ASSEMBLY OF FIRST NATIONS

2018 SPECIAL CHIEFS ASSEMBLY – OTTAWA, ON

DECEMBER 4 TO 6, 2018

FINAL DRAFT RESOLUTIONS

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

Resolutions are provided in this package for review by Chiefs-in-Assembly. The Resolutions Committee will receive late resolutions until 12:00 pm EST on Wednesday, December 5, 2018.

#	Title
01	United Nations Decade of Indigenous Languages
02	Support for Manitoba First Nations – Specific Federal Legislation Bringing Our Children Home Act
03	Poverty Reduction Strategy
04	First Nations Disabilities Program On-Reserve
05	First Nations Post-secondary Education Policy Proposal
06	Indspire Investments
07	Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser Salmon Management Agreement
08	Engagement with Canadian Council of Fisheries and Aquaculture Ministers and (CCFAM) and six Technical CCFAM Task groups
09	First Nations Inclusion in Canada's Ocean's Protection Plan
10	First Nations Response to Chronic Wasting Disease
11	Positioning First Nations as Climate Leaders
12	First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development
13	Respect, Protection, and Preservation of Indigenous Knowledge Systems
14	Small Nuclear Reactors (SMRs)
15	Eco-Agricultural Strategy
16	Indigenous Protected and Conserved Areas - Pathway to Canada Target 1: Conservation 2020 Initiative
17	Closing the Environmental Protection Regulatory Gap on First Nations Lands
18	North American Caribou Protection, Conservation, Management and Recovery
19	Support for the First Nations Major Projects Coalition
20	First Nations – Municipal Community Economic Development Initiative (CEDI)
21	Support for the Hazelton Indigenous Court
22	Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. Al. plaintiffs
23	Support for Reconciliation Canada to Advance Societal Reconciliation Nationally
24	Support for Moose Hide Campaign
25	Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes
26	First Nations Infrastructure Bank
27	National First Nations Housing and related Infrastructure Strategy

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**United Nations International Decade of Indigenous Languages**
SUBJECT:	Languages
MOVED BY:	Grand Chief Edward John, proxy, Tl'azt'en Nation, BC
SECONDED BY:	Chief Nelson Toulouse, Sagamok Anishnawabek First Nation, ON

WHEREAS:

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

- **i.** Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- **ii.** Article 14 (1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

B. The Final Report of the Truth and Reconciliation Commission and its 94 Calls to Action include specific Calls (13, 14, 15, 16, 17, 84 & 85) about Indigenous peoples' language revitalization and was fully supported by the Chiefs-in-Assembly through Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action.*

C. In 1998, a state of emergency on First Nations languages was declared by the Chiefs-in-Assembly, Resolution 35/1998, *First Nation Languages* which states:

- **i.** "That the Government of Canada act immediately to recognize, officially and legally, the First Nation languages of Canada, and to make a commitment to provide the resources necessary to reverse First Nation languages loss and to prevent the extinction of our languages…"

D. The United Nations Educational, Scientific and Cultural Organization (UNESCO), reports that three-quarters of Indigenous languages in Canada are "definitely", "severely" or "critically" endangered.

E. UNESCO participates in the celebration of International Years and Decades, as proclaimed by the General Assembly of the United Nations. The year 2019 has been declared the International Year of Indigenous Languages by UNESCO.

F. Proposals for international decades are typically advanced by one or more Member States of the United Nations. Proposals are submitted to the United Nations Economic and Social Council (ECOSOC), which recommends their adoption by the General Assembly. There is usually two-year interval between the submission of a proposal and the declaration of a decade. The declaration itself can be made either by the General Assembly or a specialized agency of the United Nations, e.g. UNESCO.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

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

1. Call upon the General Assembly of the United Nations to make a timely declaration of an International Decade of Indigenous Languages.

2. Call upon the federal government to propose, advocate, and support a timely United Nations declaration of an International Decade of Indigenous Languages.

3. Direct the Assembly of First Nations (AFN) to engage with the United Nations, the federal government, and all appropriate bodies, organizations and governments to advocate for an International Decade of Indigenous Languages.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for Manitoba First Nations – Specific Federal Legislation *Bringing Our Children Home Act***
SUBJECT:	Child Welfare
MOVED BY:	Chief Karen Batson, Pine Creek First Nation, MB
SECONDED BY:	Chief Doreen Spence, Tataskweyak Cree Nation, MB

WHEREAS:

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

- **i.** Article 3: Indigenous peoples have the right to self-determination, which guarantees the right to freely determine their political condition and the right to freely pursue their form of economic, social, and cultural development.
- **ii.** Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- **iii.** Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- **iv.** Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- **v.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social development programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 focus on the importance of child welfare, with Call to Action #4 calling on the federal government to enact Aboriginal child welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases.

C. Manitoba has been identified as possessing unique circumstances and is experiencing a humanitarian crisis in child welfare. Manitoba has the highest rate of First Nations child apprehension in Canada with over 11,000 children in care, and ninety percent are First Nations children.

D. First Nations in Manitoba, as the collective rights holder Nations, have passed thirty years of resolutions at the Assembly of Manitoba Chiefs (AMC) regarding child and family matters. This includes the re-assertion of First Nations jurisdiction as recommended from the Manitoba Aboriginal Justice Inquiry and to have First Nations child and family standards that are based in our ways of knowing, legal traditions, and cultures and languages.

E. In December 2017, the AMC, on behalf its member First Nations, signed a Memorandum of Understanding (MOU) with Canada to address the child welfare crisis in Manitoba. Minister Philpott of Indigenous Services Canada (ISC) has since extended to the AMC the opportunity to draft Manitoba First Nations-specific federal legislation for Manitoba First Nations children and families. Subsequently, a funded work plan set out the steps Canada and Manitoba First Nations would carry out in order for First Nations to exercise full jurisdiction over child and family matters within the next five years in Manitoba.

F. At the May 2018 Assembly of First Nations (AFN) Special Chiefs Assembly, Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction,* was passed. Among other things, the AFN was to endorse a working group comprised of representation from Nations, and the National Advisory Committee (NAC) on First Nations Child and Family Services Program Reform. To date, the Committee is working on legislation for First Nations, Métis and Inuit. The Regional Chief for Manitoba is involved in the development of such legislation.

G. Manitoba First Nations-specific federal legislation called the *Bringing our Children Home Act* was drafted by the AMC, informed by visits with Manitoba First Nations through *Keewaywin: Closer to Home*. The engagement included visits to First Nations and involved Elders, Grandmothers, Women, Youth and Leadership, and also discussed traditional laws on children and families based on the five Nations / language groups in Manitoba. Throughout the drafting, Ceremonial, Elder and Grandmother guidance was provided in order to ensure spiritual guidance and support.

H. In October 2018, the AMC Chiefs-in-Assembly approved and endorsed the *Bringing our Children Home Act*.

I. ISC addressed the AMC Chiefs-in-Assembly at their Emergency Meeting on Bringing Our Children Home Act on November 16, 2018, where the Minister clarified that the creation of an over-arching federal legislation for First Nations child and family matters can be worked on in the next number of months, simultaneously or sequentially with Manitoba and ISC working together on a Manitoba-specific legislation piece as well.

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

1. Fully support the proposed draft Manitoba specific federal legislation, *Bringing our Children Home Act,* as created by Manitoba First Nations and endorsed by the Assembly of Manitoba Chiefs (AMC), and support that Canada work together with Manitoba First Nations to jointly draft a mutually agreeable draft Bill for Canada to introduce in the House of Commons in the very near future.

2. Direct the Assembly of First Nations (AFN) National Chief to inform Canada of the Chiefs-in-Assembly's support for the *Bringing our Children Home Act* and remind Canada that the Crown cannot implement child welfare reform without the free, prior and informed consent of Manitoba First Nations rights-holders.

3. Acknowledge that Manitoba First Nations have the authority to exercise their self-determination and jurisdiction over child welfare and may develop, and draft with the federal government, legislation that is specific to Manitoba First Nations.

4. Further acknowledge that the AFN and the National Advisory Committee (NAC) on First Nations Child and Family Services Program Reform working with any other Indigenous organizations, committees or groups, support and cannot replace Manitoba First Nations in their approach to develop and pursue federal legislation that will lead to federal arrangements directly with Manitoba First Nations to support their own laws on children and families.

5. Direct the AFN, the Child Welfare Legislation Working Group, and the committee working on federal child welfare legislation for First Nations, Métis and Inuit to respect Manitoba First Nations and the *Bringing Our Children Home Act*, and advocate that the federal government's legislation not conflict with Manitoba's legislation.

6. Direct the AFN to inform the Government of Canada that the *Bringing Our Children Home Act*, developed by Manitoba First Nations as supported by Indigenous Services Canada, be jointly presented by the AMC Grand Chief to Cabinet.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Oversight of Canada's National Poverty Reduction Strategy**
SUBJECT:	Economic Development, Social Development
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief George Cote, Cote First Nation, SK

WHEREAS:

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

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

B. The United Nations Convention on the Rights of Persons with Disabilities states:

- **i.** Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation.
- **ii.** Article 28 (1): States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

C. The United Nations 2030 Agenda for Sustainable Development Goals (SDGs) are a collection of seventeen global goals meant to address social and economic development issues related to poverty, hunger, health, education, climate change, gender equality, and social justice. Goal #1 of the Agenda is to 'end poverty in all its forms everywhere.'

D. First Nations have been actively working to address poverty and its numerous effects, often with little support and limited resources, and often face legal challenges from the federal and/or provincial governments. First Nations in Canada have innovative solutions to address their socio-economic conditions, and are seeking an opportunity to establish a comprehensive and long-term strategy that will provide them with the resources to address poverty in their communities and Nations, while also respecting their cultural, geographic, and political and legal differences.

E. Both the Assembly of First Nations (AFN) Social Development Sector and the Economic Sector have long standing mandates to oversee and provide advice and recommendations relating to socio-economic policies, programs, and legislation affecting First Nations.

F. Employment and Social Development Canada (ESDC) released its Poverty Reduction Strategy (PRS) in late summer 2018. It contains Canada's official strategy to reduce poverty in Canada, including the development and establishment of federal legislation, official poverty reduction targets, official poverty lines (regionally specific), expanded funding regimes, expanded programming and services, data recording mechanisms, an online dashboard to view the PRS's progress, and the establishment of a National Advisory Council on Poverty.

G. The Minister of ESDC introduced Bill C-87, *An Act respecting the reduction of Poverty,* to the House of Commons in early November 2018. The *Poverty Reduction Act* states the Minister of ESDC will appoint between 8-10 members to the National Advisory Council on Poverty. A First Nations representative has yet to be identified or appointed to the National Advisory Council on Poverty.

H. ESDC also stated that before the PRS is to be implemented in First Nations, Canada will consult with First Nations regarding their perspectives on poverty, their main priorities and concerns with respect to poverty and its larger impacts, as well as the systematic gaps and barriers that produce poverty in their communities and nations.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal government to ensure the National Advisory Council on Poverty includes First Nations representation to ensure the unique needs and rights of First Nations are recognized and respected as Canada implements its Poverty Reduction Strategy.

2. Direct the Chiefs Committee on Economic Development, the Technical Working Group on Social Development, and the First Nations Technical Working Group on Human Resource Development, to work together in identifying a First Nations candidate to be recommended as the representative to the National Advisory Council on Poverty.

3. Direct the Technical Working Group on Social Development and the Technical Working Group on Labour Force Development, to work with Employment and Social Development Canada (ESDC) officials on the implementation of its Poverty Reduction Strategy in First Nations.

D R A F T R E S O L U T I O N # 0 4 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Disabilities Program On-Reserve**
SUBJECT:	Health, Social, Disabilities
MOVED BY:	Grand Chief Abram Benedict, Mohawks Council of Akwesasne, ON
SECONDED BY:	Chief Donny Morris, Kitchenuhmaykoosib Inninuwug (Big Trout Lake), ON

WHEREAS:

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

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

B. The Convention on the Rights of Persons with Disabilities states that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- **i.** Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- **ii.** Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- **iii.** Provide these health services as close as possible to people's own First Nations, including in rural areas;

C. Today, disability rates among First Nations are 20-50% greater than the general population.

D. There is currently no disabilities program that exists on-reserve for First Nations, which results in First Nations having to temporarily or permanently leave their First Nation to receive the health and social programs and services they need, and in some instances children are being apprehended by child welfare agencies in order to have children's' needs met.

D R A F T R E S O L U T I O N # 0 4 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

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

1. Call on Canada to work directly with First Nations to determine the needs for an on-reserve disabilities program.
2. Call on Canada to provide long-term and sustainable funding for an on-reserve disabilities program for First Nations.
3. Call on Canada to encourage provincial/territorial governments to invest in on-reserve disabilities programs for First Nations.

D R A F T R E S O L U T I O N # 0 5 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Post-Secondary Education Policy Proposal**
SUBJECT:	Post-Secondary Education
MOVED BY:	Chief Leroy Denny, Eskasoni First Nation, NS
SECONDED BY:	Tyrone McNeil, Proxy, Kwaw Kwaw Apilt First Nation, BC

WHEREAS:

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

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

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

C. Strong, effective and inclusive post-secondary education systems provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as

expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.

D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolution 36/2016, *Inherent and Treaty Right to Post-Secondary Education,* and Resolution 40/2016, *Call on Canada to address the backlog of eligible First Nation post-secondary students that* both affirm and uphold this autonomy.

E. The Government of Canada is obliged to uphold and honour its budget 2016 commitment to lift the two percent cap in place since 1996, on funding for First Nations programs. Significant increased investments are required to take into account inflation, population growth and improving Grade 12 graduation results.

F. In accordance with AFN Resolution 14/2017, *Post-Secondary Education Federal Review*, the Chiefs Committee on Education (CCOE), the National Indian Education Council (NIEC), nationally-representative post-secondary education (PSE) technicians and First Nations established institutions, produced the *First Nations Post-Secondary Education Review 2018 Interim Report* and AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations.*

G. Resolution 29/2018 accepted the *First Nations Post-Secondary Education Review 2018 Interim Repor*t and provided direction for co-development of a policy proposal. In response to the direction given, the AFN, CCOE and NIEC have worked in partnership with Indigenous Services Canada (ISC) to develop a new First Nations PSE policy proposal.

H. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by ISC or other federal departments or agencies.

I. The Minister of Indigenous Services Canada will return to Cabinet with a Memorandum to Cabinet, related to Indigenous Post-Secondary Education, following the December 2018 Special Chiefs Assembly. The First Nations PSE policy proposal will be implemented following and based on Cabinet decisions.

J. The AFN estimates there are nearly 9,000 First Nations students currently enrolled in post-secondary education who are not receiving funding through the Post-Secondary Student Support Program. There are approximately 78,000 First Nations graduates needed to close the gap in post-secondary education.

K. Eliminating the educational attainment gap by 2031 will boost Aboriginal employment by 90,000 workers and the Aboriginal contribution to Gross Domestic Product (GDP) by as much as $28.3 billion.

L. The First Nations PSE policy proposal highlights the outstanding need for post-secondary education to move First Nations priorities forward and that these funds have not been secured. Any new investments will come with the release of Federal Budget 2019.

D R A F T R E S O L U T I O N # 0 5 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

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

1. Reaffirm First Nations' inherent and Treaty Rights to post-secondary education (PSE).
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Support the recommended First Nations PSE policy proposal as represented in Policy Proposal (v7) to be presented to Cabinet as the First Nations submission through Indigenous Services Canada's Memorandum to Cabinet. The policy proposal outlines the following:
    a. Calls on the federal government to provide immediate investments to address the backlog of First Nations PSE students, support First Nations established institutes, and provide transitional funding for upgrading and completion in order to pursue PSE.
    b. Seeks long-sought after changes to current PSE programs, Post-Secondary Student Support Programs (PSSSP).
    c. Restructuring of Post-Secondary Partnership Program (PSPP) to align with the changes expressed in the policy proposal.
    d. Proposes Treaty-based, self-government based and/or regionally determined process for First Nations to co-develop PSE models in partnership with the federal government.
4. Urge the Government of Canada to present the First Nations PSE policy proposal, jointly developed by First Nations and Indigenous Services Canada, to the Cabinet of Canada with an Assembly of First Nations member of Chiefs Committee on Education.

D R A F T R E S O L U T I O N # 0 6 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Indspire Investments**
SUBJECT:	Post-Secondary Education
MOVED BY:	Chief Leroy Denny, Eskasoni First Nation, NS
SECONDED BY:	Chief Michael Starr, Star Blanket First Nation, SK

WHEREAS:

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

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

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

C. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education. The Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolution 36/2016*, Inherent and Treaty Right to Post-Secondary Education* and Resolution 40/2016, *Call on Canada to address the backlog of eligible First Nation post-secondary students,* that both affirm and uphold this autonomy.

D. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by Indigenous Services Canada or other federal departments or agencies. The Government of Canada does not have unilateral decision making power to designate First Nations funds to non-First Nations entities. First Nations funding is for First Nations.

E. Principle 10 of the Government of Canada's *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* states: Distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

F. The Prime Minister has outlined in his mandate letters to Ministers Philpott and Bennett to engage in a renewed Nation-to-Nation relationship with First Nations.

G. Strong, effective and inclusive post-secondary education systems provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.

H. Indspire is a national charity that does not represent First Nations and is not accountable to First Nations.

I. The 2017 Federal Budget announced $25 million over five years for post-secondary scholarships from Indspire without consent from First Nations.

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

1. Reaffirm First Nations' inherent and Treaty Rights to post-secondary education.

2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.

3. Affirm that Indspire does not represent First Nations nor have consent from First Nations to receive federal funding for First Nations education.

4. Call on the Assembly of First Nations to urge the Government of Canada to cease and desist all federal investments to Indspire relating to First Nations education beginning in fiscal year 2019-2020 and that any remaining funds be redirected to First Nations.

D R A F T R E S O L U T I O N # 0 7 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser Salmon Management Agreement**
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

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

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- **ii.** Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- **iii.** Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands and territories and resources.
- **iv.** Article 31: Indigenous peoples have a right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures.
- **v.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- **vi.** Article 32 (2): States shall consult and cooperate in good faith with 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.
- **vii.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

D R A F T R E S O L U T I O N # 0 7 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

B. The Fraser Salmon Management Council (FSMC) became a politically mandated organization, now with a membership of 75 First Nations from the headwaters of the Fraser River to the northern tip of Vancouver Island, through consensus adoption of its Constitution and Bylaws on March 25, 2014.

C. The FSMC is directed by its membership, through Council Resolution, to negotiate a Fraser Salmon Management Agreement with Department of Fisheries and Oceans.

D. On August 30, 2016, The FSMC and DFO Regional Director-General approved and signed *Nesika Oakut ("Our Own Way"), A Framework Agreement to Guide the Negotiations for Managing Fraser River Salmon*.

E. In January 2018, the FSMC tabled a proposed Fraser Salmon Management Agreement that provides for nation-to-nation collaborative ("joint") management of Fraser Salmon, and also provides a meaningful step forward in the necessary reconciliation process between the DFO and British Columbia (BC) First Nations regarding the fisheries resources to which those First Nations have priority rights.

F. The negotiation process between the DFO and BC First Nations has been unduly challenged by the Pacific Region of DFO, whose staff already has full time duties and responsibilities apart from this negotiation process and who struggle to envision and operationalize meaningful change in Nation-to-Nation decision-making, related to fisheries resources.

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

1. Direct the Assembly of First Nations (AFN) to call on the Minister of Fisheries and Oceans to address that the opportunity to enter into a significant and critically important reconciliation agreement, with an unprecedented aggregation of British Columbia (BC) First Nations in a timely manner, is in jeopardy.

2. Direct the AFN to urge the Minister of Fisheries and Oceans to make available the financial and human resources (with mandates) that will enable the Department of Fisheries and Oceans and BC First Nations negotiation table to expedite the negotiation process in order to come to a historic Nation–to-Nation agreement, which will provide a model for First Nations' meaningful participation in fisheries management decision-making processes.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Engagement with Canadian Council of Fisheries and Aquaculture Ministers and (CCFAM) and six Technical CCFAM Task groups**
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Chief Bob Chamberlin, Kwikwasu'tinuxw Haxwa'mis First Nation, BC

WHEREAS:

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

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- **ii.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- **iii.** Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- **iv.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measure shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.

B. The Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) is comprised of federal, provincial and territorial ministers of fisheries and aquaculture who meet annually to provide advice on priorities to CCFAM chair, the Minister of Fisheries and Oceans (DFO).

C. The CCFAM oversees technical subgroups on Aquaculture, Fisheries Act Review, Oceans and Marine Protected Areas, Aquatic Invasive Species, and Market Access group that provide advice to the Minister of Fisheries and Oceans on a path forward.

D. On June 27 2017, the CCFAM met in Whitehorse, Yukon. A representative of the National Fisheries Committee (NFC) attended with Assembly of First Nations (AFN) staff; however there remains no formal role for First Nations.

E. At the CCFAM meeting the AFN highlighted the need for regional resources and capacity to engage in future co-development of regulations, policies and programs that impact coastal fisheries, inland, northern fisheries and aquaculture initiatives.

F. The CCFAM has invited AFN leadership on December 4, 2018 to highlight national priorities and begin discussions on "Understanding Indigenous Knowledge Systems in the context of Indigenous Fisheries". The AFN is seeking advice on how governments should respect and implement Indigenous Knowledge through future legislation, regulations and policies at various political levels.

G. The CCFAM are discussing the establishment of a sixth Task Group focused on an Inland Working Group with no specific reference to inclusive engagement with Indigenous peoples.

H. The AFN NFC has discussed the need for a multi-agency dialogue table that brings together all levels of government to address cross-cutting and overlapping issues through a coordinated multi-jurisdictional process with First Nations on fisheries, oceans and aquatic resource management and governance.

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

1. Direct the Assembly of First Nations (AFN) to secure a commitment to continue building regional and national relationships with the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) and Indigenous leadership to identify ongoing priorities annually and periodically throughout the year.

2. Direct the AFN Executive Committee to establish regional relationships and processes linked to the CCFAM and all related Task Groups that is inclusive of First Nations rights, decision-making processes and interests.

3. Direct the AFN to call on the CCFAM to:

- **a.** Incorporate the standards outlined in the *United Nations Declaration on Rights of Indigenous Peoples.*
- **b.** Identify resources and capacity programs to engage in future co-development of regulations, policies and programs that impact coastal fisheries, the inland fisheries and create sustainable aquaculture with First Nations.

4. Direct the AFN to urge the Department of Fisheries and Oceans (DFO), CCFAM and other agencies to:

- **a.** Create new spaces for market access, fishing capacity, fisheries management, business development and habitat protection.
- **b.** Ensure frameworks and processes respect and invest in Indigenous Knowledge systems with First Nations as appropriate.

5. Direct the AFN to participate in the establishment of multi-agency tables in domestic and international forums and agreements, and other collaborative processes that showcase positive results based on a Nation-to-Nation relationship.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Inclusion in Canada's Ocean's Protection Plan**
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Wendall Metallic, Proxy, Listuguj Mig'maq Government, QC

WHEREAS:

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

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- **ii.** Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- **iii.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- **iv.** Article 32 (2): States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- **v.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. The Assembly of First Nations (AFN) passed Resolutions 93/2016, *Marine Emergency Information Management Protocol*, 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas* and 06/2018, *Engaging First Nations on Marine Vessels and Salvage Operations* that address issues of First Nations roles in marine safety, and responsible protection and management of oceans and waterways.

C. In November 2016, the Prime Minister launched a $1.5 billion national Ocean's Protection Plan (OPP). It is the largest investment ever made to protect Canada's coasts and waterways, improve marine safety and responsible shipping, protect Canada's marine environment and offer new possibilities for Indigenous and coastal communities.

D. First Nations have inherent rights to govern and manage ocean resources related to fisheries, navigation, energy, protection, monitoring, transportation, economics and transboundary issues, including international law of the sea.

E. While First Nations have inherent jurisdiction, their marine plans and role in marine safety has not been respected and properly integrated in the rollout of the OPP.

F. The national strategy includes 58 initiatives aimed at creating a world-leading marine safety system that provides economic opportunities for Canadians, while protecting coastlines for generations to come. The national OPP strategy is presented as a close collaboration with Indigenous peoples, local stakeholders, and coastal communities.

G. In October 2018, the federal government introduced the *Budget Implementation Act*, which includes proposed legislative changes to the *Canada Shipping Act*, 2001 and the *Marine Liability Act*. These changes are related to commitments made under the OPP to enable the federal government to respond to marine pollution incidents faster and more effectively, and to better protect marine ecosystems and habitats.

H. Minister of Transport, Marc Garneau stated "These proposed changes to legislation will strengthen marine environmental protection and marine safety for generations to come. As we mark the second anniversary of the launch of the OPP, we renew our commitment to meaningful action to safeguard Canada's coasts and waterways."

I. Transport Canada is expected to announce the release of funds available to First Nations on a marine project basis; this is an unprecedented opportunity for First Nations.

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

1. Direct the Assembly of First Nations (AFN) to work collaboratively with Transport Canada, the Department of Fisheries and Oceans and the Canadian Coast Guard, in addressing long term capacity funding for First Nations in areas involving the relevant initiatives under the Ocean's Protection Plan (OPP).

2. Call on the AFN to advocate that any legislative, regulatory, policy, and program reform related to the OPP must respect First Nations inherent rights, Treaties, title and jurisdiction, and must recognize First Nations inherent and everlasting responsibilities to their traditional territories.

3. Direct the AFN to work with Transport Canada and the Department of Fisheries, Oceans, and the Canadian Coast Guard, in securing core and capacity funding for First Nations and regional work associated with the OPP as it relates to First Nations.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Response to Chronic Wasting Disease**
SUBJECT:	Environment, Health
MOVED BY:	Chief Stanley Grier, Piikani First Nation, AB
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

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

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- **ii.** Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that affect them.
- **iii.** Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- **iv.** Article 29 (1). Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

B. Chronic Wasting Disease (CWD) affects ungulates, such as deer, moose, elk and caribou, in a manner similar to Mad Cow Disease. It is an infectious disease that is always fatal and can remain present in soil for years. There is no known cure or treatment. The disease has been confirmed in ungulate populations in 24 American states and 3 Canadian provinces where it continues to spread. Transfer of CWD via plants has been demonstrated.

C. First Nations have a greater reliance on ungulates for food, social, and ceremonial purposes than the average Canadian, and will be greatly impacted by changes in wildlife populations.

D. Current provincial/territorial recommendations regarding CWD include the mandatory testing of carcasses prior to consumption in areas with known presence of CWD and the restriction of the movement of carcasses across provincial/territorial and international boundaries.

E. Trade and transport of harvested animals across provincial, territorial, and international borders is an everyday exercise of Treaty and Aboriginal rights.

F. International trade restrictions on Canadian agricultural products have already been established due to the impacts CWD might have on food supply chains.

G. New scientific evidence indicates that consuming infected deer, elk, moose, or caribou meat can potentially transmit CWD to humans. While no human cases have been reported to date, it is highly recommended that all harvested animals in affected areas be submitted for testing. The World Health Organization and Health Canada recommend that animals testing positive for CWD not be consumed or used for any purpose.

H. Only one percent of wildlife samples sent to the Canadian Cooperative Wildlife Heath Centre for testing come from First Nations even though wildlife-human health interactions are the largest potential source of disease transfer.

I. First Nations' involvement in the development of regulations and policies surrounding CWD have been largely non-existent. Communications tools to inform First Nations about the presence of and threats from CWD do not exist. There is a severe lack of access to testing for CWD by First Nations hunters.

J. As directed by Assembly of First Nations (AFN) Resolutions 70/2010, *First Nations-Controlled Awareness, Training and Surveillance Programs for Chronic Wasting Disease (CWD)* and Resolution 13/2017, *Chronic Wasting Disease*, the AFN Health and Environment Sectors have initiated work on this issue. Advocacy efforts to date have focused on outreach to multiple federal departments. Outreach has resulted in the federal government's recognition for the need of broader consultation with First Nations and the need to review federal efforts regarding CWD.

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

1. Direct the Assembly of First Nations (AFN) to work collaboratively with all concerned First Nations, regional representative bodies, non-government organizations, industry, federal, provincial and territorial governments to:

- **a.** Advocate for the development of funding programs for First Nations to develop, maintain, and strengthen their own conservation, surveillance, wildlife health, and human health programs.
- **b.** Promote on-going research to better understand the risks associated with the potential transmission to humans from the consumption of Chronic Wasting Disease (CWD) infected meat.

2. Direct the AFN to work with the Government of Canada to develop the National Wildlife Disease Strategy.

3. Direct the AFN Environment and Health Sectors to seek membership through the Advisory Committee on Climate Action and the Environment and the Chiefs Committee on Health to establish a First Nations CWD working group with the mandate to:

- **a.** Develop a position paper outlining First Nations' concerns and recommend responses or solutions to dealing with the spread of CWD and the potential impacts it will have.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Positioning First Nations as Climate Leaders**
SUBJECT:	Climate Change
MOVED BY:	Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC
SECONDED BY:	Chief Roberta Joseph, Tr'ondek Hwech'in First Nation, YK

WHEREAS:

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

- **i.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- **ii.** Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- **iii.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. Climate change is significantly altering our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.

C. First Nations have been leading both domestic and international efforts on climate action.

D. International leaders have set global targets to reduce carbon emissions as part of the 21st Conference of the Parties (COP 21). This led to the Paris Agreement, signed by Canada in April 2016. All parties to the Paris Agreement agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.

E. Internationally, First Nations have been involved in the negotiations on the Local Communities and Indigenous Peoples Platform, including "*Call on the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to support all efforts, including changing the draft rules of procedures, to improve First Nations' full and effective participation in the UNFCCC*" (Resolution 101/2017, *Supporting First Nations' participation in international climate change*).

F. At a First Ministers Meeting in Ottawa in December 2016, the First Ministers adopted the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), agreeing to recognize, respect, and safeguard the rights of Indigenous peoples. This was followed by a joint-statement between the National Chief and the Prime Minister, as well as a joint release of a "Process Document for Ongoing

Engagement on the PCF", resulting in the creation of the Joint Committee on Climate Action (JCCA) – a technical body made up First Nations and federal representatives.

G. Reflecting the diverse nature of First Nations' regions and their experiences with climate change, the work of the JCCA has advanced solutions in relation to greenhouse gas pollution pricing, First Nations access to federal climate-related funding, and considering Indigenous knowledge in the implementation of the Pan-Canadian Framework.

H. This JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional and national level on issues related to climate change, including mitigation and adaptation activities.

I. The JCCA, as its major deliverable, has developed an Annual Report, summarizing the Committee's work over the last year, to be submitted to the Prime Minister and the National Chief.

J. The Assembly of First Nations has passed numerous resolutions supporting First Nations' involvement in climate change discussions including: Resolution 103/2017, *Supporting First Nations' participation in international climate action*, Resolution 21/2017,*Joint Committee on Climate Action*, Resolution 97/2016, *First Nations Full and Meaningful Inclusion in Climate Action*, Resolution 29/2016, *Engaging in Climate Action and the Environment*, Resolution 48/2016, *Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action*, Resolution 59/2015,*Support First Nations in Addressing Climate Change* and Resolution 51/ 2015, *Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies*.

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

1. Support the work of the Joint Committee on Climate Action (JCCA) between First Nations and the Government of Canada to ensure First Nations full and meaningful inclusion in the Pan-Canadian Framework on Clean Growth and Climate Change and other related priorities identified by First Nations based on their inherent rights, titles, treaties, and other formal arrangements.

2. Call on the Prime Minister to implement the Joint Committee's recommendations in the areas of greenhouse pollution pricing, federal funding accessibility, and action on climate change.

3. Reiterate that the JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations and that additional efforts must be afforded in order to consult directly with rights holders on issues related to climate change, including mitigation and adaptation activities, in a manner that is respectful of their unique protocols, and processes.

4. Direct the Assembly of First Nations to call upon the Minister of Environment and Climate Change Canada to provide adequate financial capacity to support First Nations, regions, provincial and territorial organizations, and women, Elders, and youth to participate in these activities and to maintain their important role as stewards of the environment in successfully managing Canada's climate action.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development**
SUBJECT:	Bill C-69; Environment; Fisheries
MOVED BY:	Chief Archie Waquan, Mikisew Cree First Nation, AB
SECONDED BY:	Chief Calvin Sanderson, Chakastaypasin Band, SK

WHEREAS:

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

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

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

C. Prime Minister Justin Trudeau publicly committed "to a renewed nation-to-nation relationship with First Nations (…) one that is based on recognition of rights, respect, cooperation and partnership" and to "conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government."

D. On June 20, 2016, the Government of Canada announced a broad public review of various environmental and regulatory processes that includes:

- **i.** Reviewing federal environmental assessment processes
- **ii.** Modernizing the National Energy Board
- **iii.** Restoring lost protections and introducing modern safeguards to the Fisheries Act and the Navigation Protection Act.

E. First Nations overwhelmingly participated in a two-year process involving two expert panels, a federal discussion paper, and in-person technical sessions that informed the preparation of Bill C-69*, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts,* which the Minister of Environment and Climate Change introduced on February 8, 2018.

F. Bill C-69 has passed through the House of Commons and is currently with the Senate. On September 18, 2018, the Bill began its second reading.. Following this stage, the Bill is expected to be referred to the Senate Committee on Energy, the Environment, and Natural Resources (ENEV), where the Committee will invite witnesses to appear.

G. The Canadian Association of Petroleum Producers and the Province of Alberta have launched significant public campaigns against Bill C-69. Premier Rachel Notley has expressed reservations about the Bill and its impact on Alberta's oil and gas industry.

H. The Province of Alberta has wrongly claimed it has a rigorous environmental assessment process, with good consultation and effective management of cumulative effects, so that industrial projects impacting Treaty rights do not need federal review. Therefore, Alberta is improperly requesting that in situ development not be included on the project list under Bill C-69.

I. The current approach to the project list is to include projects that have the potential to impact areas of federal jurisdiction; especially in areas where there is intense development and cumulative effects are significant and must be considered in decisions to designate projects. Triggers should include potential impacts to areas of federal jurisdiction including: Section 35 rights, reserves, water quality and quantity, migratory birds, species at risk, and impacts to Outstanding Universal Values of World Heritage Sites.

J. Since entering the Senate, Bill C-69 has received significant opposition, with opponents calling on Senators to either kill or delay the Bill in perpetuity. Due to this pressure, there is increasing risk that input from First Nations will be lost. If the Bill does not receive Royal Assent by March 2019, there will not be enough time to participate in the formal Regulatory process (Canada Gazette I and II) before the writ is dropped and an election is called.

K. At the same time, Canada is engaging in a process of reviewing policies, regulations and guidelines relating to Bill C-69. This process has started and is expected to take between twelve and eighteen months.

L. Canada has released consultative papers on two regulations pertaining to the Impact Assessment Act: Regulations Designating Physical Activities (Project List); and Information Requirements and Time Management Regulations. They have also released consultative papers on two regulations pertaining

to the Canadian Energy Regulator Act: Designated Officer Regulation; and Damage Prevention Framework for Federally Regulated Power Lines.

M. First Nations expect to co-draft polices, regulations, and guidelines for the environmental and regulatory processes, at, or above, the precedent set in the development and eventual passage of the Species-at-Risk Act, which involved full, direct, and unfettered participation of First Nations (Resolution 07/2018).

N. The Athabasca Region First Nations (Athabasca Chipewyan First Nation, Chipewyan Prairie Dene First Nation, Fort McKay First Nation, and Mikisew Cree First Nation) have advocated for the passing of Bill C-69 and that federal assessment and oversight is required in the oil sands region, including in situ development.

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

1. Direct the Assembly of First Nations (AFN) to urge the Senate to refer Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts,* to the Senate Committee on Energy, the Environment, and Natural Resources and ensure that rights holders participate in the hearing process in a timely manner that is respectful of their unique protocols, and processes, in order to complete the process before the next federal election.

2. Support the Athabasca Region First Nations (Athabasca Chipewyan First Nation, Chipewyan Prairie Dene First Nation, Fort McKay First Nation, and Mikisew Cree First Nation) position on the need for the ratification of Bill C-69 and for improvements to the Project List under Bill C-69 to include in situ projects and projects that may impact Section 35 rights, reserves, water quality and quantity, migratory birds, species at risk, and impacts to Outstanding Universal Values of World Heritage Sites.

3. Call on Canada to engage in a focused dialogue with First Nations to substantively identify, recognize, and engage the protocols, elements, and processes to conduct joint regulatory and policy drafting.

4. Direct the AFN to continue supporting and coordinating, where possible, the interventions and participation of First Nations, regional organizations, and provincial/territorial organizations in the joint drafting process. This could include creating regional-specific processes to address regions with specific concerns including support provisions as part of a Nation-to-Nation relationship.

5. Call again on Canada to provide adequate funding directly to individual First Nations for their full, direct, and unfettered participation in the joint regulatory and policy drafting of Bill C-69.

6. Call on Canada to ensure that regulatory and policy development fully respects the constitutional and other legal obligations of the Crown to First Nations and standards set by the United Nations Declaration on the Rights of Indigenous Peoples.

7. Call on the AFN to continue conducting regional information-sessions to support First Nations, regional organizations, and provincial/territorial organizations in the process.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Respect, Protection, and Preservation of Indigenous Knowledge Systems**
SUBJECT:	Indigenous Knowledge Systems; Environment; Fisheries
MOVED BY:	Chief Calvin Sanderson, Chakastaypasin Band, SK
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

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

- **i.** Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- **ii.** Article 13 (1): Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designated and retain their own names for communities, places and persons.
- **iii.** Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- **iv.** Articles 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- **v.** Article 31: Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage traditional knowledge and traditional cultural expressions as well as the manifestations of their sciences, technologies, and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

B. First Nations have a special relationship with Mother Earth and all living things in it, including a collective responsibility to protect the land and resources for future generations.

C. Collective ownership and responsibility of Indigenous Knowledge Systems (IKS) and its interpretation lies with each First Nation, recognized and affirmed under s. 35 of the *Constitution Act*, 1982, as well as through Treaties, agreements, or other constructive arrangements.

D. The Convention on Biological Diversity (CBD) has several relevant articles: the Article 8J Working Group has considered traditional knowledge for the last twenty years; and Article 10C to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

E. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has a sub-committee on Aboriginal Traditional Knowledge (ATK) that focuses incorporating Aboriginal Traditional Knowledge into COSEWIC's assessment of species at risk.

F. The Assembly of First Nations (AFN) rejects and repudiates the doctrine of discovery, "terra nullius", and any other doctrines of superiority as illegal and immoral, and affirms that they can never be a justification for the exploitation and subjugation of First Nations and the violation of human rights.

G. Western Science and IKS are separate and unique, but can be complementary when balanced and braided together to support fully informed decision-making.

H. IKS is a valid and essential source of knowledge and a way of being, and the governments and entities described above must follow all related protocols when incorporating it into government decisions and actions, including legislation, policy, regulations, developments, implementation and planning.

I. In April 2017, at an Advisory Committee on Climate Action and the Environment (ACE) meeting in Halifax, Minister McKenna formally requested the AFN Elders Council assist in the development of a framework to guide how the government approaches and works with IKS, Elders, and Knowledge-Keepers.

J. Increasingly federal legislation, such as Bill C-69, *An Act to enact the Impact Assessment Act, Canadian Energy Regulator Act, to amend the Canadian Navigation Protection Act and make consequential amendments to other Acts* and Bill C-68, *An Act to amend the Fisheries Act* and other Acts in consequence, are referencing the mandatory consideration of IKS in the implementation of the Acts.

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

1. Direct the Assembly of First Nations (AFN) to call on the Federal, Provincial and Territorial governments to:

- **a.** respect, honour, and prioritize, the Indigenous Knowledge Systems (IKS) policies and protocols that First Nations and their Elders and Knowledge Keepers have in place or will put in place;
- **b.** require the free, prior, and informed consent (FPIC) of First Nations, including elders and knowledge holders, regarding requests for the use of IKS; and
- **c.** provide support and capacity to First Nations to facilitate protection, practice, preservation, and promotion of IKS for future generations. As well as to First Nations to protect and, in some instances, rehabilitate, the lands, waters, air, and environment from which it has been provided.

2. Direct the AFN to support and coordinate discussions with First Nations, Elders, Knowledge Keepers, regional organizations, and provincial/territorial organizations, for the development of an IKS Framework.

3. Direct the AFN to call on all responsible federal Ministers to provide adequate funding directly to individual First Nations to support the protection, practice, preservation, and promotion of IKS for future generations.

4. Direct the AFN to call on Canada to ensure that legislation, policy, regulations, and programs fully respect the constitutional and other legal obligations of the Crown to First Nations, including the minimum standards set by the United Nations Declaration on the Rights of Indigenous Peoples.

D R A F T R E S O L U T I O N # 1 4 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018 Ottawa Ontario

TITLE:	**Small Modular Nuclear Reactors (SMR's)**
SUBJECT:	Environment
MOVED BY:	Chief Duncan Michano, Ojibways of the Pic River First Nation, ON
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), ON

WHEREAS:

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

- **i.** Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent,

B. The Nuclear Industry, particularly in Ontario, seeks to build and operate small modular nuclear reactors and to operate these reactors in small communities throughout the north.

C. The Nuclear Industry is seeking assistance from the Government of Canada to conduct research and build these Small Nuclear Reactors (SMR's).

D. Nuclear reactors, regardless of size, produce bi-products and radioactive waste material that will be toxic and dangerous to human health for thousands of years.

E. The Nuclear Industry in Canada has nowhere to store this waste and as of June 30, 2017, Canada has an inventory of about 2.8 million used nuclear fuel bundles with an average of 90,000 additional used fuel bundles being generated each year.

F. The Nuclear Waste Management Organization is currently seeking out willing communities to construct a long-term underground repository in Ontario to store Canada's nuclear waste.

G. The First Nations of Ontario oppose the construction and operation of these reactors.

H. The First Nations of Ontario have a duty to protect the health of their citizens today and in the future.

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

1. Demand that free, prior and informed consent is required to ensure that no storage or disposal of hazardous materials shall take place in First Nations lands and territories.

2. Demand that the Nuclear Industry abandon its plans to operate Small Modular Reactors in Ontario and elsewhere in Canada.

3. Demand that the Government of Canada cease funding and support of the Small Modular Reactors program.

4. Direct that the National Chief and appropriate staff work to ensure that the Nuclear Industry and the Canadian Government abandon this program.

D R A F T R E S O L U T I O N # 1 5 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Eco-Agricultural Strategy**
SUBJECT:	Agriculture, Economic Development, Environment
MOVED BY:	Grand Chief Serge Simon, Mohawks of Kanesatake, QC
SECONDED BY:	Chief Manon Jeannotte, La Nation Micmac de Gespeg, QC

WHEREAS:

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

- **i.** Article 26 (1): Indigenous peoples have the rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- **ii.** Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

B. First Nations hold Aboriginal title and rights that are recognized and affirmed in Section 35 of the *Constitution Act*, 1982.

C. First Nations regard themselves as "keepers of the land', with the responsibility to safeguard the livelihood, security, cultural identity, territorial integrity and biodiversity protection for seven generations.

D. Traditionally, First Nations across the country hunted and gathered plants for food and medicinal purposes. Each First Nations diet depended on what was available in their natural local environment.

E. Traditional agriculture is inspired from the natural ecosystem functions of a stable ecosystem based on "chemically empty" bio-diverse multi-functional soil.

F. Industrial agricultural use of synthetic chemicals on First Nations' traditionally owned, occupied or otherwise used or acquired land threaten the soil, water and biodiversity.

G. Traditional food systems are based on the understanding that we hunt, fish and gather what we need so that future generations will not be put in peril.

H. The Government of Canada has signed the Convention on Biological Diversity as well as the United Nations' 2030 Agenda for Sustainable Development that calls for Indigenous peoples' participation.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal, provincial and territorial governments, and related municipalities to remediate First Nations agricultural lands immediately by providing financial and technical support in relation to:

a. Collection of baseline data on soil biodiversity, on land traditionally owned, occupied or otherwise used or acquired by First Nations.

b. Agricultural soil remediation based on traditional agriculture and traditional food systems principles, as well as modern science, technologies, practices and tools.

c. Implementation of sustainable local food production and distribution practices.

d. Permanent measurement of sustainable remediation progress related to agricultural soil's biodiversity, and water quality of related watersheds streams and rivers.

e. Review annually the progress made.

D R A F T R E S O L U T I O N # 1 6 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Indigenous Protected and Conserved Areas - Pathway to Canada Target 1: Conservation 2020 Initiative**
SUBJECT:	Environment
MOVED BY:	Chief Gordon Planes, T'Souke First Nation, BC
SECONDED BY:	Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC

WHEREAS:

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

- **i.** Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regards.
- **ii.** Article 29 (1): Indigenous peoples have the right to the conservation and protection of their 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.
- **iii.** Article 32 (2): States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- **iv.** Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. The world is in the midst of a growing global biodiversity crisis with losses of wildlife populations never before seen in human existence.

C. Indigenous peoples have been diligent and ingenious cultivators of biological diversity through their traditional practices and economies rooted in natural law since time immemorial.

D. First Nations share inherent rights and responsibilities to protect and defend Mother Earth.

E. No relationship is more valuable to First Nations than that with the natural environment and the wildlife contained within.

F. First Nations are uniquely positioned through their intimate relationship with the land, traditional ways of knowing, and management practices to lead efforts to protect, conserve and sustainably manage the environment and biodiversity contained within.

G. The unique relationship between Indigenous peoples and the environment is recognized as an essential role within the United Nations Declaration on the Rights of Indigenous Peoples, including the importance of traditional knowledge in the protection and conservation of the environment and its species.

H. The Crown has the duty to obtain the free, prior and informed consent of First Nations on matters impacting First Nations rights. The honor of the Crown is always at stake in these situations.

I. Assembly of First Nations (AFN) Resolution 23/2017, *Parks Canada Pathway to Canada Target 1: Conservation 2020 Initiative* mandates the AFN's involvement in the Pathway Initiative.

J. The AFN has agreed to continue its participation in the Pathway to Canada Target 1 Initiative to the extent that it could provide a forum for further engagement on conservation and protection.

K. The AFN is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection and conservation of the environment.

L. First Nations require effective tools and capacity to ensure environmental protection for the lands, waters, air, and future generations.

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

1. Support the Assembly of First Nations (AFN) continued involvement in the Pathway to Canada Target 1: Conservation 2020 Initiative.

2. Direct the AFN Advisory Committee on Climate Action and the Environment (ACE) to establish an Indigenous Protected and Conserved Areas sub-working group.

3. Direct the AFN to engage with the Minister of Environment and Climate Change to support the ongoing establishment and implementation of Indigenous Protected and Conserved Areas as one mechanism to support First Nations leadership in environmental conservation, protection and management.

4. Call on the Government of Canada to recognize, respect and fully implement First Nations inherent rights, Treaties, Title and jurisdiction, including First Nations laws, governance, and management systems.

5. Direct the AFN to urge the Minister of Environment and Climate Change Canada to ensure the full and effective participation of First Nations in all aspects of environmental conservation and protection through dedicated resources to enhance capacity and leadership in governance and management processes including policy, program and regulatory decision making processes.

D R A F T R E S O L U T I O N # 1 7 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Closing the Environmental Protection Regulatory Gap on First Nations Lands**
SUBJECT:	Environment
MOVED BY:	Chief Calvin Sanderson, Chakastaypasin First Nation, SK
SECONDED BY:	Chief Scott McLeod, Nipissing First Nation, ON

WHEREAS:

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

- **i.** Article 29 (1): Indigenous peoples have the right to the conservation and protection of their 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.
- **ii.** Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.

B. No relationship is more valuable to First Nations than that with Mother Earth, the natural environment and everything contained within, including animals and marine life, forests and plants, surface and sub-surface waters and the air.

C. The Assembly of First Nations (AFN) is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection and conservation of the environment.

D. First Nations require effective tools, funding, and capacity to ensure environmental protection for the lands, waters, air, and First Nations peoples, especially children, mothers, and families.

E. There are significant gaps in on-reserve environmental protections resulting from inadequate legislation, policy, regulatory tools, and enforcement capabilities under Part 9 of *the Canadian Environmental Protection Act*, 1999.

F. AFN Resolution 41/2017, *Environmental Protection on First Nations Lands* and Resolution 52/2017, *First Nation Environmental Law* were passed on the need to address gaps in environmental protection for First Nations and need for Canada to establish processes and obtain free, prior, and informed consent with Aboriginal Title and Treaty rights holders when pursuing changes to environmental law.

G. The federal government, in their response letter to the Standing Committee on the Environment and Sustainable Development, chose to not amend the *Canadian Environmental Protection Act*, 1999, but has indicated to the AFN they are interested in engaging on the regulatory gap and will be developing a

policy framework regarding "vulnerable populations," the definition of which First Nations may be included under.

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

1. Direct the Assembly of First Nations (AFN) to continue to urge the federal government to immediately address the on-reserve environmental protection gap through legislative, policy, regulatory, and program reforms, including to the *Canadian Environmental Protection Act*, in consultation and partnership with First Nations.
2. Call on the Government of Canada to recognize, respect and fully implement First Nations inherent rights, Treaties, Title and jurisdiction, including First Nations laws, governance, and management systems.
3. Call on the Government of Canada to immediately address the long-standing gaps in environmental protection on First Nations lands in full consultation and partnership with First Nations.
4. Direct the AFN to engage with the Minister of Environment and Climate Change Canada and the Minister of Indigenous Services Canada to seek an appropriate resolution to this matter.
5. Direct the AFN to urge the Minister of Environment and Climate Change Canada and the Minister of Indigenous Services Canada to ensure the full and effective participation of First Nations in all aspects of environmental protection through dedicated resources to enhance capacity as well as co-development of legislation, policy, regulations, and programs, including for regulatory enforcement.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**North American Caribou Protection, Conservation, Management and Recovery**
SUBJECT:	Environment
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Adrienne Jerome, Lac Simon First Nation, QC

WHEREAS:

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

- **i.** Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.
- **ii.** Article 7 (1): Indigenous peoples have the rights to life, physical and mental integrity, liberty, and security of the person.
- **iii.** Article 29 (1): Indigenous peoples have the right to conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous peoples for such conservation and protection, without discrimination.
- **iv.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

B. Caribou are an iconic species integral to the existence of many First Nations across North America for food, social, ceremonial, and economic purposes.

C. Caribou across North America have seen up to 99% reduction in population in some herds since 2001.

D. Effective protection, conservation, management, and recovery of caribou will require First Nations traditional knowledge be considered and applied collaboratively with western science.

E. In the face of rapid climate change and increased human disturbance, ensuring the health of all caribou herds is of utmost priority to First Nations.

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

1. Call on the Government of Canada to immediately address the crisis facing caribou populations in full consultation and partnership with First Nations and all relevant stakeholders.

2. Direct the Assembly of First Nations (AFN) to urge the Minister of Environment and Climate Change Canada to ensure the full and effective participation of First Nations in all aspects of caribou protection, conservation, management, and recovery action.

3. Direct the AFN to work collaboratively with all concerned First Nations, regional organizations, relevant federal, provincial and territorial governments, industry, non-governmental organizations, and academia to participate in existing and or develop new multi-lateral processes for First Nations to inform action on protection, conservation, management planning, and recovery of all North American caribou.

4. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) and other relevant Ministers to allocate adequate resources to support First Nations nationally and regionally, as well as women, Elders, and youth to participate in these activities and to maintain their important role as stewards of the environment and the biodiversity found therein.

5. Direct the AFN to facilitate a National dialogue on the North American Caribou emergency.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for the First Nations Major Projects Coalition**
SUBJECT:	Economic Development
MOVED BY:	Chief Willie Blackwater, Gitsegukla First Nation, BC
SECONDED BY:	Chief Brad Swiftwolfe, Moosomin First Nation, SK

WHEREAS:

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

- **i.** Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- **ii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- **iii.** Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- **iv.** Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- **v.** Article 29: 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.
- **vi.** Article 32: Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

B. Many of our Nations' territories are impacted by some form of major project development. Our Nations need access to information and tools to make informed decisions about any proposed development within our territories.

C. The First Nations Major Projects Coalition (FNMPC), having a membership of 48 First Nations in 5 provinces, is an optional, community-driven and Nation-based organization that is non-political and First Nations-led.

D. The vision of the FNMPC includes *member First Nations working collaboratively, cooperatively and cohesively towards the enhancement of the economic well-being of our respective memberships,*

understanding that a strong economy is reliant upon a healthy environment, supported by vibrant cultures, languages and expression of our traditional laws.

E. First Nations who have chosen to join the FNMPC are receiving business capacity support and other technical tools free of charge to assist them in making informed decisions concerning the economic and environmental aspects of major project development.

F. The FNMPC is a vehicle of collaboration, intended to bring the community level interests of First Nations together with the shared priorities of national organizations to strengthen a First Nations-led approach to major project development.

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

1. Recognize and support the work of the First Nations Major Projects Coalition as an optional, First Nations-led organization dedicated to building tools to assist our Nations in making informed business decisions.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**First Nations – Municipal Community Economic Development Initiative (CEDI)**
SUBJECT:	Economic Development
MOVED BY:	Chief Michael LeBourdais, Whispering Pines / Clinton Indian Band, BC
SECONDED BY:	Chief PJ Prosper, Paqtnkek Mi'kmaw Nation, NS

WHEREAS:

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

- **i.** Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- **ii.** Article 20: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- **iii.** Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

B. Since 2013, the Council for the Advancement of Native Development Officers (CANDO) and the Federation of Canadian Municipalities (FCM) have delivered the First Nations – Municipal Community Economic Development Initiative (CEDI).

C. Phase 1 (2013-2016) of the initiative worked with six First Nations and municipalities. All six of the partnerships have completed the CEDI program and the majority of the partnerships have excelled in their collaboration through a number of initiatives, including a joint tourism strategy, a joint local business attraction strategy, tri-council leading regional strategic planning and the co-management of a joint economic development officer position between a First Nation and a municipality.

D. Phase 2 (2016-2021) is currently working with nine First Nations – municipal partnerships. As Phase 2 will come to a close in 2021, increased First Nations support to co-develop the next Phase is required in order to ensure that CEDI is Indigenous-led and maintains its relevance to First Nations' economic development needs across Canada.

E. To date, CEDI has been funded by Crown-Indigenous Relations Canada (CIRC). Currently FCM holds the Funding Agreement with CIRC, and CANDO negotiates an annual Contribution Agreement with FCM.

F. CANDO is an Indigenous-controlled, community-based and membership-driven organization. Its vision is to build capacity that strengthens Indigenous economies by providing programs and services to economic development officers (EDOs), whose work focuses on Indigenous peoples' economic development. CANDO strongly advocates for CEDI to be responsive to, and address, First Nations economic development needs and priorities.

G. In 2016, Phase 2 called for applications from First Nations and municipalities across Canada. Forty-six applications were received from First Nations and thirty-six from municipalities. Only ten partnerships were accepted based on available funding.

H. In 2019, CANDO and FCM will complete a Return on Investment (ROI) study for CEDI, as there is currently no research on the social and economic impacts of, or cost-benefit data on, joint First Nations – municipal economic development partnerships. This study will highlight the benefits of CEDI and provide much needed information about the increased level of investment that is required from government and corporate partners.

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

1. Direct the Assembly of First Nations (AFN) to support and advocate for the Community Economic Development Initiative (CEDI) as a relevant and valuable program for First Nations economic development.

2. Direct the AFN to call upon the federal government, specifically Crown-Indigenous Relations Canada (CIRC), to provide ongoing funding for CEDI and future iterations of First Nations – municipal joint economic development programming, and to provide the funding directly to the Council for the Advancement of Native Development Officers (CANDO) as the Indigenous CEDI delivery partner.

3. Direct the AFN Chiefs Committee on Economic Development (CCED) to lead the development of a National Framework for First Nations – municipal joint economic development, and work collaboratively with CANDO and the Federation of Canadian Municipalities to develop the next iteration of CEDI.

4. Direct the AFN to advocate that the federal government, specifically CIRC, and provincial governments ensure that complementary funds are contributed by other federal and provincial ministries for the design and establishment of a National Framework for First Nations – municipal joint economic development.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for the Hazelton Indigenous Court**
SUBJECT:	Legal, Health
MOVED BY:	Chief Tony Morgan, Gitanyow, BC
SECONDED BY:	Chief Willie Blackwater, Gitsegukla, BC

WHEREAS:

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

- **i.** Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the state.
- **ii.** Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- **iii.** Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- **iv.** Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

B. The Government of Canada has accepted and agreed to implement the Truth and Reconciliation Commission's Calls to Action. The Calls to Action state:

- **i.** Recommendation #30: We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal Peoples in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
- **ii.** Recommendation #31: We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to underlying causes of offending.

C. Indigenous peoples in Canada have been disproportionately affected by poverty, colonization and disrupted family relationships. As a result of this history of colonization and institutionalized oppression, they have been found to have higher rates of Fetal Alcohol Spectral Disorder (FASD), alcoholism, Post-Traumatic Stress Disorder (PTSD), suicide, drug addiction, physical and emotional

abuse. The purpose of the Hazelton Indigenous Court initiative is to provide an alternative to the mainstream court system that is inclusive and designed by Indigenous people to resolve problems in a manner that is culturally appropriate and promotes balance and healing. This holistic approach is for both the offender and alleged victims.

D. Overrepresentation of Indigenous people in the correctional system is a crisis across Canada. For example, Indigenous people make up 5 percent of British Columbia's (BC) population and about 11 percent of the population in the cities in the province. However, they account for nearly 25 percent of B.C.'s prison population. In addition, approximately 75 percent of the inmates at Prince George Regional Correctional Centre are Indigenous. A large number of the Indigenous people that are from Hazelton and the surrounding area complete their sentencing time in the city of Prince George. Further, 73.35 percent of those sentenced in the Smithers and Hazelton area are Indigenous.

E. The Hazelton Indigenous Court committee has spent the last 5 years working on the implementation of the court, but has experienced barriers moving forward due to funding and resource issues. Financial and moral support is needed for the development of this community involved court, as there are many on and off-reserve Indigenous peoples that would benefit from its service.

F. Respect and dignity is needed for Indigenous peoples in the court system. The Hazelton Indigenous Court allows for community members to help individuals in the community. This is a change from the individual focus in the provincial court system, which does not focus on community involvement.

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

1. Support the approval, development and start-up of the Hazelton Indigenous Court.

2. Direct the Assembly of First Nations (AFN) to respectfully call upon the Government of Canada to support the approval and establishment of the Hazelton Indigenous Court.

3. Strongly advocate that the Government of Canada commit to the implementation of Recommendation 31 of the Truth and Reconciliation Commission by providing sufficient and stable funding to cover costs of development, training, start-up, and ongoing services as needed for the success of the Hazelton Indigenous Court. Funding is required for the following:

- **a.** Coordinator: to coordinate and facilitate the deliverable for the success of the Indigenous court process.
- **b.** Training, services and support for the Elders who will be working in the court.
- **c.** Creation and delivery of individual healing plans for the offender, victims and community.
- **d.** Development of cultural programs to address the offenders underlying trauma and addiction issues.
- **e.** Educational workshops addressing the function and services of the Hazelton Indigenous Court on-reserve in collaboration of the membership and Chief and Council.

f. Surveying the legal gaps in First Nations that may impact the offender, victim and community, such as residential tenancy, human rights, employment law, estate administration and housing issues.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for a National Statutory Holiday on September 30 and Support for the Honouring and Recognition Ceremony for the Blackwater et. al. plaintiffs**
SUBJECT:	Residential Schools Survivors, Reconciliation
MOVED BY:	Chief Willie Blackwater, Gitsegukla, BC
SECONDED BY:	Chief Corrina Leween, Cheslatta Carrier Nation, BC

WHEREAS:

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

- **i.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subject to any act of genocide or any other act of violence, including forcibly removing children of the group to any other group.

B. The Benchmark historical Supreme Court of Canada decision, *Blackwater et. al vs Her Majesty the Queen in Right of Canada and The United Church of Canada* found the Government of Canada and the United Church of Canada were responsible for damages to Survivors of the Port Alberni Residential School.

C. The Indian Residential School Settlement Agreement and the Truth and Reconciliation Commission (TRC) had been established from the foundation of the Benchmark *Blackwater et. al* court case.

D. On June 11, 2008, the Prime Minister of Canada made a national apology on behalf of the Government of Canada for the atrocities inflicted on Indigenous children while in Indian Residential Schools (IRS).

E. The TRC's Call to Action #80 calls upon the Federal Government, in collaboration with Aboriginal peoples, to establish as a statutory holiday a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.

F. Orange Shirt Day is a legacy of the St. Joseph's Mission Residential School Commemoration Project and Reunion that took place in May 2013. Phyllis Webster shared her story of St. Joseph's Mission Residential School when she had her new orange shirt, bought by her grandmother, taken from her as a six-year old girl.

G. Orange Shirt Day is an opportunity to create meaningful discussion about the effects of IRS and the legacy they have left behind; a discussion all Canadians can tune into and create bridges with each other for reconciliation. Orange Shirt Day is a day of affirmation for Indian Residential School Survivors (IRSS) that they matter, as do those who have been affected.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

H. The Assembly of First Nations (AFN) has passed several resolutions regarding a national holiday for the commemoration of IRSS. Resolution 18/2014, *Orange Shirt Day,* directs the AFN to declare September 30 as Orange Shirt Day annually.

I. In September 2018, the AFN Executive Committee passed a motion to advocate for Orange Shirt Day to become a statutory holiday for reconciliation.

J. The BC Assembly of First Nations Chiefs (BCAFN) passed Resolution 18/2014, *Support for Orange Shirt Day: A National Day to Honour Survivors of Residential Schools,* directing the BCAFN to promote and uphold the meaning of Orange Shirt Day and help to raise awareness regarding the intent and meaning of Orange Shirt Day.

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

1. Reaffirm the importance of Orange Shirt Day as a National Commemorative Day for those that attended Indian Residential Schools (IRS), the survivors, the intergenerational survivors, and their families.

2. Support the recognition and honouring of the *Blackwater et. al. plaintiffs* for their bravery, courage, and sacrifice in their benchmark battle for IRS and families across Canada.

3. Direct the National Chief to call upon the federal government to ensure that public commemoration of the history and legacy of IRS remains a vital component of the reconciliation process.

4. Direct the National Chief to call upon the federal government to declare September 30 as a National Statutory Holiday to honour Indian Residential School Survivors, their families and communities.

5. Direct the National Chief to call upon the federal government to work collaboratively and collectively with the Assembly of First Nations to host a national honouring and recognition ceremony for the *Blackwater et. al plaintiffs* on Orange Shirt Day September 30, 2019, in Vancouver, British Columbia.

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

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for Reconciliation Canada to Advance Societal Reconciliation Nationally**
SUBJECT:	Reconciliation
MOVED BY:	Chief Bob Chamberlain, Kwikwasut'inuxw Haxwa'mis First Nation, BC
SECONDED BY:	Dustin Rivers, Proxy, Squamish Nation, BC

WHEREAS:

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

- **i.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- **ii.** Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

B. Reconciliation Canada, an Indigenous-led organization, began in September 2012 with a bold vision to promote reconciliation by engaging Canadians in dialogue that revitalizes the relationships between Indigenous peoples and all Canadians in order to build vibrant, resilient and sustainable communities. A vision based on a dream by Dr. Chief Robert Joseph, Gwawaenuk Elder and Reconciliation Canada's Ambassador, to witness tens of thousands of people of every culture and faith walking together for a shared tomorrow.

C. Assembly of First Nations (AFN) Resolution 15/2014, *Support for Reconciliation Canada and its New Way Forward Initiatives,* was passed by the Chiefs-in-Assembly to support Reconciliation Canada establish reconciliation activities in each region of the country to revitalize relationships among Indigenous peoples and Canadians.

D. On June 2, 2015, the Truth and Reconciliation Commission of Canada released 94 Calls to Action, intended as the first step toward redressing the legacy of Indian Residential Schools and advancing the process of reconciliation in Canada.

E. AFN Resolution 44/2017, Support *for Reconciliation Canada to advance Societal Reconciliation,* was passed by the Chiefs-in-Assembly to support Reconciliation Canada's efforts to advance societal reconciliation through dialogue, leadership and action.

F. The Government of Canada has committed to implementing the Calls to Action of the Truth and Reconciliation Commission. Canada also committed to achieving reconciliation with Indigenous peoples through a renewed, Nation-to-Nation, government-to-government and Inuit-Crown relationship

based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change.

G. On July 14, 2017, the Government of Canada released a set of *10 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* that will form a foundation for transforming how the federal government partners, works with, and supports Indigenous peoples and governments. These principles are an important step toward advancing political reconciliation.

H. To achieve reconciliation as conceived by the Truth and Reconciliation Commission, and as committed to by the Government of Canada, approaches that engage all communities in societal reconciliation are required to work in parallel with actions that advance political reconciliation.

I. Reconciliation Canada's strength is its unique and proven ability to bring highly diverse groups of people and organizations to work together in order to build their knowledge, understanding, and overall capacity for engaging in reconciliation activities, action and achieving lasting social and systemic change.

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

1. Renew support, as affirmed in Assembly of First Nations (AFN) Resolution 44/2017, *Support for Reconciliation Canada to Advance Societal Reconciliation,* through the work of revitalizing relationships between Indigenous peoples and all Canadians so all people can have a prosperous future and a good life.

2. Continued support of Reconciliation Canada's work on accelerating reconciliation across Canada where safe spaces are created, Indigenous ways of knowing are valued and honored and the values of shared prosperity result in new, collaborative and action oriented relationships.

3. Direct the AFN to urge the Government of Canada to commit long term sustainable funding to Reconciliation Canada and its national activities over the next 5-10 year period.

D R A F T R E S O L U T I O N # 2 4 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE:	**Support for the Moose Hide Campaign**
SUBJECT:	Social, Justice
MOVED BY:	Chief Harvey McLeod, Upper Nicola Band, BC
SECONDED BY:	Chief Lee Spahan, Coldwater Indian Band, BC

WHEREAS:

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

- **i.** Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- **ii.** Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- **iii.** Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;
- **iv.** Article 22 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with dis- abilities in the implementation of this Declaration.
- **v.** Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

B. Indigenous women are three times more likely to experience domestic violence than non-Indigenous women and three times more likely than non-Indigenous women to be killed by someone they know. This cycle of violence is rooted in the intersecting issues of colonization, residential schools, and racism. This is a rampant issue that has led to high numbers of missing and murdered Indigenous women and girls, and has caused women and girls to feel unsafe in their homes and First Nations.

C. The Moose Hide Campaign is a grassroots movement of Indigenous and non-Indigenous men and boys who stand up to end violence towards women and children. Wearing a square of moose hide signifies their commitment to honour, respect, and protect the women and children in their lives and to work together to end violence against them. The Moose Hide Campaign's vision is to spread its message to organizations, communities, and governments throughout Canada through the distribution of 10 million moose hide squares.

D. The Moose Hide Campaign enables men and boys to take proactive action toward the elimination of violence against women and girls.

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

1. Fully support the Moose Hide Campaign and commit to ending violence against women and children.
2. Direct the National Chief to provide a letter of support to the Moose Hide Campaign.
3. Call upon all levels of government and all Canadians to commit to supporting the Moose Hide Campaign and to wear the Moose Hide pin to symbolize their commitment to end violence against women and children.
4. Urge all levels of governments to ensure adequate resourcing is provided to Indigenous organizations who are proactively working to end violence against Indigenous women and children.
5. Direct the Assembly of First Nations to work with the Moose Hide Campaign and other like-minded organizations to ensure that all provinces/territories and the Government of Canada makes progress on ending violence against Indigenous women and children.

D R A F T R E S O L U T I O N # 2 5 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa (Ontario)

TITLE:	**Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes**
SUBJECT:	Federal Legislation
MOVED BY:	Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON
SECONDED BY:	Chief Denise Stonefish, Eelunaapeewi Lahkeewiit (Delaware Nation), ON

WHEREAS:

A. First Nations' inherent right to self-determination pre-exists contact with external governments and cannot be surrendered, extinguished, or modified. It is affirmed in the preamble and articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the UN Charter which clearly supports the right to self-determinations of peoples. This right to self-determination, along with the preemptory norms of non-discrimination and equality for all peoples, must be considered when interpreting international law related to maintaining the territorial integrity of states (e.g. article 46 of the UN Declaration).

B. The relationship between First Nations and Canada has been and must continue to be governed by international law.

- **i.** Treaties concluded with European powers or their successors are international Treaties of peace and friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments.
- **ii.** The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples.
- **iii.** The cornerstone of the Vienna Convention on the Law of Treaties is the principle of *pacta sunt servanda* (agreements must be kept), meaning that Canada cannot unilaterally nullify Treaty arrangements.
- **iv.** Non-treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
- **v.** Terra nullius, conquest, and armed force have been determined to be illegitimate methods of depriving a People or Nation of their nationhood or international status.

C. The Recognition and Implementation of Rights Framework (the Framework) and associated processes undermine the true Nation-to-Nation relationship between First Nations and Canada as they:

- **i.** Openly reject Free, Prior, and Informed Consent (FPIC) as a guiding principle of the relationship between Canada and First Nations. This is made evident by *Principles Respecting*

the Government of Canada's Relationship with Indigenous Peoples (Ten Principles) document which states that Canada will only *attempt* to honour FPIC. This amounts to little more than consultation.

ii. Call for the infringement of inherent and unextinguished rights and jurisdictions of First Nations. The Ten Principles document clearly states that infringement of Aboriginal rights will continue unabated in situations where Canadian courts find it "justified" or where it is found to be in the best interest of the nation.

iii. Assert that the Canadian constitutional framework is the only vehicle for the exercise of inherent rights by First Nations.

D. The Framework sidelines important questions of Aboriginal title, treaty obligations, land rights, and access to natural resources to avoid recognizing substantive forms of First Nations jurisdiction. Further, no changes have been made to the Framework process despite its rejection by First Nations across the country.

E. Despite Canada's commitment to a distinctions-based approach, the Framework is blanket legislation that attempts to accommodate First Nations, Inuit, and Métis despite their significant differences. The Métis are touted by government officials and the media as being supporters of the proposed Framework and make up 40% of those included in Discussion Tables by population. This is an attempt to fabricate support for the Framework and sideline First Nations opposition.

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

1. Confirm that only First Nations can determine the path to decolonization.

2. Reject Canada's *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (Ten Principles) as the basis of the relationship going forward. Joint principles of understanding must be developed in partnership with First Nations and be enshrined in a new Royal Proclamation.

3. Reject the Recognition and Implementation of Indigenous Rights Framework (the Framework) and will take all necessary steps to prevent the passing of any legislation related to the Framework created by the federal government. There have been no meaningful changes to the Framework process since it was announced in February 2018, despite widespread criticism and outright rejection from First Nations across the country. Unilaterally developed policy and legislation that sets the parameters of Canada's relationship with First Nations is in direct contravention of the nation-to-nation relationship and Canada's obligations under international law.

4. Call on the Assembly of First Nations to support First Nations in developing their own nation-building processes, including law-making, institution-building, and research of traditional governance systems. It is imperative that First Nations begin developing standards of governance and law-making and begin to assert their inherent rights and unextinguished jurisdictions outside the purview of Canadian legislative control.

D R A F T R E S O L U T I O N # 2 6 / 2 0 1 8

AFN Special Chiefs Assembly, December, 4-6, 2018 Ottawa Ontario

TITLE:	**First Nations Infrastructure Bank**
SUBJECT:	Housing and Infrastructure
MOVED BY:	Chief Don Maracle, Mohawks of the Bay of Quinte, Ontario
SECONDED BY:	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, BC

WHEREAS:

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

- **i.** Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- **ii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. The Assembly of First Nations (AFN) and the Chiefs Committee on Housing and Infrastructure (CCoHI) have completed work towards implementing AFN Resolutions: 98/2016, *Support the Development of a National Housing and Infrastructure Strategy* and 87/2017, *Support for a National Housing and Infrastructure Policy Reform Framework (*PRF). The AFN is continuing its work on 27/2017, *Development of a First Nations National Housing and Infrastructure Strategy*.

C. One of the draft strategy's main features is the development by regions of their own housing and infrastructure strategies, institutions and approaches that they will implement at their own pace. Some of the strategies are already in stages of implementation and/or in bilateral discussions with Canada.

D. The AFN's affiliated regions have started the process of gathering data on housing-related infrastructure but that does not include other, non-housing related infrastructure where there is a gap in available data.

E. Some regions' strategies and approaches seek to draw down all current federal spending authorities for First Nations housing and infrastructure, including housing related infrastructure and other infrastructure.

F. In 2016, Canada announced *Investing in Canada*, a $180 billion infrastructure plan with some components to be delivered directly by federal agencies to First Nations. Other components will be delivered to provinces and territories.

G. In 2017, Canada created an arms-length Crown corporation called the Canada Infrastructure Bank (CIB) that will invest $35 billion from the federal government's *Investing in Canada* infrastructure plan.

The CIB invests in infrastructure projects through loans in five priority areas: (1) public transit, (2) green infrastructure projects, (3) social infrastructure projects, (4) trade and transportation and, (5) infrastructure in rural and northern communities.

H. First Nations are eligible to apply to CIB for infrastructure loans, but their proposals will compete with proposals submitted by provincial and territorial governments, who may be in partnership with private interests. There is no First Nation set-aside for CIB infrastructure loans. Provincial and territorial governments are more often in competition for funds with First Nations rather than being their partners. They have greater resources than First Nations to develop high quality proposals.

I. Infrastructure Canada has reached out to the AFN to develop a relationship and to start to become more aware of First Nations' infrastructure needs and barriers to access.

J. The last review of First Nations housing and infrastructure needs commissioned by what was then Indigenous and Northern Affairs Canada in 2005 identified a $15-25 billion need over 15 years.

K. The federal government's recent infrastructure needs survey of First Nations showed only a 22 percent participation rate. This shows that the federal government's unilateral approach when working with First Nations is not successful.

L. Housing-related infrastructure refers to the infrastructure associated with the construction of residences such as public utilities, road connections to new housing, connection to drinking water, sanitary sewer, storm sewer, and street lighting (excluding water and wastewater treatment facilities). There are, in general, 3 types of development in First Nations:

- **i.** Urban (with paving, curbstones and underground storm drainage network).
- **ii.** Semi-urban (without street paving nor curbstones and with storm drainage ditches).
- **iii.** Rural (individual installations of water supply and waste water treatment).

M. Other infrastructure, or non-housing related infrastructure, refers to any infrastructure that is not housing related, including roads (other than road connections to new housing), water and wastewater treatment facilities, internet, schools, administration offices, fire protection, clinics and other.

N. In the context of the *United Nations Declaration on the Rights of Indigenous Peoples* and the Truth and Reconciliation Commission's *Calls to Action*, First Nations are developing their own controlled and managed institutions in a wide range of sectors including infrastructure.

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

1. Call upon the federal government to partner with the Assembly of First Nations (AFN) and provide funds to allow the AFN to:

- **a.** Engage all First Nations in non-housing related infrastructure data gathering exercise to determine the non-housing related infrastructure gap.
- **b.** Explore the development of options for a mechanism(s) and a recommendation for direct federal government infrastructure funding exclusively to First Nations, including an option(s) for

a national, or several regional, arms-length, First Nations-controlled First Nations infrastructure banks.

2. Call upon the federal government to work in partnership with the AFN to develop measures to facilitate maximum First Nations access to the current $180 billion infrastructure funds as an interim measure while developing a First Nations' preferred option of a direct Crown-to-First Nation infrastructure funding mechanism.

3. Affirm that this resolution is without prejudice to the regional approaches that seek the transfer or drawing down of federal funding authorities for all First Nations infrastructure, not just housing-related infrastructure.

D R A F T R E S O L U T I O N # 2 7 / 2 0 1 8

AFN Special Chiefs Assembly, December, 04-06, 2018 Ottawa Ontario

TITLE:	National First Nations Housing and Related Infrastructure Strategy
SUBJECT:	Housing and Infrastructure
MOVED BY:	Chief Dan George (Ts'il Kaz Koh/Burns Lake Indian Band), B.C.
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC

WHEREAS:

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

- **i.** Article 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- **ii.** Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. The Assembly of First Nations (AFN) and the Chiefs Committee on Housing and Infrastructure (CCoHI) have completed work towards implementing AFN Resolutions: 98/2016, *Support the Development of a National Housing and Infrastructure Strategy,* 27/2017, *Development of a First Nations National Housing and Infrastructure Strategy* and 87/2017, *Support for a National Housing and Infrastructure Policy Reform Framework*.

C. Mindful of the inherent and Treaty right to shelter and guided regularly by the CCoHI, the AFN engaged First Nations in the development of National Housing and Related Infrastructure Strategy through three national housing and infrastructure forums in 2016 (Winnipeg), 2017 (Montreal) and 2018 (Vancouver).

D. The AFN led the development of the Strategy through a joint working group with participation of regional First Nations housing technicians and officials from Indigenous Services Canada and Canada Mortgage and Housing Corporation.

E. One of the Strategy's main features is the development by regions of their own strategies, institutions and approaches that they will implement at their own pace. Some of the strategies are already in stages of implementation and/or in bilateral discussions with Canada.

F. The next step, following the approval of the Strategy by Chiefs-in-Assembly, will be a First Nations-led co-development process with Canada on short, medium and long terms goals.

D R A F T R E S O L U T I O N # 2 7 / 2 0 1 8

AFN Special Chiefs Assembly, December, 04-06, 2018 Ottawa Ontario

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

1. Approve the National Housing and Related Infrastructure Strategy.
2. Re-affirm the continuation of Assembly of First Nations (AFN) bilateral discussions with the federal government on housing and infrastructure policy reform regardless of the result of the AFN-federal process to develop a National Housing and Related Infrastructure Strategy.
3. Affirm that the transition to First Nations care, control and management of housing and related infrastructure is a manifestation of, and does not diminish or absolve the federal government of, its on-going fiduciary obligations toward First Nations with respect to housing and related infrastructure.
4. Urge the federal government to immediately co-develop with the Chiefs Committee on Housing and Infrastructure and the AFN measures to remove barriers and otherwise improve the delivery of federal government housing and infrastructure programs and fiscal tools in the interim of the transition to First Nations care, control and management of First Nations housing and infrastructure.