

**DRAFT RESOLUTIONS**  
**AFN SPECIAL CHIEFS ASSEMBLY**  
**DECEMBER 6 - 8, 2011**

- 01-2011 Aboriginal Affairs and Northern Development Canada's Education Information System
- 02-2011 Funding of First Nation Libraries
- 03-2011 Support for Ebb and Flow First Nation Development of First Nations Vocational Training
- 04-2011 Appointment of National Treaty Commissioner
- 05-2011 Design and Minting of Canadian Circulation Coins to Commemorate the Treaties between the Crown and the First Nations of Canada
- 06-2011 First Nations Right to Travel Freely
- 07-2011 First Nations Right to Determine Citizenship
- 08-2011 Protection of the tax exemption rights of First Nations
- 09-2011 First Nations e-Community Strategy
- 10-2011 Support for the Blood Tribe and the Protection of the Rights of Former Indian Residential School (IRS) Students in the Independent Assessment Process (IAP) of the Indian Residential Schools Settlement Agreement (IRSSA)
- 11-2011 Ongoing Impacts of Indian Residential Schools
- 12-2011 Support for the Mi'kmaq/Maliseet Healing Networking Center and other Indian Residential Schools Healing Initiatives beyond 2012
- 13-2011 Support for Akwesasne Leadership in Addressing State of Crisis Regarding Substance Abuse
- 14-2011 Saving Lives by Training First Nation Defibrillator Operators and by Placing a Defibrillator in Every First Nation
- 15-2011 Support for Northlands Denesuline First Nation new nursing station by 2013
- 16-2011 Support for Promotion of Lacrosse to First Nation Communities in Canada
- 17-2011 Support for the National Indian Football Association
- 18-2011 Protection and Conservation of Lands
- 19-2011 Support for a Negotiated Joint Panel Review in Matawa Region
- 20-2011 Support for Renewal of Federal Fisheries Inland Habitat Programs
- 21-2011 Successful Aquaculture Governance
- 22-2011 Investigating Options for the Implementation of the First Nations Natural Resource Institute
- 23-2011 Support for Possible Intervention in Nuu-chah-nulth Fishing Rights Litigation (Ahousaht et al v. Canada)
- 24-2011 Moratorium on Hydraulic Fracturing
- 25-2011 Improving the Additions to Reserve Policy and Process
- 26-2011 Comprehensive Claims Policy Reform Initiative
- 27-2011 Treaty Land Entitlement Claims in Manitoba
- 28-2011 Expediting the process of obtaining a new reserve for Lake St. Martin First Nation due to Artificial Flooding
- 29-2011 Call for Investments to Respond to the National Water & Wastewater Engineering Assessment Report
- 30-2011 Reform of First Nations Policing Program
- 31-2011 Jurisdiction and Consultation on Child Welfare Policies



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    **Aboriginal Affairs and Northern Development Canada's Education Information System**

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**SUBJECT:**                Information Management / Education

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**MOVED BY:**            Chief Gilbert Whiteduck, Kitigan Zibi Anishnabeg First Nation, QC

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**SECONDED BY:**        Tyrone McNeil, Proxy, Union Bar First Nation, BC

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**WHEREAS:**

- A. First Nations leaders have stressed that all initiatives undertaken by the Government of Canada must be consistent with our inherent and treaty rights.
- B. The Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on November 12, 2010.
- C. Article 14 of the UNDRIP states that 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 and calls upon state governments to take effective measures to implement this right.
- D. Articles 18 and 19 of the UNDRIP state that free, prior and informed consent must be obtained on any legislative or administrative measures that may impact Indigenous peoples and that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights through representatives chosen by themselves.
- E. The National Indian Brotherhood adopted the national policy paper "*Indian Control of Indian Education*" (ICIE) in 1972 which was affirmed by the Minister of Indian Affairs in 1973.
- F. The "*First Nations Control of First Nations Education*" policy which reaffirms ICIE 1972, was adopted at the July 20-22 Annual General Assembly in 2010, wherein the Chiefs in Assembly stated their commitment to support communities in the development of regional First Nations' education policies that inform and strengthen the First Nations Control of First Nations Education. (Resolution no. 12/2010)
- G. The full spirit and intent of the policy of Indian Control of Indian Education has never been implemented in a meaningful manner by the Government of Canada.
- H. For the past three years, Aboriginal Affairs and Northern Development Canada (AANDC) has led a process to discuss issues and changes to current reporting mechanisms and implementation of the new Education Information System (EIS) through a joint First Nations – AANDC technical committee. However, genuine engagement in this process has been limited given the short timeframes for technicians to meet and provide feedback.

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

### **AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- I. AANDC will be implementing changes that will significantly impact issues surrounding First Nations control of First Nations education. Changes will be made to First Nations education forms and reporting structures, contribution agreements, setting of targets and performance indicators, as well as to the collection and storage of data, all the while ignoring its responsibility to provide for adequate capacity and resourcing.
- J. Notwithstanding First Nations' assertion that the principles of Ownership, Control, Access, and Possession (OCAP) of data must be the underlying factors of all First Nations information management and reporting systems, AANDC is insistent upon moving forward with the above-listed changes without regard to OCAP principles.
  - a. The First Nations Principles of OCAP recognize and articulate the decision-making authority of First Nations over data collection processes in their communities. The OCAP principles support First Nations ownership and possession of their respective data and, support First Nations' authority to make decisions in regard to providing access to, and usage of, their respective data as determined by mandates and protocols established by themselves.
  - b. Despite First Nations insistence that mutually agreed upon third party data collection protocols in relation to reporting and other potential uses of data (e.g. research) must be in place prior to implementation of the EIS, AANDC is not engaging in discussion with First Nations to do so.
  - c. AANDC is expediting the unilateral definition of performance indicators and setting targets without agreement from First Nations or regard to the need for clearly defined context in specific cases where qualitative data is essential in order to produce truly representative reports.
  - d. AANDC's changes to First Nations education forms for the reporting of data go beyond the national and regional administrative authorities of AANDC.
  - e. AANDC has failed to provide evidence to the effect that the EIS would inform decision-making regarding improvements for programs designed to increase success rates among First Nations learners.
  - f. AANDC will be investing a total of \$27M over 5 years toward the implementation of the EIS system including support for building and developing capacity at the government level but, AANDC fails to commit any funds to support First Nations in building their capacity, connectivity and, infrastructure to report into the system.
- K. AANDC has failed to honor its duty to consult and accommodate directly with each and every First Nation. Meetings and discussions with Technicians do not absolve AANDC of the duty to consult with First Nations.
- L. First Nations Technicians who participate in the EIS committee process have many serious concerns about the EIS and are bringing these concerns to the attention of the Chiefs-in-Assembly.
- M. The Auditor General of Canada has consistently expressed concern regarding AANDC's need to identify their roles and responsibilities in First Nations education.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Affirm the right of First Nations Peoples to establish and control their educational systems and institutions; provide education in their own languages in a manner appropriate to their cultural methods of teaching and learning and, calls upon the Government of Canada to take effective measures to implement this right.
2. Assert that data collected about First Nations not serve as a basis for Aboriginal Affairs and Northern Development Canada (AANDC) to institute punitive measures on First Nations.
3. Confirm that all data collected from a community belongs to that community for the purpose of supporting its decision-making for the improvement of education.
4. Direct AFN to inform the Minister of AANDC of the need to institute a formal process of consultation for the EIS and that until such a process is in place, the Chiefs-in-Assembly direct the Minister of AANDC to halt the implementation process of the EIS.
5. Direct AFN to call upon Canada to comply with the principles and standards of the United Nations Declaration on the Rights of Indigenous Peoples with respect to any new legislative, policy or program in education.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Funding of First Nation Libraries

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**SUBJECT:**                Education

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**MOVED BY:**            Chief Scott Lee, Chippewas of Nawash First Nation, ON

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**SECONDED BY:**        Chief Hazel Fox-Recollet, Wikwemikong Unceded Indian Reserve, ON

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**WHEREAS:**

- A. First Nation communities across Canada have some of the lowest literacy levels in the world.
- B. There is broad recognition and support for the concept of continuing education at the community level as well as increased accessibility to all educational outlets, including public libraries.
- C. Public libraries often serve as an accessible gathering place and information sharing resource for many First Nation communities.
- D. The challenges to secure adequate resources to establish public library facilities in all of Canada's First Nation communities is well understood.
- E. The federal government does not provide financial support dedicated specifically for the ongoing operations of First Nation public libraries.
- F. A national group of First Nations librarians has been established, called the National Aboriginal Public Libraries Organization (NAPLO), to promote the creation and sustainability of public libraries on reserve.
- G. First Nation communities can draw on two valuable resources for creating and sustaining public libraries on reserve, namely, *Our Way Forward*, a strategic plan developed by First Nations librarians, and *Speak Up*, a series of promotional videos to increase public awareness of the need for First Nation libraries.

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

- 1. Support the objectives of the National Aboriginal Public Libraries Organization (NAPLO) and encourage First Nation communities to use *Our Way Forward* and *Speak Up* to assist in creating and sustaining their own public libraries.
- 2. Support the need to advocate for federal funding that is dedicated specifically for ongoing operations of First Nation public libraries.





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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Support for Ebb and Flow First Nation Development of First Nations Vocational Training

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**SUBJECT:**                  Education

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**MOVED BY:**              Chief Nelson Houle, Ebb and Flow First Nation, MB

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**SECONDED BY:**        Chief Cameron Catcheway, Skownan First Nation, MB

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**WHEREAS:**

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

Indigenous peoples have the right to establish and control the educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. (Article 14)

Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. (Article 15)

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. (Article 21)

- B.** Over the past ten years, the leadership of Ebb and Flow First Nation, in consultation with Elders, educators and community members, have expressed a concern for the lack of quality, culturally-relevant career technical training programs for its First Nation Youth. Such programs become ever more critical as First Nations move towards the goal of self-determination and the exercise of First Nation jurisdiction on training and education.
- C.** The Ebb and Flow First Nation has created a Secondary Vocational Institute Implementation (EFRSVI) Committee to pursue the vision of creating a regional vocational high school.
- D.** The EFRSVI Committee has conducted a feasibility study that reinforces and confirms the need for a regional vocational high school.
- E.** The key elements of Ebb and Flow First Nation education include: language immersion, holistic and culturally relevant curricula, certified educators, focused leadership, parental involvement and accountability and safe and healthy facilities founded on principles that respect our jurisdiction on education.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Support the Ebb and Flow First Nation in its assertion of its inherent right to education and in its efforts to establish a centrally-located regional secondary vocational institute for the Ebb and Flow First Nation and surrounding First Nations and communities to accommodate the needs of present and future students and provide increased opportunities in a competitive workforce.
2. Direct the National Chief to write to the Minister of Aboriginal Affairs and Northern Development in support of this initiative and to encourage urgent action in achieving the goals of the Ebb and Flow First Nation.
3. Direct the AFN to work as a collaborative partner on moving forward on the creation of a First Nation Career Technical Institute with the Ebb and Flow First Nation, along with the Assembly of Manitoba Chiefs.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    **Appointment of National Treaty Commissioner**

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**SUBJECT:**                Implementation of Treaties

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

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**SECONDED BY:**        Chief Cliff Tawpisin, Muskeg Lake First Nation, SK

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states that Indigenous peoples have inherent rights.
- B. The Indigenous peoples in Treaties 2, 4, 5, 6, 8, and 10 assert that the Government of Canada must uphold the honor of the Crown and at all times, act in the best interests of the First Nations.
- C. Pursuant to Section 91(24) of the *Canada Act, 1876*, the Government of Canada has the fiduciary obligation for "Indians, and lands reserved for Indians".
- D. Pursuant to Section 35(1) of the *Constitution Act, 1982*, the Government of Canada recognizes and affirms Aboriginal and Treaty rights, providing constitutional protection to those rights that were in existence when the Act came into force on April 17, 1982.
- E. The Government of Canada has a fiduciary and trust obligation to honor and implement the full provisions of the spirit and intent of the Treaties entered into between Indigenous peoples and the Crown.
- F. There is currently no process to ensure that the Treaties, the Treaties' spirit and intent, and the full provisions of the Treaties are implemented

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

- 1. Reassert that the Government of Canada must uphold and implement the full provisions and spirit and intent of Treaties.
- 2. Call upon Canada to establish a process to ensure that international Treaties in Canada are implemented.
- 3. Further call on the Government of Canada to appoint, through Parliament, a National Treaty Commissioner as an agent and office of the Crown, who will possess the powers and authorities necessary to represent the First Nations and the Crown in order to enforce the true spirit and intent of the Treaties.
- 4. Call on the Government of Canada to directly involve the First Nations, through their representative organizations, in the selection and approval of the National Treaty Commissioner.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

5. Provide notice that in the event that a National Treaty Commissioner is not appointed, that the Indigenous peoples explore and/or seek redress through international means.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Design and Minting of Canadian Circulation Coins to Commemorate the Treaties between the Crown and the First Nations of Canada

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**SUBJECT:**                  Treaties

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**MOVED BY:**              Chief Michael Yellowback, Manto Sipi Cree Nation, Manitoba

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**SECONDED BY:**        Chief Perry Bellegarde, Little Black Bear First Nation, Saskatchewan

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**WHEREAS:**

1. Since the commencement of operations in 1908, the Royal Canadian Mint has designed and minted numerous commemorative coins and commemorative sets of coins which celebrate themes deemed by Government of Canada or the Royal Canadian Mint to be relevant to Canada including the federal and provincial coats of arms, wildlife, the boreal forest, Aboriginal art, and more recently, the 2010 Olympics and Paralympics and the Winnipeg Jets hockey team.
2. Despite the central significance of the Treaties between the Crown and the First Nations of Canada to the establishment of Canada, the Treaties have not been the subject of a commemorative coin or of a commemorative series of coins produced by the Royal Canadian Mint.
3. The Chiefs-in-Assembly of the Manitoba Keewatinowi Okimakanak (MKO) have proposed that the Royal Canadian Mint collaborate with the Treaty First Nations to design and produce a commemorative series of coins to commemorate the numbered Treaties 1 to 11 and which coins should be Canadian circulation five-dollar coins to commemorate the five dollar annual annuity paid by the Crown to the citizens of the Treaty First Nations.
4. The production of Canadian circulation coins to commemorate the Treaties will serve as a positive reinforcement of the significance of the Treaties to all Canadians and will reinforce the Treaty relationship between the Crown and First Nations and between First Nations and all Canadians.

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

1. Call upon the Royal Canadian Mint to collaborate with the Treaty First Nations to design and produce a commemorative series of Canadian circulation coins to commemorate the Treaties between the Crown and the First Nations of Canada beginning with a commemorative set of five-dollar Canadian circulation coins to commemorate the numbered Treaties 1 to 11.
2. Direct the National Chief to meet with the Minister of Transportation, Infrastructure and Communities, the Minister of State (Transport), the Chair of the Royal Canadian Mint and the Master of the Mint to further action on the creation of a commemorative series of coins to commemorate the Treaties, beginning with a commemorative set of five-dollar Canadian circulation coins to commemorate the numbered Treaties 1 to 11.



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

**AFN Special Chiefs Assembly, December 6-8, 2011, Ottawa, Ontario**

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**TITLE:**                      **First Nations Right to Travel Freely**

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**Subject:**                    **Border Crossing and Citizenship Identification**

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**Moved by:**                **Chief Dean Sayers, Batchewana First Nation, ON**

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**Seconded by:**            **Grand Chief Mike Mitchell, Mohawk Council of Akwesasne, ON**

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**WHEREAS:**

- A. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired (UNDRIP Article 26:1) and; 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 (Article 26:2) and; 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 26:3).
- B. First Nations have inherent and unextinguished jurisdiction to travel freely, across our traditional land known as Turtle Island without harassment.
- C. Article III of the Jay Treaty of 1794 states: "It is agreed that it shall at all times be free to His Majesty's subjects and to the Citizens of the United States. And also to the Indians dwelling on either side of the said boundary line freely to pass and repass by Land or Inland Navigation, in the respective Territories and Countries of the Two Parties on the Continent of America (the country within the Hudson's bay company only excepted) And to navigate all the Lakes, Rivers and waters thereof, and freely to carry on trade and commerce with each other...".
- D. First Nations and what is now Canada maintain a Nation-to-Nation relationship, based on historic treaties and agreements.
- E. The United States Western Hemisphere Travel Initiative (WHTI) requirements for border crossing by land and water have no authority on First Nations.
- F. Protection of the Canada/United States of America border is a shared responsibility and it is our intention to be involved in a positive way.
- G. It is the intent of our respective First Nations across Canada to proceed with the creation of an enhanced identification card for entrance to the United States that honour our nationhood and is compliant with the highest security standard.
- H. First Nations reserve the right to create, circulate, and maintain said identification cards.

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

**AFN Special Chiefs Assembly, December 6-8, 2011, Ottawa, Ontario**

- I. First Nations must be directly involved in the protection of our territories (now recognized by Canada and the United States) for the security of our Nation's lands and peoples.

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

1. Reaffirm our sovereignty as Nations as reflected in our treaty relationships with the Crown and our responsibility to protect the resources of First Nation lands and the rights of our citizens.
2. Recognize the jurisdiction and sovereignty of each distinct Nation to develop, create, and circulate their identification cards which accurately reflect the needs of their respective Nations.



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

**AFN Special Chiefs Assembly, December 6 - 8, 2011, Ottawa, Ontario**

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**TITLE:**                      First Nations Right to Determine Citizenship

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**Subject:**                    Citizenship

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**Moved by:**                Chief Dean Sayers, Batchewana First Nation, ON

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**Seconded by:**            Chief Arlen Dumas, Mathias Colomb Cree Nation, MB

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms First Nations' right to self-determination; the right to freely determine their political status and freely pursue their economic, social and cultural development (Article 3) and the right to determine their own identity or membership in accordance with their customs and traditions (Article 33).
- B. First Nations have inherent and unextinguished jurisdiction to make laws to define who belongs to our respective Nations.
- C. First Nations still follow and respect the teachings of the Two Row Wampum Belt.
- D. First Nations must maintain our right to define citizenship under our own natural laws, policies and procedures also referenced in the United Nations Declaration of Indigenous Nations, or the future of our Nationhood's population is uncertain.
- E. As mandated by Chiefs-in-Assembly, the Assembly of First Nations facilitated an inclusive National Dialogue on First Nation citizenship, seeking views on matters of identity and nationhood and examining options on moving forward on First Nation jurisdiction over citizenship.
- F. A number of First Nation Treaty and regional organizations have also been engaging in "exploratory discussions" to develop recommendations regarding Indian registration, membership and First Nation citizenship. Summaries and recommendations from these processes will be finalized in mid to late December, 2011.

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

- 1. Reaffirm our sovereignty as Nations as reflected in our treaty relationships with the Crown and our responsibility to protect the resources of First Nation lands and the rights of our citizens.
- 2. Direct the Assembly of First Nations to work with Treaty and regional organizations and individual First Nations to share the results and recommendations of their exploratory discussions on Indian registration, membership and First Nation citizenship and support the furtherance of these recommendations.

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

**AFN Special Chiefs Assembly, December 6 - 8, 2011, Ottawa, Ontario**

3. Further direct the Assembly of First Nations to continue research on considerations and mechanisms to fully implement First Nation jurisdiction over citizenship, and that a comprehensive update and strategy be provided at the 2012 Annual General Assembly.

# DRAFT RESOLUTION # 08 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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TITLE: Protection of the tax exemption rights of First Nations

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SUBJECT: Taxation

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MOVED BY: Grand Chief Konrad Sioui, Huron-Wendat Nation, QC

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SECONDED BY: Quentin Condo, Proxy, Micmacs of Gesgapegiag, QC

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### WHEREAS:

- A. Article 3 and 5 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) recognizes the rights of Indigenous Peoples to self-determination and freely ensuring their economic development while fully participating in the economic life of the state and preserving their economic systems and institutions.
- B. First Nations' ancestral rights as well as those stemming from treaties must be respected in every way.
- C. The Supreme Court of Canada, in the *Estate of Rolland Bastien* and *Alexandre Dubé* judgements, handed down on July 22, 2011, established a method and way of enabling the tax authorities to determine if income from property, particularly interest income, was exempt from taxation by virtue of article 87 of the Indian Act.
- D. At the same time, the Supreme Court of Canada rejected the ordinary market criterion that was being applied up until that point by the lower courts – a criterion that cancelled out tax exemption on these types of income when a financial institution generates its income, in whole or in part, on the ordinary market.
- E. These decisions will foster economic development, autonomy, and self-determination among First Nations by enabling their members to be present in the entire Canadian and international economic sphere.
- F. The Government of Canada and the provincial governments have yet to indicate the position that they will be adopting in line with the judgements that were made in the context of the *Estate of Rolland Bastien* and *Alexandre Dubé* causing tax payers who stand to benefit from these types of conclusions to remain unsure of what to do.
- G. Many First Nation citizens have had their income from property unfairly and illegally taxed by the governments and there is a pressing need to clarify the situation.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Declare that any restrictive interpretation of the tax exemption rights or any refusal on behalf of the Government of Canada and the provincial governments to implement and recognize, as soon as possible, the rights of the First Nations members to tax exemption on income from property is unfair and illegal, violates their ancestral and treaty-protected rights and has a deterrent and perverse effect on the economic development of the First Nations.
2. Mandate the National Chief to advocate that the Government of Canada and the provincial governments take action in line with the rulings recently made by the Supreme Court of Canada within the context of the *Estate of Rolland Bastien* and *Alexandre Dubé* and quickly adopt interpretation rules respecting the rights of First Nation citizens to tax exemption on their income from property, self-determination, autonomy, and economic development that is harmonious and respectful of the human-being.
3. Direct the AFN to develop a national strategy and act as a watchdog to ensure that this tax exemption is better supervised and protected. This includes resorting to the courts, so that First Nation citizens whose rights to tax exemption have not been respected, obtain, in a collective and individual manner, fair and equitable reparations.

# DRAFT RESOLUTION # 09 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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**TITLE:** First Nations e-Community Strategy

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**SUBJECT:** Economic Partnerships

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**MOVED BY:** Chief Joanna Bernard, Madawaska Maliseet First Nation, NB

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**SECONDED BY:** Chief Gilbert Whiteduck, Kitigan Zibi Anishnabeg First Nation, QC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states in Article 20: "Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- B. Broadband connectivity and integrated Information Communication Technology (ICT) services are essential to providing First Nations with the economic, social and cultural capacity to support new opportunities and developments locally, regionally and internationally.
- C. E-Health investments within First Nations are key to ensuring technological and health care advances. E-Health is a key enabler in the sustainment of community ICT infrastructures, underscoring the need for clear and ongoing coordination between sectors.
- D. The Assembly of First Nations (AFN) resolution 16/2008 passed in July 2008 mandates the AFN National Technical Working Group to develop and implement an ICT Strategic Plan that will address broadband connectivity, technical and service management, capacity development, hardware and software, and information management to service First Nations in Canada.
- E. Work had been conducted on an ICT Strategic Plan that advocates and supports a First Nations e-Community model that is driven, owned and controlled by First Nations, and which identified strategic priorities on Infrastructure; Connectivity, Human Resources and Infrastructure.
- F. In order to complete a comprehensive ICT Strategic plan, more in-depth analysis and research is required on each of the strategic priorities as well as considering inclusion of: data management; First Nations engagement when considering new national approaches to connectivity; and, the role of the corporate community in connectivity.
- G. First Mile Connectivity Consortium work celebrates Inuit and First Nation successes in building, owning, controlling and accessing community and regional IT networks and applications. The report "Putting the last-mile first: Re-framing Broadband Development in First Nations and Inuit Communities" has been produced by the First Mile research project and is complementary and supportive of the AFN ICT work.
- H. The Federal Government introduced the Digital Economy Strategy for Canada and the wireless spectrum auction with minimal dialogue and input from First Nations.

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

### **AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- I. Ongoing work is required on the development of connectivity strategies and program design within the federal government in order that First Nation e-Community needs are appropriately considered, supported, funded and addressed.
- J. Recently, some First Nations connectivity projects have encountered substantial delays over the Aboriginal Affairs and Northern Development Canada (AANDC) requirements to obtain Section 28(2) permits for non-exclusive land use, allowing for third party infrastructure to be placed upon a reserve.

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

1. Affirm that Canada and industry must consult with and include First Nations in the development of national and regional approaches to connectivity.
2. Reaffirm their strong support for the continued development and advocacy of a First Nations e-community strategy by the AFN National ICT Working Group.
3. Direct the AFN to include the advice and expertise of ICT specialists, researchers, and legal advisors which strongly inform and complement the work of the AFN, and require that they report to the Chiefs Committee on Economic Development as the mandated body to provide guidance on the development of an e-community strategy for First Nations.
4. Direct the AFN to include important data policy and management considerations as part of the strategy development and continue to work with the First Nations Information Governance Centre (FNIGC), and First Nations Statistical Institute (FNSI) while promoting and adhering to the principals of Ownership, Control, Access and Possession (OCAP).
5. Direct the AFN to work with regional organizations to share work done on the development of 'tools of governance' – systems to manage First Nations lands and resources, services, people and finances so that 'an investment in one First Nation will be an investment in all First Nations'
6. Direct the AFN to urge Canada to ensure First Nation regional and local ICT infrastructure are sustainable through new and ongoing core funding.

# DRAFT RESOLUTION # 10 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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TITLE:	Support for the Blood Tribe and the Protection of the Rights of Former Indian Residential School (IRS) Students in the Independent Assessment Process (IAP) of the Indian Residential Schools Settlement Agreement (IRSSA)
SUBJECT:	Indian Residential Schools
MOVED BY:	Chief Charles Weaselhead, Blood Tribe, AB
SECONDED BY:	Chief Gayle Strikes with a Gun, Piikani Nation, AB

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### WHEREAS:

- A. The Indian Residential Schools Settlement Agreement (IRSSA) is a legally binding agreement approved in nine court jurisdictions that was meant to be a fair, just and comprehensive resolution to the Indian Residential School (IRS) legacy and that the court orders that the courts shall supervise the implementation of the IRSSA and as necessary to implement and enforce provisions of the IRSSA.
- B. The purpose of the courts' ongoing supervision of the IRSSA and judgment awards is to protect the interests of absent class members, to ensure the overarching principle that those to whom the settlement is intended to apply are treated fairly and equitably in the distribution of the award and to ensure the timely and effective distribution of the benefits of the award by the Administrator of the Settlement.
- C. The courts appointed Court Counsel Randy Bennett to assist the courts in the supervision and administration of the IRSSA as well as outline a protocol to file disputes with the courts and process to address relief sought.
- D. The AFN Chiefs in Assembly passed a comprehensive resolution to protect the rights of former IRS in the IRSSA by requesting an audit be done of existing IAP files to ensure the rights of former IRS are protected in the compensation process.
- E. September 19, 2012 is the deadline for submission to the IAP and there are many outstanding issues and concerns regarding whether former IRS students are being treated fairly and equally.

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

1. Direct the AFN to request a three year extension to the deadline for applications to the Independent Assessment Process of the Indian Residential School Settlement Agreement to protect the interests of former IRS students in the IAP process and ensure that those to whom the settlement is intended to apply are treated fairly and equitably in the distribution of the award and to ensure the timely and effective distribution of the benefits of the award by the Administrator of the Settlement.
2. Direct the AFN to advocate for the court monitor and administrator of the IRSSA to, where necessary, investigate allegations where any IAP applicants are being treated unfairly and inequitably and the benefits are not distributed in a timely and effective manner to the IAP claimants.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

3. Direct the AFN to request that, where necessary, the court monitor and administrator utilize protocols established in the IRSSA to file a Request for Directions to resolve disputes and direction from the courts for relief sought.
4. Direct the AFN to request that the National Administration Committee and Independent Assessment Oversight Committee continue to ensure fair and equitable treatment of IAP claimants by lawyers in the IAP process.
5. Support the Blood Tribe in efforts to ensure all IAP claimants are treated fairly and equitably, including adequate preparation for hearings and appropriate health supports.
6. Support the Blood Tribe to engage the proper authorities should there be any indication of criminal wrongdoing in the handling of IAP settlements.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Ongoing Impacts of Indian Residential Schools

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**SUBJECT:**                Indian Residential Schools

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**MOVED BY:**            Chief Charlie Boucher, Pine Creek Anishinabe Nation, MB

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**SECONDED BY:**        Chief Cameron Catcheway, Skownan First Nation, MB

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**WHEREAS:**

- A. The Indian Residential School Settlement Agreement (IRSSA) is slowly drawing to a conclusion.
- B. Many issues remain unresolved in its development, process and implementation.
- C. It is the Crown's contention that once the process closes it will have fulfilled its obligations to the survivors and the issue will be put to rest.
- D. An apology was given prior to the start of the compensation hearings with no knowledge of its outcome, success or failure.
- E. Many survivors are still being victimized by the IRSSA itself and how the Agreement was drawn out or implemented.

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

- 1. Direct the Assembly of First Nations to take charge in addressing these issues and demanding that the IRSSA process remain open pending a bi-lateral review of the process to investigate its effect on the survivors.
- 2. Direct the Assembly of First Nations to remind the Crown that the apology has not been fully endorsed and that Canada should not unilaterally state that the issue was successfully concluded and their apology accepted.



# DRAFT RESOLUTION # 12 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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**TITLE:** Support for the Mi'kmaq/Maliseet Healing Networking Center and other Indian Residential Schools Healing Initiatives beyond 2012

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**SUBJECT:** Indian Residential Schools

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**MOVED BY:** Chief Stewart Paul, Tobique First Nation, New Brunswick

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**SECONDED BY:** Chief Jesse Simon, Elsipogtog First Nation, New Brunswick

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### WHEREAS:

- A. Article 8 of the *United Nations Declaration on the Rights of Indigenous Peoples* states: (1) Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. (2) States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- B. The Aboriginal Healing Foundation (AHF) has been funded with \$475 Million between 1998 and 2012 to support healing initiatives which address the legacy of physical and sexual abuse suffered in Canada's Indian Residential School System.
- C. The survivors-driven Mi'kmaq/Maliseet Healing Networking Center (MMHNC), established in 2003, is one of 12 remaining healing initiatives funded through the AHF through to September 2012.
- D. The Clinical and Traditional First Nation-based and mental wellness approaches adopted by these initiatives for survivors and their descendants has established greater individual, peer, familial, intra- and inter community opportunities for healing.
- E. The Federal Government has not announced new funding to support this critical work.

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

1. Call on the National Chief to meet with the federal Ministers of Aboriginal Affairs and Northern Development Canada (AANDC) and Health Canada on an urgent basis to undertake the following:
  - a. Establish a new "evidence-based" dialogue on the on-going impact of Indian Residential Schools;
  - b. Consider shared priorities and opportunities for sustaining first nation-based and driven clinical and traditional care approaches to healing for survivors, their descendants, and communities;
  - c. Seek an agreement to extend financial support for existing and expanded initiatives, such as the Mi'kmaq/Maliseet Healing Networking Center.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      **Support for Akwesasne Leadership in Addressing State of Crisis  
Regarding Substance Abuse**

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**SUBJECT:**                 Health / Substance Abuse Prevention

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**MOVED BY:**             Grand Chief Michael Kanentakeron Mitchell, Akwesasne Mohawk Nation, ON

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**SECONDED BY:**        Chief Bill Montour, Six Nations of Grand River, ON

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**WHEREAS:**

- A. Akwesasne is a multi-jurisdictional community separated by the international and political borders of the United States, Canada, New York State, and the Provinces of Ontario and Quebec.
- B. The issue of drug abuse in Akwesasne is exacerbated by the multi-jurisdictional nature of the community of Akwesasne.
- C. The drug-abuse culture has become an affliction for our youth at unprecedented levels.
- D. The lack of drug-abuse treatment facilities in the immediate and surrounding area prevents the afflicted from seeking and obtaining immediate treatment for themselves or family members for crisis intervention, after care and family support.
- E. Drug addiction and chemical dependency has been proven to lead to the emotional and physical abuse of family members, especially of children and elders.
- F. Communities with higher than average percentages of drug addiction and chemical dependency have higher incidences of suicide, violent crimes, illegal activity and other forms of abuse.
- G. The communities of Akwesasne and Six Nations are two of many First Nations that are experiencing rapidly growing drug-abuse and chemical dependency in the youth population.
- H. First Nations traditional medicine practitioners, who utilize a mind, body and spirit approach in treatment, maintenance and counseling, are not recognized or funded due to concern for such practitioners being non-certification/license to practice.

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

- 1. Fully support the efforts of Akwesasne leadership and their declaration of a state of crisis for the Community of Akwesasne due to its rapidly growing rate of drug abuse and chemical dependency.
- 2. Urge Federal, Provincial and local governments to support Akwesasne by recognizing culturally-based, wholistic healing approaches.
- 3. Direct the Assembly of First Nations to assist in advocacy and securing funding to address the substance abuse problem.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

4. Urge Federal and Provincial governments to identify funds to resource adequate community-based programming and services.
5. Recognize the urgency of the drug abuse issue in Akwesasne and support actions of Akwesasne leadership to address this issue head-on, with or without government assistance.

# DRAFT RESOLUTION 14/2011

AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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TITLE: Saving Lives by Training First Nation Defibrillator Operators and by Placing a Defibrillator in Every First Nation

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SUBJECT: Health

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MOVED BY: Chief Michael Yellowback, Manto Sipi Cree Nation, Manitoba

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SECONDED BY: Chief Perry Bellegarde, Little Black Bear First Nation, Saskatchewan

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## WHEREAS:

- A. Refusals or delays by Health Canada to respond to repeated First Nation demands that Health Canada ensure that defibrillators are placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community will continue to result in the preventable and needless deaths of First Nation citizens.
- B. Access to adequate and essential health care services in First Nation communities by First Nation citizens is a Treaty promise by the Crown and a Treaty right recognized and affirmed by s. 35 of the *Constitution Act, 1982*.
- C. Article 7 of the *Charter of Rights and Freedoms*, forming part of the *Constitution Act, 1982*, assures that, "(e)veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."
- D. Article 21(2) of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, provides 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.*"
- E. Article 23 of the UNDRIP provides that, "*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.*"

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

1. Declare that any refusal or delay by the Government of Canada to ensure that defibrillators are immediately placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community is a violation of the Treaty and Charter rights of First Nation citizens and is contrary to the rights to health of Indigenous peoples as set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.

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

### **AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

2. Mandate the Assembly of First Nations to assess whether an action, as a class action or otherwise, may potentially be brought on behalf of the survivors of those First Nation citizens who are deceased as a direct consequence of the any refusal or delay by the Government of Canada to ensure that defibrillators were placed in the health centres and nursing stations located in community of the deceased and to ensure that there was an adequate number of trained defibrillator operators available in the community of the deceased.
3. Direct the National Chief to call upon the Minister of Health to immediately take steps to ensure that defibrillators are placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community and to pay compensation to the survivor of persons who are deceased as a result of defibrillators and trained defibrillator operators.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Support for Northlands Denesuline First Nation new nursing station by 2013

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**SUBJECT:**                 Health

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**MOVED BY:**              Chief Michael Yellowback, Manto Sipi First Nation, MB

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**SECONDED BY:**        Chief Antoine Michel, Lut' Sel Ke Dene Nation, MB

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**WHEREAS:**

- A. The Northlands Denesuline Nation is located in the northwest of northern Manitoba, and has a population of 900 residents, and is accessible only by air as a remote and isolated community;
- B. The leaders of the Northlands Denesuline have been advocating for a new nursing station to provide proper care to the increasing population of Northlands and replace the current one built in 1979, which is too small and severely overcrowded.
- C. The Regional Director of First Nations Inuit Health Manitoba Region made a commitment on January 7, 2011 to the Chief and Council of Northlands Denesuline that their First Nation was on a list for a new nursing station by 2013. The Regional Director then advised on November 1, 2011 that Northlands had been "bumped" down the list to 2015, and refused to provide details as to what exact funding was allocated for a new nursing station.

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

- 1. Support the Northlands Denesuline First Nation in their calls on First Nations and Inuit Health, Manitoba Region (FNIH-MR) to honour the commitment for a new nursing station in 2013.
- 2. Urge that FNIH-MR fully involve the Northlands Denesuline Nation Chief, Council and community in the planning and construction of the new facility.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Support for Promotion of Lacrosse to First Nation Communities in Canada

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**SUBJECT:**                  Sport

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**MOVED BY:**              Grand Chief Mike Kanentakeron Mitchell, Mohawks of Akwesasne, ON

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**SECONDED BY:**        Chief Ian Campbell, Squamish Nation, BC

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**WHEREAS:**

- A. The game of lacrosse was originated by the Indigenous Nations of North America and was played as a healing or medicine game by the Nations as well as honoring Elders, medicine and spiritual leaders and finally as a tribute to the Creator for the gift of life.
- B. The game of lacrosse is the fastest growing team sport in North America and has evolved as an international sport enjoyed by nations around the world.
- C. The game of lacrosse was proclaimed by the Canadian Parliament in 1994 as it national summer sport.
- D. The game of lacrosse actively contributes to greater health and physical fitness and is viewed as an important element of cultural identity by First Nations communities.
- E. The Canadian Lacrosse Association (CLA) and its member associations have had limited success in introducing and promoting the game of lacrosse in Indigenous communities.

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

- 1. Support greater awareness and promotion of the game of lacrosse to every First Nation community in Canada.
- 2. Direct the National Chief and the AFN Executive Committee to support the development of a National Indigenous committee to coordinate a strategy of introducing and promoting the game of lacrosse to as many First Nation communities as possible.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Support for the National Indian Football Association

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**SUBJECT:**                Sport

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**MOVED BY:**             Chief Bob Chamberlin, Kwikwasuti'nuxw First Nation, BC

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**SECONDED BY:**        Chief Andy Phillips, Scowlitz First Nation, BC

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**WHEREAS:**

- A. The Native Indian Football Association (NIFA) has been in existence for over 20 years and has developed players and coaches to ensure all aboriginal athletes have equal opportunity to strive towards the highest levels of national and international teams and competitions, and to organize and host soccer camps and elite tournaments that will enhance development of youth players within aboriginal communities in Canada.
- B. The NIFA is in a position to take aboriginal soccer programs to the highest level of development and competition and wishes to use a holistic approach based on traditional methods and technical / tactical skill development. Working with aboriginal and non-aboriginal soccer organizations NIFA will develop the highest standard training plans available to athletes and coaches.
- C. NIFA is working to create elite coach workshops, who will in turn coach youth and senior elite teams, from local, regional and national identification camps, that will lead to national and international competitions.
- D. The NIFA have built international partners via international football and cultural exchanges around the world, have developed a first ever memorandum of understanding with a USA counterpart, which provides all people the opportunity to build human relationships of friendship, respect the cultural diversity and understanding through sport.

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

- 1. Support i the Native Indian Football Association (NIFA) as they work to build on the 20 years of football (soccer) in First Nations in Canada and North America in the development of NIFA coaches at both the grassroots level to international level competitions. The Approach will be a holistic one offering relevant traditional philosophies that integrate universal elite sport development models.
- 2. Call on soccer organizations, sports support organizations and business corporations to assist NIFA with financial support to develop short and long term football (soccer) development programs for First Nation youth and their coaches across Canada.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

3. Call on Aboriginal sports organizations to support and assist in the development of national level development pool teams (men and women) who will play in pilot international friendlies versus Indigenous Brazil FUNAI (the National Indian Foundation) in January ,2012 in Rio de Janeiro, Brazil, and assist team preparations for the first ever Indigenous Football Cup in 2014 in Brazil.
4. Support the NIFA development of long term program strategies of sport and soccer infra-structure that will give opportunity for First Nation youth to build careers and play soccer at the level of their choice, lead to healthy lifestyles, wellness and become positive role models.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Protection and Conservation of Lands

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**SUBJECT:**                Environmental Stewardship

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**MOVED BY:**             Chief Antoine Michel, Lutsel K-e Dene Band, NWT

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**SECONDED BY:**        Dene National Chief Bill Erasmus, Proxy, Liidii Kue (Fort Simpson) First Nation, NWT

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**WHEREAS:**

- A. First Nations rights of self-determination are recognized in the International Declaration on the Rights of Indigenous Peoples, including the rights to maintain and strengthen their own distinct political, legal, economic, social and cultural institutions and to own, use, develop and control their lands, territories and resources.
- B. The Declaration requires States to consult and cooperate in good faith with the indigenous peoples 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.
- C. The fifth World Parks Congress (Durban, Sept. 2003) stated that national and international recognition of indigenous and community conserved areas is an urgent necessity, and called on signatories to the Convention on Biodiversity to recognize and support indigenous conservation areas.
- D. The Programme of Work on Protected Areas under the Convention on Biological Diversity (CBD) requires signatories to recognize and promote protected area governance to achieve the full and effective participation of indigenous and local communities in the management of existing protected areas and the establishment and management of new protected areas.
- E. First Nations have been fulfilling their responsibilities to protect lands, waters, wildlife and sacred sites within their homelands under their own laws and customs for millennia;
- F. Canada is a signatory to the International Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity.
- G. First Nations laws, customs and institutions for the protection and conservation of lands are not fully recognized in the current laws and policies of the federal, provincial, territorial and municipal governments, which provide only limited recognition for the exercise of constitutionally protected Aboriginal and treaty rights and advisory roles for First Nations in the management and establishment of protected areas such as National Parks.
- H. The free and informed consent and full and effective participation of First Nations in the management of existing and proposed protected areas in Canada has not yet been achieved.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Mandate the National Chief and Assembly of First Nations to communicate to the federal, provincial, territorial and municipal governments the urgent need for the specific recognition of First Nations laws, customs and institutions for the protection and conservation of lands in legislation and policy, including provisions for the designation and establishment of new indigenous protected areas and true partnerships on a government-to-government basis for existing protected areas.
2. Continue to support the efforts of First Nations to protect lands, waters, wildlife and sacred sites within their homelands in accordance their own laws and customs.



# DRAFT RESOLUTION # 19 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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**TITLE:** Support for a Negotiated Joint Panel Review in Matawa Region

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**SUBJECT:** Resource Development

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**MOVED BY:** Darrias Ferris, Proxy, Constance Lake First Nation, ON

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**SECONDED BY:** Chief Andrew Solomon, Fort Albany First Nation, ON

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### WHEREAS:

- A. The Matawa First Nations have the right to the conservation and protection of the environment and productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservations and protection, without discrimination (Article 29 of UNDRIP).
- B. The Matawa First Nations Chiefs support mineral development upon completion of all due diligence in the environment and which supports the free, prior and informed consent of First Nations people.
- C. The Matawa First Nations have called for a negotiated Joint Review Panel Environmental Assessment to provide due diligence on the environmental impacts of mineral development and accompanying infrastructure in the Matawa region.
- D. The government of Canada is only willing to support a comprehensive Environmental Assessment, which fast tracks the development in a mostly paper based process and does not provide for extensive community consultations.

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

1. Direct the Assembly of First Nations to support the Matawa First Nations in advocating that the Government of Canada support a negotiated Joint Review Panel for the mineral development and accompanying infrastructure in their area.
2. Direct that the negotiated Joint Review Panel be guided by a Memorandum of Understanding between the individual First Nation, Canada and Ontario which could include the following, according to the direction of each First Nation:
  - Process for appointment of the panel;
    - consideration of specific environmental effects,
    - infrastructure alternatives and the regional environment,
    - direct and cumulative effects of development on the cultural values, socio economic conditions, and
    - the needs of present and future Matawa First Nations members.

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

### **AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- Hearings within First Nations during the EA process and provisions for oral and written translation in our languages;
- Inclusion of Matawa knowledge and perspectives within the environmental assessment process;
- Adequate funding, timelines and related process consideration that reflect the needs of First Nations;
- Joint implementation provision for Canada, Ontario and First Nations.

# DRAFT RESOLUTION # 20 / 2011

## AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario

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**TITLE:** Support for Renewal of Federal Fisheries Inland Habitat Programs

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**SUBJECT:** Fisheries

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**MOVED BY:** Chief Salmoée Mackenzie, Nation Anishnabe de Lac Simon, QC

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**SECONDED BY:** Chief Isadore Day, Serpent River First Nation, ON

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### WHEREAS:

- A. The Government of Canada has discontinued the Department of Fisheries and Oceans' Aboriginal Inland Habitat Program (AIHP), which is the Department's only capacity funding program for First Nations in Alberta, Saskatchewan, Manitoba, Ontario and parts of Quebec.
- B. The Aboriginal Inland Habitat Program enabled First Nations to: maintain and manage sustainable and productive fisheries ecosystems; build technical capacity to engage in fish habitat decision making; undertake fish habitat policy analysis; and create new opportunities for youth to engage in fisheries.
- C. The Aboriginal Inland Habitat Program has achieved progress in creating capacity and opportunity but has not yet met its full potential.
- D. First Nation organizations participating in the AIHP will need further support to continue to complete ongoing multiyear projects and maintain capacity to engage in fish habitat issues.
- E. Healthy fish habitat is a prerequisite for First Nations to practice their rights to fisheries protected by Section 35 of the Constitution Act, and the Crown has legal obligations to engage in meaningful consultation on any decisions or actions impacting those rights.
- F. Section 8(j) of The Convention on Biological Diversity sets an international legal obligation on party states to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge," and Canada is a party to the agreement.
- G. Section 32 of The United Nations Declaration on the Rights of Indigenous Peoples states that "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," and Canada has endorsed this Declaration and all principles enshrined within.
- H. The Aboriginal Inland Habitat Program enabled First Nations and government to achieve mutually beneficial goals related to habitat sustainability and natural resource stewardship in a manner consistent with the aforementioned international agreements endorsed by Canada.
- I. First Nations and the Department of Fisheries and Oceans have mutual interests in promoting healthy fish habitat, and the AIHP enabled the cost-effective realization of these interests.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Call on the Government of Canada to continue their investment into First Nation inland fisheries habitat activities and community-run sustainable ecosystem programs through the Aboriginal Inland Habitat Program. or through the creation of a new program administered by the Department of Fisheries and Oceans with a similar mandate;
2. Request that the Government Canada honours its international legal obligations in the Convention on Biological Diversity and its international commitment to the principles within the United Nations Declaration on the Rights of Indigenous Peoples by ensuring support for programs that allow First Nations to practice stewardship and decision making over their inland and freshwater fisheries resources;
3. Direct the Assembly of First Nations to undertake negotiations with the Government of Canada to design new programs that supply capacity for innovative First Nation led projects, activities and organizations that promote sustainable inland fisheries habitat.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Successful Aquaculture Governance

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**SUBJECT:**                    Environment and Fisheries

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**MOVED BY:**                Chief Bob Chamberlin, Kwicksutaineuk Ah-kwa-mish First Nation, BC

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**SECONDED BY:**        Cliff Atleo Sr., Proxy, Tseshaht and Mowatchaht-Muchalaht First Nation, BC

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**WHEREAS:**

- A. First Nations have the sovereign right to protect, manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources.
- B. First Nations in Canada have constitutionally protected title and rights that have been affirmed by the Supreme Court of Canada and by international conventions and local and international treaties, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).
- C. Articles 26, 27, 29, and 32 of the UNDRIP affirm the duty of States to consult with indigenous peoples over their rightfully owned and occupied lands, territories, and resources, and acknowledge the rights of indigenous peoples to make decisions about the use of their lands, territories and resources.
- D. First Nations acknowledge the interdependence they have with one another and respect each community's right to determine involvement and perspectives on the aquaculture industry based on each of our community's needs, aspirations and priorities.
- E. First Nations have the right to be fully informed and involved in any legislative, policy and/or decision-making process pertaining to the aquaculture industry as these actions have the potential to adversely impact on Aboriginal title and rights, and treaty rights.
- F. The honour of the Crown requires both the federal and provincial governments to minimize any infringement to title and rights, and to engage in appropriate consultation and accommodation processes.
- G. Through Resolutions, Chiefs-in-Assembly of the political entities in BC (the First Nation Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nation) mandated the BC Aquaculture Working Group to engage with the Department of Fisheries and Oceans to address and advocate for First Nations Title and rights issues that have a bearing on the management and regulation of the aquaculture industry in British Columbia.

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

### **AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- H. On November 2, 2011 the BC First Nations Fisheries Council and the BC Aquaculture Working Group co-hosted a meeting where BC First Nations came together to recommend potential structures and processes for integrated planning of aquaculture that link to existing First Nations governance processes in B.C, and these outcomes were reported back and subsequently discussed at the 2011 B.C. First Nations Fisheries Council Annual General Assembly.
- I. As a result, the First Nations Summit and the Union of BC Indian Chiefs Chiefs-in-Assembly have endorsed resolutions outlining a series of foundational principles necessary to ensure successful governance of aquaculture in British Columbia. These principles include the need for decisions which have the potential to impact the title and rights of First Nations to occur through a resources government-to-government forum; the need for First Nations to play a key role in the monitoring in their respective territories, and the need for adequate resourcing to First Nations to develop their perspectives on the aquaculture industry and to participate in all management and governance processes.

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

1. Direct the Assembly of First Nations to work with the First Nation Fisheries Council and the BC Aquaculture Working Group to share information and apply relevant best practices and lessons learned from the BC. experience to national aquaculture initiatives.
2. Direct the National Chief to work with the BC First Nations Leadership Council, the BC First Nations Fisheries Council and the BC. Aquaculture Working Group to communicate the their endorsed and approved principles for successful aquaculture governance to the Department of Fisheries and Oceans and to the Federal and Provincial governments, advocating for the engagement of First Nations at all stages in aquaculture management, regulation and decision-making.
3. Support the proposed development of a National Aquaculture Working Group to address issues pertaining to aquaculture at a National Scale and direct the National Chief to communicate to the Department of Fisheries and Oceans the need for adequate resources to ensure this working group is able to provide analysis, advice and benefit to all First Nations with interests in aquaculture.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Investigating Options for the Implementation of the First Nations Natural Resource Institute

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**SUBJECT:**                Environment and Natural Resources

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

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**SECONDED BY:**        Chief Isadore Day, Serpent River First Nations, ON

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the rights of indigenous peoples to lands, territories and resources they own and traditionally own, and Canada has endorsed these principles.
- B. The Convention on Biological Diversity (CBD) recognizes the importance of including indigenous peoples and their unique knowledge in the stewardship of biological resources, and Canada is a party to this agreement.
- C. First Nations have been under-represented in all resource sectors and in activities related to the development of resource sectors, including policy development, legislation, negotiations on use and protection of natural resources, regulatory approvals, and various key decision making activities related to fisheries, forest products, forest tenure reform, ecosystem management, the global carbon economy, and other natural resource sectors.
- D. First Nations seek greater capacity to access economic benefit from environmentally responsible sector development, the extraction industry, harvesting rights and the sustainable management of natural resources.
- E. First Nations must take a leadership role in Canada's natural resource sectors in order to support their rights, title and ownership over their traditional lands, as well as encourage meaningful decision making, shared management of resources, and the equitable sharing of economic opportunities and benefits associated with their lands and the natural resources therein.
- F. First Nations leadership in natural resource sectors can be promoted and facilitated through information, guidance and support at the national level.
- G. Resolution #27/ 2011 directs the AFN to collaborate with First Nations, First Nation sector organizations, government agencies, industry partners, academic institutions, and private sector organizations to examine and develop options for the creation of a First Nations Natural Resources Institute, reporting through AFN processes, to advance sustainable growth and development in various natural resource sectors through research, policy, education, capacity development, advocacy and support.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- H. The Chiefs-in-Assembly have directed the AFN to bring these options and recommendations on the creation of a First Nations Natural Resources Institute to Chiefs-in-Assembly for further consideration and decision-making.

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

1. Reaffirm their support in principle for the creation of a First Nations Natural Resources Institute.
2. Direct the AFN to develop and seek consensus on options related to the establishment of the First Nations Natural Resource Institute.
3. Direct the AFN to develop an implementation plan for the establishment of a First Nations Natural Resources Institute.
4. Direct the AFN to bring the implementation plan, including funding options, to Chiefs-in-Assembly for further consideration and decision-making.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:** Support for Possible Intervention in Nuu-chah-nulth Fishing Rights Litigation (*Ahousaht et al v. Canada*)

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**SUBJECT:** Fisheries and Aquatic Resources Management

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

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**SECONDED BY:** Chief Bob Chamberlin, Kwicksutineauk Ah-kwa-mish First Nation, BC

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**WHEREAS:**

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* states in Article 26: "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."
- B. On November 3, 2009, the BC Supreme Court (BCSC) held that five Nuu-chah-nulth Nations have Aboriginal rights to fish and sell any species of fish available to them in their respective territories (the "BCSC Decision"). The BCSC Decision also held that Canada's regulatory regime relating to commercial fishing infringes the Nuu-chah-nulth aboriginal rights.
- C. On May 18, 2011, the BC Court of Appeal (BCCA) substantially upheld the BCSC Decision.
- D. Canada has applied to the Supreme Court of Canada (SCC) for leave to appeal the BCCA Decision. If leave is granted, the decision of the SCC will shape the law on aboriginal economic fishing rights generally.
- E. The BCSC and BCCA Decisions are significant wins, not only for the Nuu-chah-nulth Nations, but for all First Nations. Thus, an appeal of the BCCA Decision, if the SCC grants leave, is of great interest to all First Nations in Canada.
- F. In July of 2010, the Chiefs-in-Assembly resolved to fully support Nuu-chah-nulth Nations and the Nuu-chah-nulth Tribal Council in their ongoing legal battle with Canada to firmly establish First Nation Rights to economic fisheries.

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

- 1. Reaffirm their strong support for Nuu-chah-nulth Nations and Nuu-chah-nulth Tribal Council in their ongoing legal battle with Canada to firmly establish First Nation rights-based economic fisheries.
- 2. Direct that, if the Supreme Court of Canada (SCC) grants Canada's application for leave to appeal in *Ahousaht et al v. Canada*, the AFN intervene on behalf of First Nations nationally in support of Nuu-chah-nulth Fishing Rights.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    **Moratorium on Hydraulic Fracturing**

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**SUBJECT:**                **Natural Resource Extraction**

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**MOVED BY:**             **Chief Antoine Michel, Lutsel K-e Dene Band, NWT**

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**SECONDED BY:**        **Dene National Chief Bill Erasmus, Proxy, Liidii Kue (Fort Simpson) First Nation, NWT**

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**WHEREAS:**

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

“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.” Article 29 – 1

“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.” Article 29 – 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.” Article 32 – 2

“Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.” Article 39

**B.** The method of hydraulic fracturing for natural gas, and for oil, in shale rock and other geologic deposits is occurring throughout Canada and is expanding in scope.

**C.** Hydraulic fracturing requires the use of vast amounts of fresh water from the surrounding environment, produces vast amounts of contaminated water which must then be stored or contained, and has been linked to the contamination of ground and surface water, to human health impacts and to earthquakes and seismic activity in Canada and throughout the world.

**D.** Much of the current and proposed hydraulic fracturing in Canada is in the territory of First Nations communities, and requires the use of fresh water from these territories and the storage of contaminated water on these territories.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- E. Most First Nations in Canada have not given their free, prior and informed consent to hydraulic fracturing on their territory. Most First Nations communities are not informed about the full impacts of hydraulic fracturing, largely due to the lack of research and information on the full impacts of hydraulic fracturing in Canada.

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

1. Direct the Assembly of First Nations to call upon federal government to conduct, starting immediately, comprehensive and objective research, with guidance and oversight by First Nations, on the short and long-term impacts of hydraulic fracturing, including:
  - a. The impacts on water resources with respect to the amount of water that is required for fracturing operations;
  - b. The impacts to ground and surface water with respect to the chemicals used in fracturing operations, the contaminated water that is produced in fracturing operations and how the contaminated water is treated and stored;
  - c. The impacts of fracturing operations on human health.
2. Direct the Assembly of First Nations to require the federal government to consult with First Nations across Canada on hydraulic fracturing operations, including providing First Nations with comprehensive information on hydraulic fracturing so First Nations are in a position to provide free, prior and informed consent to these operations.
3. Direct the Assembly of First Nations to seek resources from the federal government directly to First Nations and supportive organizations in Canada so they may educate their constituents on and consult with their constituents on hydraulic fracturing in order to be in a position to provide free, prior and informed consent to these operations.
4. Direct the Assembly of First Nations to request the federal government implement an immediate moratorium on hydraulic fracturing for oil and gas until First Nations have the proper information on these operations, including the aforementioned research, and have given free, prior and informed consent to hydraulic fracturing operations.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Improving the Additions to Reserve Policy and Process

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**SUBJECT:**                Claims & Land Rights

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**MOVED BY:**            Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

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**SECONDED BY:**        Chief Joe Knockwood, Fort Folly First Nation, New Brunswick

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**WHEREAS:**

- A. In Resolutions No. 09/2010 and 14/2011, the Chiefs-in-Assembly confirmed the need for improvements to the current Additions to Reserve (ATR) policy and process.
- B. The endorsement by Canada of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) includes several provisions to affirm the need for effective mechanisms in regard to redress relating to the dispossession of lands (e.g., Articles 8 and 28).
- C. The Canada-First Nations Joint Action Plan commits Aboriginal Affairs and Northern Development Canada (AANDC) and the Assembly of First Nations (AFN) to engage in meaningful dialogue on “improvements to the additions to reserve policy”.
- D. AANDC and the Assembly of First Nations (AFN) established a joint technical working group to review the ATR policy and process, and to make joint recommendations in this regard.
- E. AFN has concluded six regional dialogue sessions to gather input from regional experts relating to ATR on the ground, and is in the process of carrying out a series of case studies that will inform any recommendations that may arise with respect to improving the ATR process.

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

- 1. Direct the Assembly of First Nations to review all policy, legislative and operational options with respect to improving the Additions to Reserve process with a view to bringing comprehensive recommendations for reform to the Chiefs-in-Assembly at the next Assembly.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    **Comprehensive Claims Policy Reform Initiative**

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**SUBJECT:**                **Claims & Land Rights**

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**MOVED BY:**            **Chief Harry St. Denis, Wolf Lake First Nation, QC**

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

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**WHEREAS:**

- A. By Resolutions No. 40/2009 and 10/2010, the Chiefs-in-Assembly, by consensus confirmed their objection to the federal Comprehensive Claims Policy and the need for a national review for the wholesale reform of that Policy;
- B. Significant developments have occurred since the adoption of Resolutions 40/2009 and 10/2010, including:
  - a. The endorsement by Canada of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
  - b. Resolution 23/2011 by the Chiefs-in-Assembly pursuing self-determination and implementation of the UNDRIP;
  - c. The Canada-First Nations Joint Action Plan, which commits Aboriginal Affairs and Northern Development Canada (AANDC) and AFN to engage in meaningful dialogue on “ways to improve the negotiation and implementation of the comprehensive claims”; and
  - d. The Prime Minister has agreed to a First Nations – Crown Gathering to discuss issues affecting First Nations;
- C. AFN has engaged in regional dialogue sessions across the country, including in the BC, Atlantic and Quebec regions, and the consensus from those sessions reaffirms the objections with the existing Policy and the need for wholesale reform;
- D. The Atlantic and Quebec regional sessions emphasized the need to ensure that any Comprehensive Claims Policy reform address and respect pre-confederation treaties which are an affirmation of Aboriginal title and recognize the nation to nation relationship between the Crown and First Nations;
- E. The failure of the Comprehensive Claims Policy has been highlighted by the fact that negotiations under that Policy have not facilitated consultation and accommodation agreements, which has had the effect of impeding resource development;

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- F. AFN has adopted a Consensus Statement on Aboriginal and Treaty Rights which categorically rejects of the Comprehensive Claims Policy and calls upon Canada to:

*...fully uphold the honour of the Crown and develop new policies in consultation and cooperation with First Nations that reflect First Nations constitutionally protected rights asset out in sections 25 and 35 of the Constitution Act, 1982, and including the Royal Proclamation of 1763. Specifically, Canada must adopt new First Nation-Crown negotiation and litigation policies based on Crown recognition, affirmation of the existence, and full implementation of Aboriginal Title and Rights, including Treaty rights, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada on November 12, 2010, and the American Declaration of the Rights and Duties of Man.*

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

1. Mandate the Comprehensive Claims Policy Working Group to formulate the position to be presented at the First Nation – Crown Gathering based on input that it has received through its dialogue sessions;
2. Mandate the Comprehensive Claims Policy Working Group to continue to develop and pursue the implementation of national, international and regional strategies to promote reform of the federal Comprehensive Claims Policy;
3. Call on the Comprehensive Claims Policy Working Group to ensure that policy reforms address and respect pre-confederation treaties which are an affirmation of Aboriginal title and recognize the nation to nation relationship between the Crown and First Nations; and
4. Call on the Comprehensive Claims Policy Working Group to report back to the Chiefs-in-Assembly at the next Assembly.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                    Treaty Land Entitlement Claims in Manitoba

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**SUBJECT:**                Treaties

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**MOVED BY:**             Chief Nelson Genaille, Sapotaweyak Cree Nation, MB

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**SECONDED BY:**        Chief David Crate, Fisher River Cree Nation, MB

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**WHEREAS:**

- A. Certain First Nations in Manitoba entered into or adhered to various Treaties, particularly Treaties No. 1, 3, 4, 5, 6 and 10, with Her Majesty the Queen in right of Canada between 1871 and 1910 which provided, among other obligations, that Canada would lay aside and reserve tracts of land for the exclusive use and benefit for these First Nations.
- B. These First Nations did not receive the full allocation of lands as promised within the written terms of their respective Treaties with the Crown.
- C. These First Nations established the Treaty Land Entitlement Committee ("TLEC") of Manitoba to act as their representative in the negotiation of an agreement to address and remedy the outstanding land entitlement that they possessed under their Treaties.
- D. The Manitoba Framework Agreement ("MFA") on Treaty Land Entitlement ("TLE") was signed by the TLEC, on behalf of 21 Entitlement First Nations, Canada and Manitoba on May 29, 1997, at the Opaskwayak Cree Nation, Manitoba, which was intended to provide up to 1.1 million acres of additional Reserve lands to these 21 Entitlement First Nations.
- E. Under the MFA the TLEC is mandated to assist and support its Member Entitlement First Nations in the implementation of their TLE agreements and in all aspects of the Reserve creation process.
- F. 15 of these 21 Entitlement First Nations have signed their individual TLE agreements under the MFA and the total Crown land and Other land amounts they are entitled to select and acquire is 963,097 acres.
- G. As of September 2011, Canada has set aside a total of 453,338 acres of land as Reserve for these 15 Entitlement First Nations.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

- H. In 2005, Canada's Auditor General criticized Canada for its lack of progress in meeting and satisfying its obligations under all TLE agreements in Manitoba, including the slow rate of converting lands to Reserve status for the Entitlement First Nations.
- I. In 2008, TLEC secured a five year funding commitment from Canada under the Federal Framework for Aboriginal Economic Development enabling it to fulfill its MFA TLE implementation responsibilities, and this funding arrangement is set to expire at the end of fiscal year 2012/2013.
- J. There remain a total of 509,759 acres of land selections and land acquisitions to be converted to Reserve status for these 15 Entitlement First Nations.

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

- 1. Express their support for the Treaty Land Entitlement Committee (TLEC) as it continues with its efforts to settle the outstanding Treaty land obligations owing to its Member Entitlement First Nations.
- 2. Call upon Canada to uphold the Honour of the Crown and continue to support the TLEC beyond 2013 so the TLEC can continue to meet its mandate to assist and support its Member Entitlement First Nations in converting TLE land selections and acquisitions to Reserve status under the MFA.
- 3. Direct the National Chief and Executive to support TLEC in its efforts to secure a new funding commitment with Canada beyond 2013 to enable all land selections and land acquisitions to be converted to Reserve status.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                   Expediting the process of obtaining a new reserve for Lake St. Martin First Nation due to Artificial Flooding

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**SUBJECT:**               Environmental Concerns / Relocation

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**MOVED BY:**           Chief Adrian Sinclair, Lake St. Martin First Nation, MB

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**SECONDED BY:**      Chief Garnet Woodhouse, Pinaymootang First Nation, MB

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**WHEREAS:**

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

*Article 8*

2. States shall provide effective mechanisms for prevention of, and redress for:

- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

*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.

*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.
- 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.
- 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 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.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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.
- B. Lake St. Martin First Nation has been under full evacuation since May 2011 due to artificial flooding of their community which has since been deemed beyond reclamation.
  - C. Lake St. Martin First Nation members have been living in hotels and temporary accommodations throughout Manitoba since May 2011 due to the artificial flooding of their community.
  - D. Lake St. Martin First Nation is in a unique situation and is now completely without a land-base and unable to pursue present cultural, traditional, and economic activities and remains in limbo as to their future.
  - E. Lake St. Martin Chief and Council supports resettlement of community members to a new community on higher ground and to pursue the development of a sustainable community that will be capable of economic development opportunities to ensure basic needs for safe drinking water, healthy sufficient housing, healthy food security, capacity building, and healthy economy and livelihood.
  - F. Lake St. Martin First Nation community members need to be moved from hotels and temporary housing and resettled into a new community; and for the new community to be expedited and to be declared reserve-status.
  - G. Aboriginal Affairs and Northern Development has a provision to assist First Nations to relocate to a community on an urgent basis through by declaring and converting land; by adding to or creating a new reserve, or by relocating a reserve community within an existing reserve, where a natural disaster threatens the immediate safety of a community's residents or where such a disaster has already occurred, and where relocation is the most viable long-term option.

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

- A. Urge the Federal government and Minister of Aboriginal Affairs and Northern Development Canada to expedite the process of finding new land and converting it to reserve status so that the Lake St. Martin First Nation community members can move out of hotels and temporary housing and into their own community.
- B. Support the aspirations of the Lake St. Martin First Nation in creating a sustainable green community that will benefit Lake St. Martin First Nation through different economic activities associated with the development of a new community base and partnerships.
- C. Direct the National Chief and Assembly of First Nations to advocate to all governments for both immediate and sustained action on this matter as requested by the Lake St. Martin First Nation Chief and Council.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:** Call for Investments to Respond to the National Water & Wastewater Engineering Assessment Report

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**SUBJECT:** Water & Wastewater Infrastructure

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

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**SECONDED BY:** Chief Bob Chamberlin, Kwicksutaineuk Ah-kwa-mish First Nation, BC

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**WHEREAS:**

- A. Article 1 of the United Nations Declaration on the Rights of Indigenous Peoples states “Indigenous peoples have the right to the full enjoyment, as a collective or as individual, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law”.
- B. The UN General Assembly declared in July 2010 that safe and clean drinking water and sanitation is a human right essential to the full enjoyment of life and all other human rights.
- C. The main United Nations body dealing with human rights has affirmed that the right to water and sanitation is contained in existing human rights treaties, and that States have the primary responsibility to ensure the full realisation of this and all other basic human rights.
- D. In July 2011, the federal government released the National Assessment of First Nations Water and Wastewater Systems and identified a national funding need of \$4.7 billion over 10 years. The implementation of the recommendations in this report is a required before any further steps on the proposed federal water and wastewater legislation and before any intended implementation of regulations.
- E. Budget 2010 extended the First Nations Water and Wastewater Action Plan for another two years and will expire March 2012.
- F. The Government of Canada has not identified funds it will allocate to meet the stated need of \$4.7 billion dollars to address the recommendations contained in the report.

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

- 1. Call upon the Government of Canada to undertake its fiduciary responsibility to protect the health and safety of First Nations and immediately develop a 5 year capital plan designed to address the high and medium and low overall risk water and wastewater systems needs identified in the report.
- 2. Direct the AFN to request the government assist First Nations and their technical support organizations to carry out a knowledgeable analysis of their community reports.
- 3. Direct the AFN to request the Government of Canada . provide yearly progress reports on the progress made on reduction of the high, medium and low overall risk water and wastewater systems.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                   Reform of First Nations Policing Program

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**SUBJECT:**               Justice

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**MOVED BY:**            Chief Joe Miskokomon, Chippewas of the Thames First Nation, Ontario

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**SECONDED BY:**       Chief Michael Yellowback, Manto Sipi Cree Nation, Manitoba

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**WHEREAS:**

- A. Article 39 of the United Nations Declaration on the Rights of Indigenous Peoples states: "Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration".
- B. Public Safety Canada, Aboriginal Policing Directorate, received an increased budget in the 2011-2012 fiscal year from \$105M to \$120M which served to only offset a pending 19% cut in funding to the First Nations Policing Program announced by officials in March 2011.
- C. Currently, the First Nations Policing Program downloads responsibility and corresponding liability to First Nation governments without adequate resources to meet the responsibilities under the program.
- D. In addition to AFN support resolutions 51-2009 and 86-2010, AFN resolution 28-2008 addressed the crisis in First Nation policing and mandated the AFN to advocate for additional resources for First Nations to establish police services that are professional, effective, culturally appropriate and accountable to the First Nations they serve.
- E. AFN resolution 25-2010 further called for a new legislative framework and adequate resources for the First Nations Policing Program.
- F. The treatment of First Nation police officers and First Nation governments is discriminatory, as all other police services in Canada are recognized as essential services. This means that they are funded at levels to ensure they can meet the governance requirements and that police officers have the necessary tools to perform at peak levels.
- G. In order to keep First Nation citizens and communities safe, First Nation police services require adequate and equitable funding within a new fiscal relationship that respects the jurisdiction of First Nation governments.
- H. Within the context of Canada's proposed Bill C10, there are increased concerns regarding policing resources and in particular, the disproportionately high rates of victimization and criminalization of First Nation citizens that must be addressed within a holistic and restorative approach, including adequate funding for basic services, First Nations policing, and justice initiatives.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Direct the AFN to call upon Minister Toews to transform the fiscal relationship in order to change the status of the First Nations Policing Program from “enhancement program” to an essential service.
2. Direct the AFN to urge the Aboriginal Policing Directorate to fully assess the funding adequacy related to the First Nations Policing Program.
3. Direct the AFN to assess the merits of a human rights complaint under the *Canadian Human Rights Act* in relation to the discriminatory funding practices under the First Nations Policing Program.



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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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**TITLE:**                      Jurisdiction and Consultation on Child Welfare Policies

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**SUBJECT:**                      Child Welfare Policies

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**MOVED BY:**                      Chief Marjorie McRae, Gitanmaax Indian Band, BC

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**SECONDED BY:**                      Chief Mamie Wesley, Sik-e-Dakh (Glen Vowell), BC.

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.
- B. Articles 3, 4, and 5 of the Declaration as well as Section 35 (1) of the Constitution Act 1982 affirm that First Nations have an inherent right to self determination and self government.
- C. The right to self government includes jurisdiction over matters involving our citizens, including services to family and children; to achieve and improve quality of life in our communities.
- D. The BC Indigenous Child at the Centre Action Plan (2009) calls on Government and First Nations to enter into tri-partite discussions to develop policies, procedures, and where necessary, legislation, which recognizes First Nations government and which builds a more responsive and culturally appropriate services to First Nations Children and Families.
- E. The First Nations Child and family Wellness Council was mandated by the Chiefs of BC to develop a work plan which will support a community driven infrastructure however there has not been sufficient process on the work plan nor is it representative of bands in the north.
- F. The Minister of Aboriginal Affairs and Northern Development unilaterally amended the Social Development Policy, without notice or consultation with First Nations.
- G. The amendment transfers funding and decision making for families residing on reserve to the provincial government and provincially delegated organizations and fails to take into consideration rights of First Nations to self government or existing funding agreements with bands.
- H. Existing Child and Family Services policies, in particular the Guardian Financial Assistance (GFA) policy developed by First Nations, specifically the Gitanmaax Indian Band set out appropriate processes and procedures for temporary placement of children in safe environments and at a minimum comply with BC MCFD standards while the new Children Out of Parental Home policy places more onerous requirements on bands and does not reflect band administration's knowledge and experience in working with families.

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

**AFN Special Chiefs Assembly, December 6 – 8, 2011, Ottawa, Ontario**

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

1. Assert that any changes to child welfare policies must be done in full consultation with First Nations, to ensure that policies are responsive to the needs of families living on reserve and accommodate the unique circumstances in each First Nation, and must contain adequate resources to ensure that First Nations have capacity to enable full participation at the policy and implementation levels and to carry out the needed work.
2. Support the Gitanmaax Band and any other First Nation in a similar situation to continue to abide by locally-developed child welfare policies until those policies are replaced by policies developed in accordance with the principles set out in the Child at the Centre Action Plan.
3. Call upon the National Chief and Executive of AFN to meet with Minister of Aboriginal Affairs and Northern Development and provincial Ministers responsible for children and family, including the BC Ministry of Children and Family Development to advise that:
  - i. The process used to unilaterally change and implement the Social Development Policy fails to recognize our right to self government and self determination and is not in keeping with the Crown's special obligations to First Nations;
  - ii. First Nations have the right as well as the duty to their members, to continue to provide services to children and families living on reserve in a manner that meets the needs of families.