert Aboriginal and/or Treaty rights under the NEB process.
- H. First Nations represented by the Assembly of First Nations (AFN) have a long-standing relationship with the Crown and are therefore directly impacted by the outcome of this appeal, particularly in light of this historical relationship. This relationship has spanned several centuries; first with the Crown in right of Great Britain; then after Confederation, with the Crown in right of Canada and the Provinces.
- I. This relationship with the Crown has always been in the nature of a Nation-to-Nation relationship meaning each party came to the agreement with its own customs, traditions and laws. This relationship has been formalized in a number of Treaties and settlement agreements. These Treaties and agreements acknowledge a renewal and extension of alliances between the Crown and First Nations which were already in existence prior to the treaty making events.
- J. Unfortunately the Crown has ignored the original intention of these constitutionally protected agreements and adopted an agenda to both protect and dominate First Nations people. This has led to the imposition of assimilation policies that included the imposition of Indian Residential Schools, and efforts to, "kill the Indian in the child", the legacy of which is still being felt by our communities across the country.
- K. First Nations are now taking steps to address the effects of these assimilation policies and rebuild our Indigenous Nations. The principle of reconciliation which has been promoted both by the Supreme Court of Canada and the Truth and Reconciliation Commission of Canada will be key to the rebuilding efforts of First Nations from across Canada. Consultation and accommodation are key to the ongoing process of reconciliation and in restoring balance to the relationship between the Crown and First Nations people.
- L. The duty to consult with First Nations peoples and accommodate their interests is a constitutional duty invoking the honour of the Crown, which requires that the Crown act with good faith to provide meaningful consultation appropriate to the circumstances and must be upheld.
- M. The AFN's support for the Chippewas of the Thames leave application in the Supreme Court is necessary in order to advance and uphold the principles of reconciliation and to ensure First Nations from across Canada continue to build upon their historical relations with the Crown which includes meaningful consultation and accommodation on those issues that may potentially impact their Aboriginal and Treaty rights.

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

1. Support Chippewas of the Thames First Nation in its application for leave to appeal the decision of the Federal Court of Appeal with the objective of overturning the National Energy Board (NEB) decision and returning the application to the NEB with instructions for the Crown to meaningfully consult and accommodate the Chippewas of the Thames in advance of the NEB providing its decision.
2. Support their call to the Prime Minister to intervene in the appeal to the Supreme Court of Canada on the side of First Nation interests rather than in opposition.

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**TITLE:** Support for First Nations in Addressing Climate Change

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**SUBJECT:** Environment and Climate Change

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**MOVED BY:** Chief Michael LeBourdais, Whispering Pines/Clinton First Nation, BC

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**SECONDED BY:** Chief Thomas Bressette, Chippewas of Kettle & Stoney Point First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. 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.
- 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. Indigenous People are still living off the land conducting our spiritual practices and conducting our hunting and gathering.

C. Climate change will significantly alter our way of life on the lands the Creator has bestowed upon us and we have inalienable rights as confirmed in Treaties between the Crown and ourselves.

D. It is in our best interest to support initiatives to lessen these impacts on our way of life as Indigenous Peoples of this land.

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- E. Our participation in the Oil and Gas Sector has been limited to date and has in some instances been detrimental to our Treaty Rights.
- F. We wish to participate in good faith in Canada's efforts to reduce the impacts of Climate Change on our communities.
- G. International leaders have met to set global targets to reduce carbon emissions as a part of the 21<sup>st</sup> Conference of the Parties (COP 21).

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

1. Support First Nation communities in engaging in sustainable energy use through the development of their own independent power sources to reduce their energy footprint wherever possible.
2. Support First Nation communities in working with federal, provincial and territorial governments to reduce their carbon footprint, and to assist in the development of joint policies, frameworks and other strategies to support partnerships aimed at resolving this important issue in our lifetime.
3. Support the exploration and implementation of sustainable energy policies which support First Nations-owned businesses that help to reduce use of fossil fuels wherever possible in an effort to reduce our carbon footprint.
4. Support the Assembly of First Nations in seeking to develop and implement joint strategies aimed at adaptation and mitigation to address the impacts of Climate Change on First Nation communities and territories in all parts of Canada.

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**TITLE:** Support for a National Guardian Program

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**SUBJECT:** Lands and Resources

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**MOVED BY:** Chief Jean-Charles Piétacho, Conseil des Innue de Ekuanitshit, QC

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**SECONDED BY:** Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples 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 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. All First Nations have a profound relationship with the land and all of its resources based on occupation since time immemorial and this relationship is expressed by a cultural responsibility for the land. As such, First Nations are the rightful managers and watchers of our lands.

C. First Nations are also responsible for ensuring First Nations knowledge on land management is respected and maintained.

D. First Nations lands are under unprecedented development pressure and we urgently need financial and technical capacity to ensure that any and all development or protection plans meet the needs, desires and aspirations of our communities as directed by our communities.

E. In Australia, the Working on Country program has produced stable and meaningful employment for a large number of trained rangers across Indigenous Australia, which has resulted in the unprecedented improvement

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of socioeconomic conditions for participating communities, and in better planning and management plans and tools, including the establishment of Indigenous Protected Areas.

- F. Dechinta, Bush University Centre for Research and Learning, in the Northwest Territories, is recognized for its leadership in Indigenous land-based education, and has developed and is delivering a university-accredited pilot Indigenous Boreal Guardians Program and is working towards the development of a permanent Indigenous Guardians program, which it is hoped can be applied at a local and regional level across Canada.
- G. There are a number of successful community-based Guardian and Ranger programs across Canada.

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

1. Fully support the concept of Indigenous Guardian programs to support First Nations land management and oversight in their territories based on a cultural responsibility for the land.
2. Mandate the National Chief and Executive to support and assist in the development of a concerted and grassroots-led effort for a nationally-funded Indigenous Guardians program in Canada.

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**TITLE:** Prohibit Development in the Calving and Post-calving Grounds of the Caribou Herd

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**SUBJECT:** Lands and Environment

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**MOVED BY:** Chief Doris Bill, Kwanlin Dun First Nation, YT

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**SECONDED BY:** Millie Olsen, Proxy, Na-cho Ny'a'k Dun First Nation, YT

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples 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 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. For thousands of years our ancestors, the Gwich'in Nation of northeast Alaska and northwest Canada, have relied on caribou for subsistence, and continue today to subsist on the Porcupine Caribou Herd, which is essential to meet the nutritional, cultural and spiritual needs of our peoples.

C. The Gwich'in have the inherent right to continue our own way of life, and that this right is recognized and affirmed in the international covenants on human rights. Article 1 of both the International Covenant of Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights read, in part: "...In no case may a people be deprived of their own means of subsistence".

D. The health and productivity of the Porcupine Caribou Herd, and their availability to Gwich'in communities, and the very future of our peoples are endangered by proposed oil and gas exploration and development in the calving and post-calving grounds in the 1002 area of the Arctic National Wildlife Refuge.

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- E. The entire Gwich'in Nation was called together by our chiefs in Arctic Village in 1988 to carefully address this issue and to seek the advice of our elders.
- F. The Gwich'in people of every community from Arctic Village, Venetie, Fort Yukon, Beaver, Chalkyitsik, Birch Creek, Stevens Village, Circle, and Eagle Village, in Alaska; and from Old Crow, Fort McPherson, Arctic Red River, Aklavik, and Inuvik, in Canada, have reached a consensus in our traditional way, and now speak with a single voice.

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

1. Continue to call upon the United States Congress and President to recognize the rights of our Gwich'in peoples to continue to live our way of life by prohibiting development in the calving and post-calving grounds of the Porcupine Caribou Herd.
2. That the 1002 area of the Arctic National Wildlife Refuge be designated as wilderness to achieve this end.

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**TITLE:** Support for Assembly of Manitoba Chiefs Appeal on Teulon Residence

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**SUBJECT:** Indian Residential Schools

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**MOVED BY:** Mike Morris, Proxy, Kasabonika First Nation, ON

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**SECONDED BY:** Gord Peters, Proxy, Delaware Nation (Moravian of the Thames), ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
  - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
  - d) Any form of forced assimilation or integration.

**B.** The Assembly of Manitoba Chiefs (AMC) made an unsuccessful application to the Court of Queen's Bench to have the Teulon Residence listed as an Indian Residential School in Schedule "F" of the Indian Residential School Settlement Agreement (IRSSA).

**C.** The AMC filed a Notice of Appeal which was not perfected and was subsequently deemed abandoned by the Manitoba Court of Appeal.

**D.** The AMC filed an unsuccessful Notice of Motion to have the deemed abandonment set aside.

**E.** The AMC has subsequently filed an appeal to the Manitoba Court of Appeal related to the unsuccessful Notice of Motion.

**F.** The Motion to set aside the abandonment is being opposed by the Attorney General of Canada (AGC) and the AGC can provide instructions to withdraw its opposition, thus allowing the appeal of the Teulon Residence decision to proceed for hearing by the Manitoba Court of Appeal in a timelier manner.

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- G. Should the Teulon Residence be added to the IRSSA, 1,700 former Teulon Residence students will benefit under the IRSSA in the form of the Common Experience Payment and the right to file abuse claims under the Independent Assessment Process.

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

1. Direct the AFN Executive Committee to hold a meeting with the Attorney General of Canada in order to request that she withdraws opposition to the abandoned Notice of Appeal and consent to the matter to be heard by the Manitoba Court of Appeal.

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**TITLE:** Support for Entry by Conservation Officers on Treaty Lands

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**SUBJECT:** Treaty Lands

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**MOVED BY:** Chief Aubrey Norman Whitehawk, Cote First Nation 366, SK

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**SECONDED BY:** Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. 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. First Nations in Saskatchewan have inherent and Treaty rights to the lands and resources within Saskatchewan.
- C. The Ministry of Environment (MoE) and the Federation of Saskatchewan Indian Nations (FSIN) entered into discussions on a Protocol Agreement for entry of Conservation Officers onto our Treaty territories but no agreement was reached.
- D. The FSIN and MoE are currently working jointly on a draft Treaty Right to Hunt, Fish, Trap and Gather Protocol Agreement which would allow Conservation Officers onto Treaty lands, and a process by which to follow, both for the First Nations and the Conservation Officers.
- E. The draft Treaty Right to Hunt, Fish, Trap and Gather Protocol Agreement shall include provisions to hire First Nations liaison officers within the administration of the MoE, as previously provided by the Resource Management Personnel Program.

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- F. This draft Treaty Right to Hunt, Fish, Trap and Gather Protocol Agreement aims to ensure that the jurisdiction of First Nations, through their Chiefs and Councils via Band Council Resolution (BCR), is respected and recognized when Conservation Officers enter onto our Treaty lands.

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

1. Endorse the on-going work in implementing a Final Protocol Agreement, between the Federation of Saskatchewan Indian Nations (FSIN) and Ministry of Environment.
2. Support the FSIN to ensure the Final Protocol Agreement will recognize, incorporate, and be based upon Inherent Treaty and Indigenous Rights to Hunting, Fishing, Trapping and Gathering, and that this shall be reflected throughout the Agreement – which shall be entitled, *First Nations Inherent and Treaty Rights to Hunting, Fishing, Trapping and Gathering: Protocol Agreement for Entry of Conservations Officers on our Treaty Lands*.

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**TITLE:** Support for the Save the Evidence Campaign

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**SUBJECT:** Indian Residential Schools, Commemoration

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**MOVED BY:** Chief Ava Hill, Six Nations of Grand River Territory, ON

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**SECONDED BY:** Chief Leslee White-Eye, Chippewas of the Thames First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
    - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
    - d) Any form of forced assimilation or integration.
- B. The Chiefs-in-Assembly represent the great Indigenous nations and civilizations of Turtle Island.
- C. These great civilizations gave birth to distinct virtues, values, intelligences, economies, ideologies, theologies and intellect.
- D. The independence of those distinct hallmarks of our civilizations were inhumanely colonized, ridiculed and abused.
- E. The practices of colonizing our great civilizations are crimes against humanity through the violation of our fundamental human, civil, political and linguistic rights, as defined by international covenants and declarations.
- F. This colonizing practice included the establishment of 139 Indian Residential Schools (IRS) across Canada which spanned 7 generations of our collective Indigenous humanity, or 150 years.
- G. Only 9 IRS buildings remain standing to some degree in all of Canada, with two in Ontario.

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- H. The Truth and Reconciliation Commission of Canada's (TRC) Calls to Action inspires us to create memorials or commemorations of this sad chapter of Canadian history.
- I. Specifically, TRC Call to Action #68, states:
  - i. We call upon the Federal Government, in collaboration with Aboriginal Peoples and the Canadian Museums Association, to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
- J. The Onkwehonweh of the Six Nations of Grand River in partnership with the Woodland Cultural Centre have begun the process of commemoration by restoring the former Mohawk Institute Indian Residential School, into an interpretation centre that honours the legacy of its 15,000 students.
- K. The theme to this commemoration project is "Save the Evidence" which is meant to bear witness to this dark chapter in Canadian history.
- L. This project also has the support of the Chiefs of Ontario.

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

1. Support the Save the Evidence campaign launched by the Onkwehonweh People of the Six Nations of Grand River, in partnership with the Woodland Cultural Centre, which honours the legacy and the sacrifice of the 15,000 students who attended the Mohawk Institute Indian Residential School from 1831-1970.

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**TITLE:** Support for First Nations for the Safe Water Project

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**SUBJECT:** Drinking Water

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**MOVED BY:** Chief Tom Bressette, Chippewas of Kettle & Stoney Point First Nation, ON

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**SECONDED BY:** Chief Michael LeBourdais, Whispering Pines/Clinton First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. 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.
- 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 passed the National Water Declaration in 2010, which affirms that First Nations have inherent and human rights to water for basic human needs, sanitation, and social, economic, cultural and ceremonial purposes.

C. The Government of Canada has passed into law the *Safe Drinking Water for First Nations Act*.

D. First Nations will be required to meet the standards described in the *Safe Drinking Water for First Nations Act*.

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- E. The Assembly of First Nations (AFN) passed a resolution on December 16, 2010, which called upon the Minister of Indian Affairs to work collaboratively with the AFN to follow through on the commitment to address First Nations concerns with the lack of clean drinking water, including the recommendations and general content of the Report of the Expert Panel on Safe Drinking Water for First Nations.
- F. There are 164 drinking water advisories affecting 117 First Nations communities across Canada (as of October 2015).
- G. Prime Minister Trudeau, during the 2015 federal election campaign, committed to eliminating boil water advisories in First Nations communities within five years.
- H. The Government of Canada has committed to building a Nation-to-Nation relationship with First Nations across Canada that is guided by the principles of recognition of Inherent and Treaty rights, respect, cooperation and partnership.
- I. The Safe Water Project has proven to be effective in eliminating short, medium and long-term boil water advisories, and in strengthening the capacity of and empowering First Nations communities to manage their water systems.

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

1. Support the Safe Water Project as an approach to minimize and prevent boil water advisories and to empower communities to effectively manage their own water systems, by providing training, certification and support to water operators and personnel; deploying TRITON – Intelligent Surveillance™ technology, which allows communities to continuously and remotely monitor the quality of their water; and providing licensed operational personnel to support local operators as they pursue certification.

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**TITLE:** Review of the Saskatchewan Provincial Regulation 20 on Special Education Funding

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**SUBJECT:** Education

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**MOVED BY:** Chief Pauline Whitehead, Yellow Quill First Nation, SK

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**SECONDED BY:** Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- B. Education is an Inherent, Treaty and Indigenous Peoples Right.
- C. First Nations Control of First Nations education is a primary foundation of First Nations education.
- D. First Nations of Saskatchewan need to be dealt with fairly in provincial tuition agreements.
- E. Regulation 20 is the provincial regulation that puts special education funding under block funding.
- F. In a report commissioned by the Federation of Saskatchewan Indian Nations (FSIN) education and training secretariat it was noted that the Regulation 20 calculations were not being applied consistently in all tuition agreements and that there were some questionable practices.

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- G. In the provincial model, funding is allocated based on a percentage of students in the school division. The funding for Special Education is part of the block funding for schools. Accordingly when First Nations receive their invoice for their Regulation 20 amount they should not receive a second invoice for special education.

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

1. Support the Federation of Saskatchewan Indian Nations in their mandate to direct the Province of Saskatchewan, Indigenous Affairs and Northern Development Canada, Saskatchewan School divisions and Saskatchewan First Nations to establish a working committee to review the actual costs as defined by Regulation 20.

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**TITLE:** First Nation Certification and Accreditation and Federation of Saskatchewan Indian Nations Certification and Accreditation Commission

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**SUBJECT:** Education

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**MOVED BY:** Chief Leo Omani, Wahpeton Dakota First Nation, SK

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**SECONDED BY:** Chief Lyndon Musqua, Keeseekoose First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) affirms:
- i. (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- B. There is a need to implement the inherent rights and powers of self-determination that includes the lawful capacity to provide for the certification of teachers/instructors/professors as well as the accreditation of curriculum, schools, institutions, programs and courses.
- C. Indian Control of Indian Education was implemented in the 1970s by the Federation of Saskatchewan Indian Nations (FSIN) and member bands.
- D. The FSIN's Education Commission is the governing body that has the legal capacity to provide for certification and accreditation.

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- E. The federal government and the government of British Columbia have enacted federal/provincial laws recognizing the jurisdiction of First Nations over the accreditation of our curriculum, teachers, schools and post-secondary institutions.
- F. The Treaties recognize the right to education that includes the provision of schools, instructors, maintenance, operations and the right to post-secondary education.
- G. Our inherent rights and Treaty rights to education have to be implemented through community-based and intertribal traditional and contemporary education systems.

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

1. Support the Federation of Saskatchewan Indian Nations (FSIN) in its mandate and authorization for the establishment and implementation of a First Nations Certification and Accreditation Commission under First Nations jurisdiction and laws.
2. Support the First Nations Certification & Accreditation Commission including responsibilities for the certification and accreditation for kindergarten to grade twelve education and post-secondary education including curriculum development, certification of teachers, and accreditation of schools, colleges and institutes.
3. Support the development in Saskatchewan of a First Nations Certification and Accreditation Commission Act establishing standards of certification and accreditation by First Nations, tribal/agency councils and the FSIN.

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**TITLE:** Support for Joint Letter of the Federation of Saskatchewan Indian Nations and the Saskatchewan Ministry of Education

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**SUBJECT:** Education

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**MOVED BY:** Chief Leo Omani, Wahpeton Dakota First Nation, SK

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**SECONDED BY:** Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) affirms:
- i. (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- B. Education is an inherent and Treaty right.
- C. First Nations Control of First Nations Education is a primary foundation of First Nations education systems.
- D. The Federation of Saskatchewan Indian Nations (FSIN) has entered into a new era of relationship-building with the Saskatchewan Ministry of Education and its First Nations educational partners.

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- E. A joint letter was signed by the FSIN executive member responsible for the Saskatchewan Indian Education and Training Commission and the Saskatchewan Minister of Education, outlining the meaningful change required to address the substandard educational outcomes affecting First Nations communities and students.

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

- 1. Support the joint letter between the Saskatchewan Minister of Education and the Federation of Saskatchewan Indian Nations aimed at protecting the education interests of First Nations in Saskatchewan.

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**TITLE:** Request for an Independent Judicial Inquiry from the Quebec Government into Police Conduct Towards Indigenous Women and Indigenous Persons in Quebec

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**SUBJECT:** Justice

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**MOVED BY:** Chief Serge Simon, Mohawk Council of Kanesatake, QC

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**SECONDED BY:** Chief Maureen Chapman, Skawahlook First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. On October 22, 2015 the media reported on allegations of grave misconduct, including physical and sexual abuse, by certain members of the Sûreté du Québec towards Indigenous women in Val d'Or.
- B. Certain of these allegations were communicated in writing to the Government of Québec in May 2015.
- C. These allegations of misconduct by members of the Sûreté du Québec were investigated in the first instance by the Sûreté du Québec itself.
- D. After the media reports on October 22, 2015, the Government of Québec referred the investigation to the Police Service of the City of Montreal.
- E. These allegations are symptomatic of serious issues concerning systemic racism and discrimination by members of the Sûreté du Québec and other police forces in Québec against Indigenous persons.
- F. On October 23, 2015 the Assembly First Nations of Québec and Labrador (AFNQL) demanded that the Government of Québec establish an independent commission of inquiry to look into the allegations of police misconduct against Indigenous women in Val d'Or.
- G. On November 4, 2015 the AFNQL met with Premier Philippe Couillard of Québec to consider the appropriate response to the allegations of police misconduct toward Indigenous women in Val d'Or.
- H. After this meeting on November 4, 2015, the Premier of Québec proposed the establishment of a tripartite working platform comprising of representatives of the Government of Québec, First Nations and the

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Government of Canada to examine the practices of the police forces in Québec, particularly with regard to their work with Indigenous persons and to identify potential solutions for fostering trust between Indigenous persons and police forces in Québec.

- I. In light of the gravity and urgency of the matter, the AFNQL considered this response as unsatisfactory and reiterated its call for an independent judicial inquiry on the relationships between police forces and the members of First Nations in Québec.
- J. The media have reported that the Government of Québec intends not to establish a provincial commission of inquiry on the grounds that the National Inquiry to be held into Missing and Murdered Indigenous Women and Girls will deal with the same subjects.
- K. The media have also reported statements by the federal Minister of Indigenous and Northern Affairs that Québec should conduct its own inquiry as the National Inquiry on Missing and Murdered Indigenous Women and Girls will address the entire country, and will not be able to dwell on particular cases such as that of Val d'Or.
- L. The Assembly of First Nations (AFN) considers that, in any event, the scope and timing of the national inquiry on Missing and Murdered Indigenous Women and Girls announced on December 8, 2015 by the Government of Canada will make it impossible for this National Inquiry to address the urgent and specific issues of police misconduct towards Aboriginal women in Val d'Or and Indigenous persons in Québec.
- M. The independent judicial inquiry demanded by the AFNQL is needed to address these specific and urgent issues and will complement the national inquiry on Missing and Murdered Indigenous Women and Girls.
- N. On December 7, 2015 the Chiefs of the AFNQL adopted a resolution calling for an immediate independent judicial inquiry on the broader relationship between the police services all across Quebec and the First Nations.
- O. On December 7, 2015 the City of Val d'Or adopted Resolution 2015-591 to the following effect:
  - i. "THAT the City of Val-d'Or, in solidarity with its partners and neighbours the First Nations, requests the Government of Quebec to establish a provincial commission of inquiry to examine in an effective way discrimination and racism in the public security forces and the administration of justice in Quebec."
- P. It is appropriate for the AFN to express its support for these calls for the immediate establishment by the Government of Québec of an independent judicial inquiry to look into allegations of misconduct by members of the Sûreté du Québec towards Indigenous women in Val d'Or and by members of police forces towards Aboriginal persons in Québec for the purpose of making recommendations to improve relations between police forces and Indigenous persons in Québec and to address systemic issues of racism and discrimination.

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

1. Call upon the Government of Québec to establish immediately an independent judicial inquiry to look into allegations of misconduct by members of the Sûreté du Québec towards Indigenous women in Val d'Or and by members of police forces in Québec towards Indigenous persons for the purpose of making recommendations to improve relations between police forces and Indigenous persons in Québec and to address systemic issues of racism and discrimination.

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**TITLE:** Support for Housing, Water and Infrastructure

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**SUBJECT:** Housing and Infrastructure

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

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**SECONDED BY:** Chief David McDougall, St. Theresa Point First Nation, MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- 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 to future generations in this regard.
- v. 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

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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. First Nations housing, water, and infrastructure needs have been severely impacted by the effects of the two percent cap which has been in place for almost two decades.
- C. In a March 2012 report, Aboriginal Affairs and Northern Development Canada, now known as Indigenous and Northern Affairs Canada (INAC), estimates that between 2010-2031 there is a need for 130,197 new housing units to accommodate household and family growth, 11,855 replacement units to accommodate the deteriorated stock, and the major renovation of between 8,261 and 10,861 units.
- D. April 20, 2007, Canada's Government announced that it would create the \$300 million First Nations Market Housing Fund (Fund) and promised the construction of 25,000 homes in 10 years. So far only 150 loans have been realized including the renovation of existing units.
- E. The First Nations Market Housing Fund needs to be evaluated in terms of performance, to address Trustee vacancies, reallocation or profiling of the funds from the interest on the \$300 million, and begin the discussion of transferring the Fund to First Nations control as directed by Resolution 16/2013, *Transition of the First Nations Market Housing Fund to First Nations Control*.
- F. Government housing programs are not working as Canada Mortgage Housing Corporation (CMHC) Section 95 only provided 496 units in 2014 and 1,189 Residential Rehabilitation Assistance Program (RRAP) units. INAC and RRAP subsidies are non-indexed and well short of reality in the context of a sharp increase in construction costs over the last 20 years.
- G. There are many other issues such as an inequitable application of the Shelter Allowance program and the effect of expiring operating agreements from Section 95 agreements.
- H. The Ministers of INAC, Health and CMHC have been given their mandate letters to renew the relationship between Canada and Indigenous Peoples.
- I. The new relationship must be a nation to nation relationship, based inter alia on recognition of challenges in housing and infrastructure, rights, respect, co-operation, and partnership.

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

1. Direct the Assembly of First Nations (AFN) to work with the Government of Canada to establish the proper new escalator to replace the 2% cap and to identify the catch-up funding required to address the shortfalls created by the 2% cap.
2. Direct the AFN to begin the dialogue with the relevant Government of Canada departments to establish a new fiscal framework and identify funding and programs to close the gap in housing, water, and infrastructure.
3. Direct the AFN seek funding support to conduct research in collaboration with the First Nation regions on devolution of programs to First Nation control such as housing and water management.

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4. Direct the AFN to seek funding to support the facilitation of national dialogue sessions on housing, infrastructure and water, high-speed Internet connectivity, and housing for the specific purpose of ensuring the safety of our children and women.
5. Direct the AFN to report on progress of this resolution to the Chiefs-in-Assembly on an annual basis.
6. Direct the AFN to work with the Government of Canada to change income assistance policy which restricts shelter allowance to be applied to band-owned homes.

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**TITLE:** Call for Immediate Action Regarding the Site C Dam

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**SUBJECT:** Land and Resources

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**MOVED BY:** Doug Kelly, Proxy, Soowahlie First Nation, BC

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**SECONDED BY:** Chief Ronald Ignace, Skeetchestn Indian Band, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

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

- i. Article 8 (1) Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- ii. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for: Any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- iii. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- iv. Article 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.
- v. 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.

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- vi. 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.
  - vii. 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.
  - viii. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.
- B. The Site C Hydroelectric Project (Site C) will have a devastating effect on the Treaty and Aboriginal Rights of Treaty #8 First Nations in BC, Alberta and the Northwest Territories (NWT) and the Treaty No. 11 peoples of the North West Territories. Site C will be the third in a series of dams constructed on the Peace River since the late 1960s. The Peace River Valley is an environmentally and culturally unique ecosystem. The Site C Dam will flood over 9330 hectares of Treaty #8 First Nation territories forever, including 120 kilometres of the Peace River further impeding its flow northward.
- C. The Province of British Columbia has moved forward with the proposed Site C Project over the express objections of the Prophet River and West Moberly First Nations, beginning construction without their free, prior and informed consent.
- D. The Minister of Indigenous and Northern Affairs has been mandated by Prime Minister Trudeau to implement recommendations of the Truth and Reconciliation Commission, starting with the implementation of the UN Declaration and to:
- i. [U]ndertake, with advice from the Minister of Justice, in full partnership and consultation with First Nations, Inuit, and the Métis Nation, a review of laws, policies, and operational practices to ensure that the Crown is fully executing its consultation and accommodation obligations, in accordance with its constitutional and international human rights obligations, including Aboriginal and Treaty rights.
  - ii. Collaborate with the Ministers of Natural Resources, Environment and Climate Change and Fisheries, Oceans and the Canadian Coast Guard to ensure that environmental assessment legislation is amended to enhance the consultation, engagement and participatory capacity of Indigenous groups in reviewing and monitoring major resource development projects.
- E. The Minister of Justice and the Attorney General of Canada have been mandated by Prime Minister Trudeau to:
- i. Review [Canada's] litigation strategy. This should include early decisions to end appeals or positions that are not consistent with [Canada's] commitments, the Charter or [Canada's] values.
- F. The Minister of Transportation has been mandated by Prime Minister Trudeau to:
- i. Work with the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the previous government's changes to the *Fisheries Act* and the *Navigable Waters Protection Act*, restore lost protections, and incorporate modern safeguards.

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- G. The Minister of Natural Resources has been mandated by Prime Minister Trudeau to:
- i. Work with the Minister of Innovation, Science and Economic Development to invest in clean technology producers, so that they can tackle Canada's most pressing environmental challenges and create more opportunities for Canadian workers.
  - ii. Work with the Minister of Innovation, Science and Economic Development and other responsible ministers to support innovation and the use of clean technologies in our natural resource sectors, including the forestry, fisheries, mining, energy, and agricultural sectors.
  - iii. Work with the Minister of Environment and Climate Change, the Minister of Fisheries, Oceans and the Canadian Coast Guard, and the Minister of Indigenous and Northern Affairs to immediately review Canada's environmental assessment processes to regain public trust and introduce new, fair processes that will:
    - a) restore robust oversight and thorough environmental assessments of areas under federal jurisdiction, while also working with provinces and territories to avoid duplication;
    - b) ensure that decisions are based on science, facts, and evidence, and serve the public's interest;
    - c) provide ways for Canadians to express their views and opportunities for experts to meaningfully participate, including provisions to enhance the engagement of Indigenous groups in reviewing and monitoring major resource development projects; and,
    - d) require project proponents to choose the best technologies available to reduce environmental impacts.
- H. The Minister of Environment and Climate Change has been mandated by Prime Minister Trudeau to:
- i. Treat our freshwater as a precious resource that deserves protection and careful stewardship, including by working with other orders of government to protect Canada's freshwater using education, geo-mapping, watershed protection, and investments in the best wastewater treatment technologies.
- I. The Crown has a constitutional duty to consult and accommodate Treaty #8 First Nations in making decisions in relation to the Site C Dam project. The Provincial and Federal Crowns' recent decision to proceed and issue permits with respect to the Site C Dam was made without meaningful consultation with Treaty #8 First Nations.
- J. Of the Treaty #8 First Nations, West Moberly and Prophet River continue to use all available processes and legal options to oppose the construction of the Site C Hydroelectric Dam until the Crown obtains their free, prior and informed consent for the project.
- K. The Chiefs-in-Assembly adopted by consensus Resolution no. 41/2015 "*Site C Hydroelectric Dam on the Peace River*" on July 9, 2015 in Montréal, Québec, wherein they mandated that the Chiefs-in-Assembly:
- i. Fully support Treaty #8 tribal leadership in their opposition to the proposed Site C Dam project and their assessment that the proposed project is a threat to their ability to exercise their constitutionally-protected Treaty rights, and to the survival of their culture and people.
  - ii. Mandate the National Chief and AFN Secretariat to advocate to the Government of British Columbia, the Government of Canada and the United Nations to ensure full consultation and the free, prior and

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informed consent of all Treaty First Nations through a fair, open and transparent process with respect to the Site C Hydroelectric Dam.

- iii. Urge the provincial and federal governments to immediately cease proceeding with the proposed Site C Dam project, notwithstanding having issued environmental approvals and respective permits.

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

1. Re-affirm the commitments made in Resolution 03/2010, *Site C Hydroelectric Dam on the Peace River*, and Resolution 41/2015, *Site C Hydroelectric Dam on the Peace River*.
2. Direct the Assembly of First Nations (AFN) to call upon the Minister of Transport and the Minister of Fisheries and Oceans to put all authorizations applied for by BC Hydro for the Site C Hydroelectric Dam Project on hold, pending review of those permits and the final resolution of ongoing litigation.
3. Direct the AFN to call upon the Governor-In-Council to reconsider the Order-In-Council justification decision under *Canadian Environmental Assessment Act, 2012* for the Site C Dam Project.
4. Direct the National Chief to undertake an immediate visit to Treaty #8 territory to bear witness to the destruction of the Peace River and report back to the AFN Executive on the situation on the ground in Northeast British Columbia.
5. Direct the Secretariat of the AFN to continue to work with the West Moberly First Nations and Prophet River First Nation to develop a strategy to coordinate advocacy efforts regarding Site C amongst AFN membership.

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**TITLE:** Design, Scope and Structure of the National Inquiry into Missing and Murdered Indigenous Women and Girls

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**SUBJECT:** Justice, Community Safety

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**MOVED BY:** Doug Kelly, Proxy, Soowahlie First Nation, BC

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**SECONDED BY:** Alvin Fiddler, Proxy, Fort Albany First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples affirms: "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. Chiefs-in-Assembly adopted Resolution 61/2010, *Action on Missing and Murdered Indigenous Women*, which, among other things, noted that the Native Women's Association of Canada (NWAC) prepared evidence that there were, at that time, more than 582 missing and murdered Indigenous women and girls across Canada, and called upon Canada to jointly establish an independent, public commission of inquiry into missing and murdered Indigenous women in Canada.
- C. Chiefs-in-Assembly adopted Resolution 02/2011, *Call for a Royal Commission on Violence Against Indigenous Girls & Women*, which called on the Federal Government to convene a Royal Commission on Violence against Indigenous Girls and Women to make concrete and specific recommendations to end violence against Indigenous girls and women at a national level.
- D. Chiefs-in-Assembly adopted Resolution 01/2012, *Missing and Murdered Indigenous Women and Girls in Canada 2012*, which, among other things, affirmed:
  - i. That further to Resolution 61/2010, the Assembly of First Nations (AFN) call upon Canada to jointly establish an independent, public commission into missing and murdered Indigenous women in Canada.

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- ii. That further to Resolution 02/2011, the AFN call upon Canada to convene a Royal Commission on Violence against Indigenous Girls and Women to make concrete and specific recommendations to end violence against Indigenous girls and women at a national level.
  - iii. The direction for the AFN to demand that the Government of Canada support community based-initiatives and national programs that seek to promote public awareness and carry out advocacy and research about violence against Indigenous women; restore funding to the NWAC for maintenance of a national database on missing and murdered Indigenous women; and, ensure proper facilities and services are available within communities for those whom are victims or have lost their loved ones through acts of violence.
  - iv. The direction to the AFN and the National Chief to strongly advocate for the full protection and safety of First Nations women across Canada.
- E. On December 8, 2015, the newly-elected government of Canada announced the launch of the first phase, or "design phase", of an expected \$40 million two-year national Inquiry into Missing and Murdered Indigenous Women and Girls.

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

1. Direct that the families of missing and murdered women and girls be central to all elements of a National Inquiry – that it take a "families first" approach in its design and planning, the Inquiry itself and the development of any action plans or implementation of recommendations.
2. Call on the Government of Canada to establish the Commission of Inquiry in accordance with the Inquiries Act (R.S.C., 1985, c. I-11) to ensure full powers to compel the provision of evidence and appearance of witnesses.
3. Recommend that the scope of the National Inquiry include, but is not limited to:
  - a. Examination of the connections between the child welfare system and vulnerability of Indigenous women and girls, and direct the provinces to support the inquiry and direct all welfare services operating under their legislative authorities to cooperate with the national inquiry on missing and murdered Indigenous women and girls;
  - b. Full consideration of root causes that lead to the deaths and disappearances of Indigenous women and girls;
  - c. Examination of approaches of the Royal Canadian Mounted Police (RCMP), provincial and municipal police services, and First Nation police services, in investigations of murdered and missing Indigenous women and girls and in the protection of Indigenous families, women and girls.
4. Recommend that the Inquiry be conducted in an open and transparent manner, fully inclusive of families and include hearings in communities.
5. Direct that full social, wellness and financial resources be provided to the families of missing and murdered Indigenous women and girls throughout the process and that resources be provided to all Parties with standing to conduct analysis and have appropriate legal representation.

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6. Support regional First Nation efforts to develop a collective national approach by families and First Nations regarding the scope, objectives, focus, parameters, potential terms of reference, an outline of possible activities and participants and to identify potential Commissioners who would be representative of regions.
7. Direct that the Government of Canada include and adhere to clear timelines for the National Inquiry so that justice for the families of missing and murdered Indigenous women and girls is not put off or delayed:
  - a. Development phase: no longer than 12 months
  - b. Inquiry Phase: 2 years
  - c. Action and Implementation Plan: to be tabled in Parliament no later than 6 months after the delivery of the final report and recommendations of the National Inquiry, and to include resources and timelines for implementation.

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**TITLE:** Indian Residential School Settlement Agreement Administrative Split Issue

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**SUBJECT:** Indian Residential Schools

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**MOVED BY:** Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK

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**SECONDED BY:** Chief Vincent Yellow Old Woman, Siksika Nation, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. Canada is a party to the Indian Residential School Settlement Agreement (the Agreement) in which the Independent Assessment Process (IAP) was created by Schedule "D" to the Agreement.
- B. The IAP is an adjudication process under which claims for sexual, physical abuse and other wrongful acts are dealt with by appointed adjudicators under the IAP whose instructions are clearly set out in the Agreement, which do not include any reference to hold "years of operation hearings" regarding Indian Residential Schools (IRS).
- C. IAP Adjudicators have been dismissing legitimate IAP claims where Canada raises a jurisdictional defense based on an administrative split. An administrative split occurs where IRS was administratively split into a student residence and a federally-operated day school. Typically, the churches would operate the student residence and the federal government would run the school building under a separate administration. However, the federal government would still be financially responsible for both. Under this interpretation, only abuse that occurred in the Church operated residence is viewed by IAP Adjudicators as be covered under the Agreement.
- D. "Eligible CEP Recipient" is defined in the Agreement as anyone who attended an IRS and was alive on May 30, 2005 and received a Common Experience Payment (CEP) and "Eligible IAP Claimants" are defined as all Eligible CEP Recipients, all Non-resident Claimants and includes references to the term "Claimants" in the IAP.
- E. "Indian Residential Schools" is defined in the Agreement as those institutions listed in Schedules "E" and "F" of the Agreement including others which could be added by application to the Courts.

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- F. There is an "Entire Agreement" clause at s. 18.06 of the Agreement and confirms this is the entire agreement between the Parties with respect to the IRS legacy, which clause forecloses any changes or interpretation of unilateral changes to the Agreement by any of the Parties without all Party consent.
- G. The Office of the Chief Adjudicator (CA) drafted instructions on the interpretation of the IAP called the Chief Adjudicator's Directive (CAD 9) which was never approved by the National Administration Committee as required by the Agreement and is therefore a nullity, including any jurisdictional hearings in which the "years of operation" criteria was used and has resulted in many otherwise legitimate abuse claims being dismissed including the removal of listed IRS to which the IAP applies.
- H. The CA's Office does not have the authority to accept the defendant Canada's position to unilaterally change the Agreement through the expansion of the jurisdiction or instructions of the IAP Adjudicators and by doing so, undo the Agreement under which they were appointed.
- I. The actions of the CA's Office has resulted in making the purpose of the Agreement illusory, the work of the Truth and Reconciliation Commission of Canada potentially meaningless and the Prime Minister's apology of June 11, 2008 meaningless.

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

1. Direct the National Chief and the Executive call a meeting of the Parties to the Indian Residential School Settlement Agreement (the Agreement) to deal with the injustice which is being perpetrated against survivors affected by the illegitimate actions of the Office of the Chief Adjudicator.
2. Direct that Canada engage the Hon. Frank Iacobucci, who represented Canada during the negotiations of the Agreement, be engaged to lead the meeting of the Parties and that the negotiators who represented the Assembly of First Nations be recalled to be a part of the discussions and that resources be found to finance the process.

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**TITLE:** First Nations Water, Infrastructure and Housing Commission

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**SUBJECT:** Water, Wastewater, Infrastructure, Housing

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**MOVED BY:** Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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**SECONDED BY:** Chief Billy Morin, Enoch Cree Nation #440, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The following Articles of the UN Declaration on the Rights of Indigenous Peoples are relevant:

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- iii. Article 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 (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.
- v. 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.

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- vi. 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. In 2008 the Assembly of First Nations (AFN) passed Resolution 50/2008, *Indigenous Commission on Water*, which directed that the AFN begin the process for development of a framework for the Commission.
- C. In June 2009 the AFN held a Steering Committee Meeting of experts from across Canada to discuss whether establishing a First Nations Water Commission would be an effective way to assist First Nations in addressing the drinking water and wastewater treatment, water governance, water protection and water rights issues that they face. The work of the First Nations Water Commission proceeded to a draft report which has not yet been endorsed.
- D. The 2011 National Assessment of First Nations Water and Wastewater Systems concluded that there were clear linkages between safe water, infrastructure and housing.
- E. In 2013, the *Safe Drinking Water for First Nations Act* received Royal Assent and became law in Canada despite numerous objections of Indigenous Peoples in Canada.
- F. In 2015, a new federal government was elected that has provided commitments with respect to water and wastewater systems of Indigenous Peoples across the country, including the reduction of Boil Water Advisories over the next five years.

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

1. Support the establishment of a First Nations Water, Infrastructure and Housing Commission which provides a process through which First Nations gather information, provide analysis, educate the public and support Indigenous advocacy on issues related to water, wastewater, infrastructure, and housing in Canada. The work of this Commission should build upon the achievements of the previous First Nations Water Commission.
2. Ensure that a First Nations Water, Infrastructure and Housing Commission shall be inclusive of all First Nations in Canada.
3. Encourage all First Nations leadership to take this Resolution to their respective Nations, Tribes, communities, organizations, associations or other affiliated entities for support, engagement and coordination.
4. Direct the Assembly of First Nations (AFN) to start the process for the development of the framework for this Commission and report on the status at the 2016 Annual General Assembly.
5. Direct the AFN to facilitate dialogue between appropriate and relevant representatives of the Federal Government and First Nations regarding water, wastewater, infrastructure and housing.

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**TITLE:** Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities

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**SUBJECT:** Disabilities

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**MOVED BY:** Patricia Saulis, Proxy, Saint Mary's First Nation, NB

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**SECONDED BY:** Chief Wayne Christian, Spallumcheen Indian Band (Splatsin), BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Convention on the Rights of Persons with Disabilities (the Convention) includes Indigenous persons with disabilities.
- B. Minister Qualtrough, as the federal Minister of Sports and Disabilities, is responsible for engagement on the Convention.
- C. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) also applies to Indigenous persons with disabilities.
- D. Minister Bennett, Minister of Indigenous and Northern Affairs, is responsible for engagement on the UN Declaration.
- E. Both international mechanisms require urgent and dedicated work on the status, engagement, implementation, alternate forms of communication, awareness and monitoring of 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) Executive to seek resources from the federal government with the aim of engaging a representative of Indigenous persons with disabilities to be mandated to work on the status,

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engagement, implementation, alternate forms of communication, awareness and monitoring of the economic, social and cultural, spiritual, civil and political rights of Indigenous persons with disabilities.

2. The AFN Executive will consider and decide on the appointment of the representative based on names submitted by respective regions.
3. The representative will undertake this work this respective of Article 4 of the United Nations Convention on the Rights of Persons with Disabilities (the Convention) that addresses General Obligations on implementation and consultation.
4. The representative will undertake this work respective of Article 33 of the Convention that addresses implementation, monitoring and the involvement of civil society in the monitoring process.
5. The Representative will undertake this work respective of Articles 21, 22 and 23 of United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
6. As determined by the AFN Executive, these activities would include the creation of annual report on the federal government's responsiveness to the needs of Indigenous persons with disabilities under the international mechanisms, including the Convention and the UN Declaration.
7. Direct the representative undertake a process to establish a Council of Indigenous Persons with Disabilities based on names appointed by Regional Chiefs.

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**TITLE:** Safe Drinking Water for First Nations

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**SUBJECT:** Drinking Water

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**MOVED BY:** Chief Wayne Moonias, Neskantaga First Nation (Landsdowne House), ON

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**SECONDED BY:** Chief Marcel Moody, Nelson House First Nation (Nisichawasihk), MB

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 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, water and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. The UNDRIP requires free, prior and informed consent to any decisions affecting indigenous lands and resources.
  - ii. 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 free, prior and informed consent.
- B. On June 19, 2013, the *Safe Drinking Water for First Nations Act* was passed into law, and came into force on November 1, 2013. The *Safe Drinking Water for First Nations Act* does not reflect the recommendations of the Expert Panel on Safe Drinking Water and was developed without meaningful consultation with First Nations, is contrary to inherent authority of First Nation governments and does not reflect the principles of Customary Laws regarding water.
- C. The World Health Organization (WHO) and United Nations International Children's Emergency Fund (UNICEF) provide the UN system's monitoring of progress on Goal 7, target 10, of the Millennium Development Goals

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which aimed at halving by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation.

- D. Many First Nation communities in Canada do not have basic access to safe drinking water that is consistent with the WHO/UNICEF Joint Monitoring Program (JMP), which defines safe drinking water and basic sanitation as follows:
- i. Drinking water is water used for domestic purposes, drinking, cooking and personal hygiene;
  - ii. Access to drinking water means that the source is less than 1 kilometer away from its place of use and that it is possible to reliably obtain at least 20 litres per member of a household per day;
  - iii. Safe drinking water is water with microbial, chemical and physical characteristics that meet WHO guidelines or national standards on drinking water quality;
  - iv. Access to safe drinking water is the proportion of people using improved drinking water sources: household connection; public standpipe; borehole; protected dug well; protected spring; rainwater.
- E. As of November 20, 2015, there were 60 Boil Water Advisories (BWA) in First Nations communities across Ontario. As of September 30, 2015, there were 138 Drinking Water Advisories in effect in 94 First Nation communities across Canada, excluding British Columbia. The Neskantaga First Nation community in north western Ontario has been under a BWA for over 20 years and has been surviving with three bottles of water per household. Many other First Nation communities are struggling with similar circumstances.
- F. With respect to the duty to consult and accommodate, the federal mandate letter to the Minister of Indigenous and Northern Affairs states, “(u)ndertake, with advice from the Minister of Justice, in full partnership and consultation with First Nations, a review of laws, policies, and operational practices to ensure that the Crown is fully executing its consultation and accommodation obligations, in accordance with its constitutional and international human right obligations, including Aboriginal and Treaty rights”.
- G. On December 8, 2015, the Prime Minister advised the Assembly of First Nations that the Government of Canada will conduct a full review of the legislation imposed on Indigenous Peoples by the previous government and any legislation that is in conflict with rights, inconsistent with the principles of good governance or makes no public policy sense, will be repealed.

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

1. Direct the Assembly of First Nation (AFN) to immediately advocate to all relevant Ministers and Departments the need to secure the necessary capital investments, operations and maintenance funding, personnel and training to eliminate drinking water advisories in all First Nation communities.
2. Direct the AFN to reiterate to the new federal Government the recommendations of the report of the Expert Panel on Safe Drinking Water for First Nations; domestic and international legal and human rights assessments of access to clean running water by First Nations in Canada; and respective First Nations' community-based analyses to allow for a comprehensive assessment and identification of the infrastructure, human resources, and training requirements for every First Nation in Canada to have access to clean running water.
3. Direct the AFN to immediately communicate to the Office of the Prime Minister and the Minister of Indigenous and Northern Affairs that the *Safe Drinking Water for First Nations Act* needs to be repealed.

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**TITLE:** Call for Action for Change in Child Welfare System

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**SUBJECT:** First Nations Child Welfare

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**MOVED BY:** Chief Maureen Chapman, Skawahlook First Nation, BC

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**SECONDED BY:** Chief Michael LeBourdais, Whispering Pines/Clinton First Nation, BC

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The federal government has continually compromised the inherent and Treaty rights of First Nations children and families in the current imposed child welfare system.
- B. Historically, the federal government has unilaterally imposed policies and legislation on First Nations families and communities with the intent of removing children.
- C. The Truth and Reconciliation Commission of Canada's (TRC) Executive Summary of its final report entitled *Honouring the Truth, Reconciling for the Future*, calls upon the federal, provincial, territorial and municipal governments to:
  - i. change the child welfare system; and
  - ii. fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
- D. On December 8, 2015 at the Assembly of First Nations Special Chiefs Assembly, Prime Minister Justin Trudeau committed to work with the Indigenous nations and Treaty partners on a "Nation-to-Nation" basis, and to implement the TRC's Calls to Action and to review and potentially repeal all legislation unilaterally imposed on Indigenous peoples by the previous government.

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

1. Call upon the federal, provincial and territorial governments to work in collaboration with First Nations communities, to develop strategies that enable and empower them to address the intergenerational damage that has been perpetuated and continues with the current era of removing our children in the child welfare system.
2. Call on the federal, provincial, and territorial governments across Canada to review the laws, policies, and operational practices to ensure that Nation-to-Nation relationships motivate the necessary changes needed in the child welfare system in consultation with First Nations communities.
3. Call on the federal and provincial government to work with First Nations with territories located in the region of Ontario to examine the 1965 Canada-Ontario Indian Welfare Services Agreement (the Agreement).
4. Direct the Assembly of First Nations Executive Committee and Secretariat to engage the federal, provincial and territorial governments across Canada, in partnership with First Nations, to undertake an evaluation of the agreements made with First Nations regarding the Agreement.

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| <b>TITLE:</b>       | Establish a Treaty Commissioner's Office                |
| <b>SUBJECT:</b>     | Treaties  |
| <b>MOVED BY:</b>    | Chief Tammy Cook-Searson, Lac La Ronge First Nation, SK |
| <b>SECONDED BY:</b> | Chief Vincent Yellow Old Woman, Siksika Nation, AB      |
| <b>DECISION</b>     | Carried; 8 objections; 2 abstentions                    |

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**WHEREAS:**

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

- i. 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.
- ii. 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.
- iii. 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 honor and respect such treaties, agreements and other constructive arrangements.
- iv. 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.
- v. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways

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and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

- B. The federal government continues to not fully respect the Treaty relationship.
- C. The Assembly of First Nations (AFN) National Strategy on Treaty Implementation is guided by Resolution 07/2010, "*Sacred Treaties – Sacred Trust: Working Together for Treaty Implementation and Advancing our Sovereignty as Nations*", and in accordance the AFN will continue to support Treaty First Nations by coordinating the necessary dialogue and facilitating the advocacy efforts led by each Treaty region.
- D. Over 18 First Nations in Treaty 8 have demanded these provisions are respected and implemented; over 12 First Nations in Treaty 6 have or are in the process of making similar demands, and four First Nations in Treaty 10 have or are preparing similar demands.
- E. The Specific Claims process is, at present, the only forum for First Nations and Canada to settle outstanding Treaty entitlements and it has demonstrated to be a slow, adversarial and dishonorable process to implement Treaty Obligations.
- F. The Crown has failed to negotiate honourably and in good faith with First Nations in Treaty 6 and Treaty 8, to expeditiously and fairly settle the outstanding Treaty entitlement to agricultural benefits.
- G. The continued failure of the Crown to act honourably by implementing treaty obligations has not provided the modern fiscal equivalent of the historic Treaty agricultural benefits to many First Nations in these and other Treaty areas.
- H. The recognition and fulfillment of Treaty obligations is an essential aspect of reconciliation between Aboriginal and non-Aboriginal societies, which is the primary purpose of section 35 Treaty and Aboriginal Rights.

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

1. Affirm that First Nations in Treaties 1 to 11 entered into Treaties in which the Crown promised to provide them certain agricultural benefits upon their request.
2. Direct the Assembly of First Nations to facilitate discussions amongst Treaty areas to explore options for the establishment of a Treaty Commissioner's Office for First Nations in Treaties 1 to 11.
3. Call on the Federal Government to establish a Treaty Commissioner's Office under the direction of First Nation treaty regions facilitated by the AFN that will oversee the modernization and implementation of the Crown's Treaty obligations relating to agricultural benefits for Treaties 1 to 11.

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**TITLE:** Support for Remote First Nation Communities Who Rely on Winter Roads

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**SUBJECT:** Winter Roads

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**MOVED BY:** Frank Mckay, Proxy, Sachigo Lake First Nation, ON

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**SECONDED BY:** Alvin Fiddler, Proxy, Fort Albany First Nation, ON

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**DECISION** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states that:
- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. For remote First Nations, accessible only by air, seasonal roads, or ferry access, the winter road network is a critically important lifeline because it is the only practical way to receive much-needed items such as food, fuel and other necessities of life.
- C. The duration of the winter road season has decreased alarmingly from an average of 77 days a decade ago to as few as 28 days in 2013 (Nishnawbe Aski Nation Territory), placing many communities in a perilous situation.
- D. This years' unseasonably warm weather is delaying the start of the winter road network which could result in higher costs for materials and supplies, and hinder the mobilization of projects such as new housing, renovations, and other capital projects.
- E. Affected First Nations transport their fuel during the winter road season, which is stored in community bulk fuel depots for the year; limited access to fuel and increasing costs jeopardizes both their ability to feed their families and maintain traditional practices.
- F. With the shortened winter road season and the associated increased cost of living, there is demand and support for the development of an all-season road system; several existing winter road corridors have been identified and have the potential to be utilized and converted to all-season roads.

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

1. Direct the Assembly of First Nations (AFN) to support the efforts of remote First Nation communities who rely on existing winter road corridors, in their collaboration with Indigenous and Northern Affairs Canada (INAC) to develop a comprehensive strategic plan to support affected First Nation communities, whether it be in the North or the South, and to mitigate any hardships incurred by a shortened winter road season.
2. Direct the AFN to support collaborative efforts between affected regions and INAC in the development of an all-season road system.

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**TITLE:** Require that Canada Address Unexploded Ordnances on Reserve Lands

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**SUBJECT:** Unexploded Ordnances on Reserve Lands

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

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**SECONDED BY:** Chief Maureen Chapman, Skawahlook First Nation, BC

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**DECISION** Passed by the AFN Executive Committee

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (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.
  - 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. From approximately the 1890s to at least the 1970s, Canada, through its Department of National Defence, used the reserve lands of numerous First Nations across Canada for military training purposes.
- C. In many instances, Canada's military training on reserve lands included the use of military ordnances such as munitions, hand grenades, mortars, tanks, anti-tank devices, and artillery pieces.
- D. Despite the urgings of individual First Nations over decades and despite Canada's legal and equitable obligations, Canada has failed to address the damage, both potential or real, caused by unexploded ordnances and to complete the required clean-up on many First Nations reserve lands, including reserves of the Okanagan Indian Band, BC; Tsuu T'ina First Nation, AB; and, Enoch Cree Nation #440, AB.

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E. Unexploded ordnances on reserve lands:

- i. Are a threat to the safety and health of First Nation community members in particular and to Canadians broadly;
- ii. Are an environmental hazard with unquantified impacts;
- iii. Restrict the ability of First Nations to use their reserve lands and therefore hamper First Nation self-governance and economic development; and,
- iv. Have caused and continue to cause loss and damage to First Nations.

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

1. Fully support the efforts of First Nations, including the Okanagan Indian Band, BC; Tsuu T'ina First Nation, AB; and, Enoch Cree Nation #440, AB, to ensure that Canada fully addresses and resolves the issue of unexploded ordnances on reserve lands.
2. Call upon the Minister of Indigenous and Northern Affairs and the Minister of National Defence to engage with affected First Nations to ensure that unexploded ordnances and their impacts are fully and finally addressed.

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**TITLE:** Amending the Criminal Code to Provide for Reconciliation in the area of First Nation Gaming

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**SUBJECT:** Gaming

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**MOVED BY:** Chief Morris Swan Shannacappo, Rolling River First Nation, MB

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**SECONDED BY:** Chief Louis Taypotat, Kahkewistahaw First Nation, SK

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**DECISION** Passed by the AFN Executive Committee

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**WHEREAS:**

- A. First Nations possess inherent jurisdiction in the area of Gaming, recognized and affirmed in Canada's Constitution.
- B. 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.
- C. Currently the federal government has assumed jurisdiction over gaming under its criminal law responsibility, namely section 91(27) of the *Constitution Act, 1867*. Under Part VII of the *Criminal Code of Canada* (R.S.C. 1985, c. C-46), all forms of gaming are illegal, unless the gaming activity or operation can be brought within the exemptions set out at section 207 of the Code. This unilateral determination by the Federal government was done without proper consultation with First Nations and did not obtain their free, prior informed consent as required by the United Nations Declaration on the Rights of Indigenous Peoples.
- D. The denial by Canada of the exertion of the First Nation inherent right to gaming disadvantages First Nations by preventing them with the independent source of income and employment opportunities for First Nations.
- E. The Truth and Reconciliation Commission of Canada's (TRC) Executive Summary of its Final Report, *Honouring the Truth, Reconciling for the Future*, among other things, called upon the federal, provincial, and territorial and municipal governments to:
  - i. fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation; and

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- 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.
- F. Prime Minister Justin Trudeau, on December 8, 2015, at the AFN Special Chiefs Assembly, 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.

**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. Direct the National Chief to meet with the Prime Minister of Canada and the Minister of Justice to secure a commitment to reconciliation by starting a consultation process with First Nations to identify how to proceed with proposed amendments to section 207 of the Criminal Code so that First Nation inherent jurisdiction be recognized as having the same level of authority and responsibility over Gaming currently enjoyed by Provincial Governments.
3. Require that the National Chief provide a current update on this matter at the next Assembly of First Nations Assembly.

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**TITLE:** First Nations University of Canada Charter and Implementation of the Transition

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**SUBJECT:** Education

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**MOVED BY:** Chief Bonny Lynn Acoose, Sakimay First Nation, SK

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**SECONDED BY:** Chief Dennis Dustyhorn, Kawacatoose First Nation, SK

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**DECISION** Passed by the AFN Executive Committee

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**WHEREAS:**

- A. Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - iii. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- B. In 1976, the Saskatchewan Indian Federated College was established by the Federation of Saskatchewan Indian Nations (FSIN).
- C. There is an affiliation agreement between the Saskatchewan Indian Federated College and the University of Regina.
- D. In 2003 there was a name change of the Saskatchewan Indian Federated College to the First Nations University of Canada.

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- E. The Chiefs-in-Assembly of the FSIN ratified the First Nations University of Canada Act that lawfully establishes the First Nations University of Canada as a Post-Secondary Institution of Higher Learning, an institution of the Federation of Nations under the FSIN.
- F. The work on the transition from the Saskatchewan Indian Federated College to the First Nations University of Canada to establish the First Nations University of Canada as a stand-alone university with the First Nations University of Canada Charter and Partnership Agreements has not been implemented.

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

- 1. Support the implementation of the work required for the transition from the Saskatchewan Indian Federated College to the First Nations University of Canada.
- 2. Support the legislative framework to implement the legal capacity of the First Nations University of Canada that includes:
  - a. The Federation of Saskatchewan Indian Nations Legislation for the First Nations University of Canada Charter.
  - b. Federal Legislation recognizing the First Nations University of Canada Charter.
  - c. Provincial Legislation recognizing the First Nations University of Canada Charter.
- 3. Support the affiliation agreement to be changed and expanded to partnership agreements with universities nationally and internationally.
- 4. Support the First Nations University of Canada to provide certification and accreditation of all programs to ensure mobility and recognition of students education.
- 5. Support the First Nations University of Canada expansion of campuses to provide community based campuses, intertribal campuses and distance education.
- 6. Call for assurance that all First Nations Institutes of Higher Learning in Canada are fully supported in their aspirations to attain any or all of the elements of the above clauses.

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**TITLE:** World Indigenous Peoples' Games 2017

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**SUBJECT:** Culture and Sports

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**MOVED BY:** Chief Billy Morin, Enoch Cree Nation #440, AB

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**SECONDED BY:** Chief Randy Ermineskin, Ermineskin Cree First Nation, AB

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**DECISION** Passed by the AFN Executive Committee

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples 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 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.
- iii. 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.
- iv. Article 31, (2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

B. Assembly of First Nations (AFN) Resolution 23/2015, *Support of the First World Indigenous Games 2015 Brazil*, was adopted at the Annual General Assembly in Montreal on July 8, 2015.

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- C. The first World Indigenous Peoples' Games, a celebration of life through sports and traditional games, successfully concluded November 30, 2015, in Palmas, Brazil.
- D. Canada was well represented with successful results in:
  - i. Women's Soccer – Gold
  - ii. Running – 8500 m – Gold (Rilee Good Eagle of Siksika Nation, AB) and 8500 m Silver (Lannie Houle of Whitefish Lake First Nation #128, AB)
  - iii. Swimming – Gold (Willie Littlechild of Ermineskin Nation, AB)
- E. An Interim International Sports Council organized in eight global regions was formed, with selection of Dano Thorne and Lorna Arcand from Canada.
- F. The Interim International Sports Council has expressed by resolution a request for Canada to host the second World Indigenous Peoples' Games, in 2017.

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

- 1. Direct the WIN Sports International and Ambassadors to consult with relevant Sports and Culture organization leadership on the feasibility of hosting the second World Indigenous Peoples Games, in 2017, and to report back to the Chiefs-in-Assembly at the July 2016 Annual General Assembly in Niagara Falls, ON, on the results.

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