



ASSEMBLY OF FIRST NATIONS
2019 ANNUAL GENERAL ASSEMBLY – FREDERICTON, NB
FINAL RESOLUTIONS

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02	Advancing First Nations Clean Energy Leadership for Economic Development and Action on Climate Change
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TITLE:	First Nations Treaty and Inherent Rights to Water
SUBJECT:	Water, Treaty Rights
MOVED BY:	Chief Calvin Sanderson, Chakastaypasin First Nation, SK
SECONDED BY:	Brian Hardlotte, Proxy, Peter Ballantyne Cree Nation, SK
DECISION:	Carried by Consensus

WHEREAS:

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

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- B. The articles support our right to the relationship we have with water and our responsibilities to future generations; and for states to obtain free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- C. First Nations have sovereign, inherent and Treaty rights over the land and waters in their traditional territories and continue to assert and exercise their rights and responsibilities through ceremony and practices of management and use. This is the responsibility given to us by the Creator as valuable water resources flow through and exist within First Nations territories.
- D. The Government of Canada and provincial governments have not recognized First Nations rights and responsibilities of stewardship of the water, nor have they acquired the free prior and informed consent in relation to water use and allocation. Successive government entities tasked with management of water have not properly protected water, which has had detrimental impacts.
- E. The focus of the Assembly of First Nations (AFN) National Water Strategy has been on the *Safe Drinking Water for First Nations Act (SDWFNA)*, which came into force on November 1, 2013. The SDWFNA grants sweeping enforcement, legislative and judicial powers to the Crown as well as the ability to confer those powers to any person or body including private corporations. The SDWFNA and accompanying government policies and programs have failed to address the continuing financial resource gap for First Nations water infrastructure and the required operations and maintenance of that infrastructure.
- F. AFN Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, calls for First Nations to take the lead in determining and developing priorities and strategies for new safe drinking water and wastewater legislation, including the co-development of a draft framework for new legislation and a framework for a First Nations Water Commission,
- G. In accordance with AFN Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, the AFN is convening a First Nations led Joint Working Group on Safe Drinking Water for First Nations and is developing a Chiefs Committee on First Nations Drinking Water Legislation.
- H. The AFN developed the first iteration of First Nations Safe Drinking Water Legislation Preliminary Concepts (Preliminary Concepts) that proposed the priorities, principles and interests that are foundational to new First Nations safe drinking water and wastewater legislation.

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- I. The Preliminary Concepts include: protection of First Nations' rights, laws and aspirations regarding water and wastewater; confirms adequate, predictable and sustainable funding for First Nations water and wastewater needs; and supports the consensual transition of care and control over First Nations water and wastewater infrastructure to First Nations. The Preliminary Concepts also include commitments to achieving the standards of the UN Declaration and enshrining a multi-barrier approach to drinking water safety and proper sanitation for First Nations.
- J. The AFN remains committed to honouring the inherent and Treaty Right to water and remains cognizant of the broader political and legal strategy necessary for the full and meaningful implementation of First Nations rights to water where water flows on, around and/or under First Nations.

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

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

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TITLE:	Advancing First Nations Clean Energy Leadership for Economic Development and Action on Climate Change
SUBJECT:	Environment, Economic Development
MOVED BY:	Chief Gerry Duquette, Dokis First Nation, ON
SECONDED BY:	Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Canada, like many countries around the world, is undergoing a process of Energy Transition that is characterized by the decarbonization, decentralization, digitalization and democratization of energy systems and markets, which were centralized and colonialized in the past. This process offers major opportunities for First Nations to lead and own clean energy projects themselves, or with partners they select.

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- C. First Nations are already major participants and owners of clean energy project and businesses comprised of over 175 medium-large solar, hydro, wind and biomass projects, and over 2,300 small renewable energy projects. These projects have created thousands of First Nations jobs and generate substantial own source revenue for First Nations governments and development corporations.
- D. Clean energy is among the most effective means of reducing Greenhouse Gas (GHG) emissions to combat Climate Change, and the Canadian government has established policy and fiscal measures that provide incentives to reduce carbon emissions.
- E. Reducing reliance on diesel fuel in remote and northern First Nations is imperative to reducing local pollution and GHG emissions; and clean energy projects in these First Nations represent significant economic development opportunities.
- F. The next stage of the Canadian and global energy revolution will emphasize: further renewable energy development; enhanced energy efficiency of homes, community facilities and industry; advanced energy systems; and green energy infrastructure. These developments offer major economic development and climate action opportunities for First Nations.
- G. First Nations need to: build additional clean energy capacity; work together across the country on clean energy skills development and expanded employment; collaborate with clean energy industry and governments on clean energy projects; access financial capital for clean energy infrastructure; and share project and business experiences internationally.
- H. Over 60 First Nations have begun the process of taking clean energy participation to the next level through participation of members and citizens in the Indigenous Clean Energy 20/20 Catalysts Program, and hundreds of First Nations and governments are participating in clean energy programs.

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

1. Call on the Assembly of First Nations (AFN) to continue advocating for legislative, policy, fiscal, and program reforms that facilitate and empower First Nations involvement in clean energy projects and economies including access to capital and the requirement of upgraded linear structures.
2. Direct the AFN to facilitate First Nations to work in partnership with organizations, including, but not limited to the Indigenous Clean Energy Social Enterprise, to promote First Nations collaborative frameworks for renewable energy, energy efficiency, advanced energy systems and green energy infrastructure.

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3. Support efforts by First Nations governments to take action on housing and community facility energy efficiency to make energy more affordable, improve health conditions, and establish new and ongoing jobs.
4. Direct the AFN to encourage participation of First Nations and their citizens in clean energy capacity building initiatives, such as the 20/20 Catalysts Program.
5. Direct the AFN to seek opportunities to share First Nations experiences with clean energy projects and ventures globally, as a means to combat the climate emergency, through forums such as the United Nations Framework Convention on Climate Change, among others.

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TITLE: The Convention on Biological Diversity (CBD)

SUBJECT: Environment

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

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

DECISION: Carried by Consensus

WHEREAS:

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

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

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- B. The United Nations Convention on Biological Diversity (CBD) states:
- i. Article 8 (j): Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.
 - ii. Article 10 (c): Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- C. Canada's conservation efforts are driven by its commitments internationally under the CBD, including the establishment of the federal *Species at Risk Act* (SARA), and more recently, its efforts on the Pathway to Canada Target 1.
- D. Pathway to Canada Target 1 aims for the conservation of 17 percent of terrestrial and inland waters through the establishment of networks of protected areas, including Indigenous Protected and Conserved Areas (IPCAs), as part of its international commitments.
- E. An ad hoc, open-ended Working Group on 8(j) has functioned to advance the interest of Indigenous Peoples in the CBD context for two decades.
- F. The future of the Working Group on 8(j), including its program of work, is currently the subject of significant discussion at the CBD. The specific details are set to be finalized following a series of meetings taking place in coordination with the next Conference of the Parties, in 2020 and beyond.
- G. In May 2019, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), an intergovernmental body which assesses the state of biodiversity and of the ecosystem services it provides to society, released an alarming global synthesis of the state of nature, ecosystems, and nature's contributions to people.
- H. In particular, the Report stated that nature is declining globally at rates unprecedented in human history — and the rate of species extinctions is accelerating, with grave impacts on people around the world. Around 1 million animal and plant species are now threatened with extinction, many within decades, more than ever before in human history. Furthermore, climate change was cited as a direct driver that is accelerating biodiversity loss with resulting consequences for Indigenous Peoples.

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- I. The future work of the CBD and its associated processes, mechanisms and protocols have ongoing existential implications for Indigenous Peoples, and the world over.
- J. The Assembly of First Nations (AFN) has been an ongoing and regular participant in meetings of the CBD and continues to be actively involved in advocating for the recognition of First Nations rights with respect to biodiversity conservation, both domestically and internationally.

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

1. Direct the Assembly of First Nations (AFN) to advocate for First Nations involvement, both domestically and internationally, in all actions, including by federal, provincial, and territorial governments, to prevent biodiversity loss.
2. Support the establishment of a strong Indigenous-led permanent body to function as part of the United Nations Convention on Biological Diversity (CBD) to:
 - a. Draw on the insights and experiences gathered from Indigenous Peoples leadership in the Working Group on 8(j) over the past two decades.
 - b. Effectively advocate for the rights, interests, and contributions of all Indigenous Peoples in the CBD context.
 - c. Include mechanisms to promote the meaningful, sustained, and visible inclusion of Indigenous Peoples and voices in all aspects of the CBD.
 - d. Ensure that Indigenous Knowledge, in all of its forms, continues to be promoted as a valuable contribution in biodiversity conservation, both internationally and domestically.
 - e. Protect First Nations inherent rights, Treaties, Title and jurisdiction, and recognize First Nations inherent and everlasting responsibilities to their traditional territories.
3. Call on the Government of Canada to ensure that First Nations are involved in all aspects of biodiversity conservation, both in Canada and internationally, in a manner that promotes and respects First Nations inherent, Treaty and constitutionally-protected right, along with adequate funding, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

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TITLE:	Support for the Food, Environment, Health and Nutrition of Children and Youth (FEHNCY) Study
SUBJECT:	Environment, Health, Housing
MOVED BY:	Chief Roberta Joseph, Tr'ondëk Hwëch'in First Nation, YK
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC
DECISION:	Carried by Consensus

WHEREAS:

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

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- B. The First Nations Food, Nutrition, and Environment Study (FNFNES) is wrapping up after 10 years, yielding important results for First Nations across Canada south of the 60th parallel.
- C. The Assembly of First Nations (AFN) will host a FNFNES National Forum to mark the end of the FNFNES project, and discuss these important results, on November 5-6, 2019, in Ottawa.
- D. The results of the FNFNES have pointed to other areas for further research, most notably on the environmental and social determinants of health for First Nations children and youth.
- E. The core FNFNES team (i.e. the University of Ottawa) has been working with the AFN, including meeting with respective Chiefs Committees, to develop and finalize a new research proposal.
- F. The core research team of FNFNES has advanced a new proposal to Canada, based on Resolution 103/2016 - *Food, Environment, Nutrition and Health of First Nations Children and Youth Study*, which was passed by consensus in 2016.
- G. Funding has now been secured for a new study focused on children and youth living on-reserve, with four components: 1) food environment, food security, nutrition, and health; 2) housing conditions, indoor air quality, and respiratory health in children; 3) exposure to environmental contaminants; and 4) community mobilization and integrated knowledge translation for intergenerational capacity building.
- H. The goal of this research is to collect information to support evidence-based health policy for First Nations children and youth living on-reserve and to help build capacity within communities to address nutritional and environmental health concerns.
- I. This research would be carried out in full collaboration with interested First Nations, and would be based on the research protocols, research tools, methodology, and the interpretation and communication of results in accordance with the principles of Ownership, Control, Access, and Possession (OCAP).

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

- 1. Support the Assembly of First Nations (AFN) in its initiative to work as a full partner on the Food, Environment, Health and Nutrition of Children and Youth (FEHNCY) study.
- 2. Direct the AFN to provide ongoing technical support to First Nations on all aspects of the research process including, the research protocols, research tools, methodology, and the interpretation and communication of results.

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3. Call on the FEHNCY research team to ensure that the research project incorporates an appropriate cross section of local First Nations to ensure that the research findings and results will apply to the broadest spectrum of First Nations possible, consistent with the principles of Ownership, Control, Access, and Possession (OCAP).

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PERRY BELLEGARDE, NATIONAL CHIEF

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

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources,
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in *Section 35* of the *Constitution Act (1982)*, affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown. Reconciliation is about resolving impacts that affect First Nations holistic relationships with the environment and the land.
- C. In 2016, the AFN Elders' Council released an Elders' Statement on Environment and Climate Change; articulating that: *Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations.*
- D. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and way-of-life shared by Elders, knowledge keepers, women, youth, and leadership.
- E. In accordance with our traditional teachings and sacred relationship with Mother Earth, First Nations recognize the importance of taking personal and collective responsibility for our actions, patterns of consumption, and efforts to restore balance.
- F. Science is finally catching up to this information as several recent reports, such as the *Special Report on Global Warming under 1.5 °C* by the Intergovernmental Panel on Climate Change and *Canada's Changing Climate Report (CCCR)*, have articulated the current state of crisis facing the world. In Canada, the climate has warmed 2.3 degrees and is projected to warm, on average, at double the magnitude of the rest of the world.
- G. In particular, the Intergovernmental Panel on Climate Change (IPCC) now predicts a temperature rise of 3° C or more at the current rate of greenhouse gas emissions, which means two-to-three times higher in the Arctic, with devastating impacts for First Nations in northern Canada.
- H. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the climate crisis is a direct driver of the 60% decline in global wildlife populations experienced since 1970, setting into motion impacts that will be felt for the next 10 million years and have serious repercussions for the exercise of First Nations inherent and constitutionally-protected rights and responsibilities.

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- I. In response, First Nations are taking responsibility into their own hands. The leadership is exemplified by the Vuntut Gwitch'in First Nation, which, with the support of their community and Chief Dana Tizya-Tramm, have declared a state of emergency. The declaration, titled "Yeendoo Diinehdoo Ji'heezrit Nits'oo Ts'o' Nan He'aa," translates directly to "After Our Time, How Will the World Be," saying the traditional way of life in Old Crow is under threat from the climate crisis.
- J. Based on this leadership, the federal House of Commons adopted the following motion: "*Canada is in a national climate emergency which requires, as a response, that Canada commit to meeting its national emission target under the Paris Agreement and to making deeper reductions in line with the agreement's objective of holding global warming below two degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius.*"
- K. In light of the current trajectory of Canada's climate plan, the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), does not sufficiently meet the necessary targets, putting Canada on a pathway to 4°C of warming.
- L. Restoring a safe and stable climate requires a whole-of-society 'climate mobilization' at all levels of government on a scale not seen since World War II to reach net-zero greenhouse gas emissions across all sectors that is just, equitable, and empowering for First Nations and marginalized populations in Canada and worldwide, including people of color, immigrants, Indigenous Peoples, low-income individuals, people with disabilities, and the unhoused.
- M. The term "Just Transition" is a framework for a fair shift to an economy that is ecologically sustainable, equitable, and just for all its members. Core to this is equity, self-determination, culture, tradition, deep democracy, and the belief that people around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education, healthcare, and shelter.

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

- 1. Declare a global climate emergency.
- 2. Recognize that the climate crisis constitutes a state of emergency for our lands, waters, animals and peoples, and that we will accordingly utilize our local, national, and international forums and partnerships to keep global warming below 1.5 degrees Celsius.

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3. Call on local, national, and international communities, governments, organizations, and movements to safeguard the inherent, Treaty and constitutionally protected rights of First Nations, respect Indigenous knowledge, and uphold Treaties and other constructive arrangements between First Nations and the Crown.
4. Direct the Assembly of First Nations (AFN) to call on the federal, provincial, and territorial governments to take urgent and transformative climate action that meets the requirements outlined in the reports by the Intergovernmental Panel on Climate Change and Canada in a Changing Climate to reduce emissions in Canada by 60% below 2010 levels by 2030 and reach net-zero emissions by 2050.
5. Call on the AFN, with guidance from the Advisory Committee on Climate Action and the Environment (ACE), AFN regions, First Nations Elders, Knowledge Keepers, women, youth and leadership, to develop a First Nations-led climate strategy, within six months, to achieve the objectives above and simultaneously address income inequality within First Nations as part of the mobilization for a just transition, and to host a National Gathering to advance local, domestic and international climate advocacy.

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TITLE:	Respecting First Nations inherent and constitutionally-protected rights in the Project List for the Impact Assessment Act
SUBJECT:	Environment; Fisheries; Impact Assessment
MOVED BY:	Sally Whiteknife, Proxy, Mikisew Cree First Nation, AB
SECONDED BY:	Chief Calvin Sanderson, Chakastaypasin Band of the Cree Nation, SK
DECISION:	Carried; 1 objection, 7 abstentions

WHEREAS:

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

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- B. The Assembly of First Nations (AFN) has passed nine resolutions concerning this process: Resolution 69/2018, *First Nations Full, Direct, and Unfettered Participation in Bill C-69 including Regulatory and Policy Co-Development*; Resolution 07/2018, *Addressing First Nations Rights, Title, and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*; Resolution 73/2017, *Environmental and Regulatory Reviews – Phase 3*; Resolution 20/2017, *Respecting Inherent Jurisdiction over Waters Parallel to the Review of Canada’s Navigation Protection Act*; Resolution 19/2017, *Resetting the Role of First Nations in Environmental and Regulatory Review*; Resolution 86/2016, *Meaningful Consultation and Engagement with First Nations in the Environment and Regulatory Review*; Resolution 64/2016, *Support for Stk’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. Following two and a half years, where First Nations overwhelmingly participated in a House of Commons committee, a Senate Committee, two expert panels, a federal discussion paper, and in-person technical sessions, Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts* received Royal Assent on June 21, 2019.
- E. This is despite, since entering the Senate, significant opposition from oil and gas lobbyists, provinces, and other stakeholders, with opponents calling on Senators to either kill or delay the Bill in perpetuity. The Senate Committee on Energy, the Environment, and Natural Resources emboldened by this opposition proposed over 180 amendments to the Bill, many of which, in particular those proposed by Conservative Senators, were antithetical to the meaningful inclusion of First Nations’ rights, jurisdiction, and knowledge.
- F. In response, the Government responded to the Senate indicating that the vast majority of proposed amendments were unacceptable. In total, this meant accepting 62; modifying 37; rejecting 130; and making 6 consequential amendments.

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- G. While Bill C-69 is not a drastic change from the current federal assessment laws (Canadian Environmental Assessment Act, 2012 and the National Energy Board), it brought the law in compliance with the existing case law on:
- i. Broadened scope of assessment;
 - ii. Section 35 as part of the public interest test;
 - iii. Duty to give reasons;
 - iv. Increased engagement with First Nations; and
 - v. Indigenous Knowledge.
- H. At the same time, Canada is engaging in a process of reviewing policies, regulations and guidelines relating to Bill C-69. This has included important regulations for the functioning of the Acts, which were released at the same time as the Senate's study on the Bill. This has resulted in less attention on those important regulations by First Nations.
- I. In particular, two draft regulations pertaining to *the Impact Assessment Act* were released for comment: *Regulations Designating Physical Activities (Project List)*; and *Information Requirements and Time Management Regulations*. The deadline for comments closed on May 29, 2019; however, many First Nations concerns were not addressed in the Discussion Papers.
- J. The proposed approach on the Project List largely maintains the flawed system of Canadian Environmental Assessment Agency, 2012 (CEAA 2012) by focusing solely on a very limited interpretation of major projects in areas of federal jurisdiction, including exemptions for existing oil and gas development, and small modular nuclear reactors, as well as decreases in thresholds for pipelines, coal mines, and renewable energy projects (such as wind).
- K. The proposed approach on the Project List for oil sands projects encourages project splitting. The exemption for mine expansions under 40% and *in situ* projects under 2000m³/day incentivizes proponents to submit multiple smaller applications that result in very large projects. At the same time, similar provincial exemptions mean that future expansion of oil sands development may see only minimal impact assessment that does not fully assess impacts to First Nations' rights.

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- L. Alberta's position that energy projects should be excluded from federal oversight because of Alberta's rigorous regulatory process is not justified. Alberta's approach to consultation is regressive and does not consider important potential impacts of industrial development on Aboriginal and Treaty rights.
- M. This is despite First Nations' concerns with the CEAA 2012 Projects, as well as the *Consultation Paper on The Project List* released by the Government in February of 2018. First Nations require a functioning *Project List* to understand, participate, and make decisions on which projects are entering (and potentially threatening) the exercise of their inherent and constitutionally-protected rights. The release of a Consultation Paper with one month to comment before regulations proceed to Gazette Two does not constitute meaningful consultation, which is required for regulatory development.
- N. Affirm and assert the rights of First Nations to develop their own self-determination plans that are First Nation-led processes and that have not participated nor consented to discussions and processes that impact or impede First Nations.
- O. First Nations expect to draft policies, regulations, and guidelines for the environmental and regulatory processes, at, or above, the precedent set in the development and eventual passage of the *Species-at-Risk Act*, which involved full, direct, and unfettered participation of First Nations (Resolution 07/2018, *Addressing First Nations Rights, Title and Jurisdiction in Bill C-69: Impact Assessment Act, Canadian Energy Regulator Act, and the Navigation Protection Act*).

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

1. Demand that the Government of Canada listens to First Nations in their calls for improvements to the Project List and Time Management regulations, in order to include existing (or "in situ") oil sands projects, small modular nuclear reactors, and other projects but not limited to projects that may impact First Nations rights, title, and jurisdiction, and further respecting the sovereignty of each Nation.
2. Call on Canada to engage in a focused dialogue with First Nations to substantively identify, recognize, and engage the protocols, elements, and processes to support joint regulatory and policy drafting; in particular the Project List regulation and the Indigenous Knowledge policy framework.
3. Call on Canada to provide adequate funding directly to individual First Nations for their full, direct, and unfettered participation in the joint regulatory and policy drafting of the Impact Assessment Act.

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4. Call on Canada to ensure that regulatory and policy development fully respects the constitutional and other legal obligations of the Crown to First Nations and standards set by the United Nations Declaration on the Rights of Indigenous Peoples.
5. Call on Canada to work with First Nations in the Athabasca region to establish a Terms of Reference for a Regional Strategic Assessment of the Alberta Oil Sands and initiate this Regional Strategic Assessment by Summer 2020.

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PERRY BELLEGARDE, NATIONAL CHIEF

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

SUBJECT: Fisheries

MOVED BY: Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iv. Article 33 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Convention on Biological Diversity (CBD) is an international agreement signed by 150 government leaders at the 1992 Rio Earth Summit that provides a global legal framework for action on biodiversity.

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- C. The 2011-2020 CBD Strategic Plan established 20 global biodiversity targets (also known as the “Aichi Targets”), which was the impetus for the Department of Fisheries and Oceans Canada’s (DFO) commitment to protect 10% of Canada’s oceans by 2020, through establishing marine protected areas and other effective area-based conservation measures.
- D. Canada is currently the co-chair of the Open-ended Working Group that was established in the short-term to draft a new Global Biodiversity Framework that updates the biodiversity goals and targets at the next Conference of the Parties to the CBD in the fall of 2020.
- E. The Assembly of First Nations (AFN) has passed Resolution 52/2018, *First Nations Inclusion in Canada’s Oceans Protection Plan*, 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas*, and 34/2017, *First Nations Engagement and Consultation on Bill C-55 Oceans Act and Marine Protected Areas*, that address First Nations’ issues and the need for a decision-making role in the protection and management of their oceans and marine resources.
- F. First Nations have inherent rights to govern and manage ocean resources related to fisheries, marine protection, monitoring, and transboundary issues, including international law of the sea.
- G. First Nations are impacted by the decisions made at the Conference of the Parties to the CBD (e.g. the establishment of Canada’s marine conservation targets, Bill C-55, and the Oceans Protection Plan) and have an important decision-making role to play in the protection of marine resources in their territories.

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

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

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TITLE:	Species At Risk and Aquatic Species
SUBJECT:	Fisheries
MOVED BY:	Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 33 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Assembly of First Nations (AFN) has passed Resolution 120/2016, *Establish a First Nations Specific Committee under the Species at Risk Act*.
- C. The AFN has participated as a co-chair and member of the First Nations Advisory Committee on Species at Risk (FNACSAR) since it was established in March of 2017.

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- D. The FNACSAR includes three working groups that focus on Socio-Economic Analysis, Caribou, and First Nations Stewardship with an interest in establishing a fourth working group focused on aquatics.
- E. In a recent document developed by Environment Climate Change Canada considering the meaningful inclusion of Indigenous impacts in a Cost-Benefit Analysis of the *Species at Risk Act* Regulations, there is a clear void in addressing issues related to dewatering, water levels, and aquatics in general.
- F. There is a demonstrated need to include the appointment of members to the FNACSAR Working Groups with a specialization in aquatics, specifically in a First Nations context.

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

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

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TITLE:	International Year of the Salmon
SUBJECT:	Fisheries
MOVED BY:	Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 33 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Assembly of First Nations (AFN) passed resolutions to protect salmon runs of the Pacific coasts; 50/2018 *Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser salmon Management Agreement*, 79/2018, *Yukon Salmon Treaty*, and 92/2016 *Mismanagement of Fraser River Spring Chinook Salmon Fisheries*

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- C. The International Year of the Salmon is a project launched by the North Atlantic Salmon Conservation Organization (NASCO) and other partners. The focal year is 2019, with projects and activities started in 2018 and continuing into 2022.

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

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

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE:	Rebuilding Fish Nations: Advancing a First Nations Fisheries Reconciliation Strategy
SUBJECT:	Fisheries
MOVED BY:	Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
- B. Minister of Fisheries, Oceans and the Canadian Coast Guard (DFO), the Honourable Jonathan Wilkinson, marked National Indigenous Peoples Day by announcing that the Department of Fisheries and Oceans (DFO) is committing to a new Reconciliation Strategy to advance meaningful reconciliation with Indigenous peoples on fisheries, aquaculture, oceans, aquatic habitat, and marine waterways.
- C. DFO announced that it will be working with Indigenous partners and departmental stakeholders in the implementation of the strategy, which includes strengthening collaboration on renewing laws, policies, and programs, recognizing self-determination, reducing socio-economic gaps, and will be "inclusive of rights-holders, stakeholders, provincial/territorial governments, and all Canadians".

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- D. The Assembly of First Nations (AFN) has passed resolutions related to the recognition of First Nations' rights in fisheries and a renewed relationship with Canada: Resolution 04/2018, *First Nations Role in Changes to the Fisheries Act*; Resolution 12/2016, *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; Resolution 08/2015, *Advancing Rights: Respecting First Nations Autonomy in Fisheries*; and Resolution 83/2008, *Strengthened and Renewed Mandate for the National Fisheries Strategy to Fully Share in Economic Opportunities*.
- E. The 2010-2015 AFN National Fisheries Committee's National Fisheries Strategy was built on four foundational pillars:
- i. Rights – recognition and respect for First Nations' inherent and treaty rights.
 - ii. Access – to a fair share of fisheries resources and meet domestic and economic needs.
 - iii. Capacity – to be involved in meaningful participation in all aspects of fisheries management.
 - iv. Accountability – to provide strategic guidance that focuses on government accountability and tracks progress across the country.
- F. Despite some positive changes in Canada's legislation and policies in recent years, First Nations across the country are still challenged by DFO's lack of implementation of Supreme Court decisions, lack of priority access and allocation of inland and coastal fisheries resources, increasing conservation concerns about fish and fish habitat, as well as insufficient capacity to meaningfully engage in decision-making on resources in their territorial lands and waters.
- G. First Nations want to see their priorities reflected in a Reconciliation Strategy to achieve true recognition, respect, and implementation of their inherent and Treaty rights and self-determination with regards to the management of fisheries, oceans, aquatic habitat, and marine waterways.
- H. A strengthened Reconciliation Strategy on fisheries led by First Nations will place First Nations' priorities at the forefront, adapt to changes in the legislative context (e.g. UN Declaration, *Fisheries Act*, consideration of Indigenous Knowledge etc.), and build a strong foundation for First Nations to pursue a nation-to-nation relationship with Canada.

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

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

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TITLE: Indigenous Knowledge Systems in Fisheries

SUBJECT: Fisheries

MOVED BY: Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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 designate and retain their own names for communities, places, and persons.
 - iii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal, and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iv. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
- B. The Assembly of First Nations (AFN) has passed Resolution 61/2018, *Respect, Protection, and Preservation of Indigenous Knowledge Systems*.

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- C. Bill C-68, *The Fisheries Act* received Royal Assent on June 21, 2019. Amendments passed in the act include provisions outlining the consideration of Indigenous Knowledge in certain aspects of work administered by the Federal Government under the Act.
- D. There is a need for First Nations to take the lead on work related to the development of protocols, guidelines, policies, and related regulations connected to First Nations Indigenous Knowledge Systems.

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

1. Call on the Assembly of First Nations (AFN) to continue its advocacy work concerning Indigenous Knowledge Systems with the Department of Fisheries and Oceans (DFO), and other related federal government departments, to respect First Nations inherent rights, Treaties, Title and jurisdiction, and recognize First Nations inherent and everlasting responsibilities to their traditional territories.
2. Direct the AFN to call on the Minister of Fisheries and Oceans and DFO to adequately fund the work for First Nations to develop their own community Indigenous Knowledge protocols and related work.
3. Mandate the AFN to seek resources available to support First Nations in the work carried out by the DFO concerning Indigenous Knowledge Systems in the development of regulations, guidelines, policies, and other related tasks.
4. Direct the AFN to call on the National Fisheries Committee to seek regional representation to properly advise the AFN's work related to Indigenous Knowledge Systems.

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TITLE:	The Ocean Supercluster
SUBJECT:	Fisheries, Economic Development
MOVED BY:	Wendall Metallic, Proxy, Conseil de bande d'Odanak, QC
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

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

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- B. The Ocean Supercluster is a national initiative that will be developing ocean technology through partnerships. It is one of 5 superclusters being backed by Innovation, Science and Economic Development Canada (ISED). It is a partnership between industry, universities and colleges, community groups, small and medium enterprises, and Indigenous groups.
- C. The Atlantic Policy Congress supports this initiative.
- D. The Indigenous initiative has developed an industry internship program, in addition to a seafloor mapping project that includes Nunavut as a partner.

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

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

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TITLE:	Implementation of Recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls
SUBJECT:	MMIWG
MOVED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. There is a responsibility by all to redress the systemic racism and to eliminate the gendered colonial violence perpetrated against Indigenous women, girls, and two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual (2SLGBTQIA) people within Canada.
- B. The United Nations Declaration on the Rights of Indigenous Peoples, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:
 - i. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - ii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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- C. The Assembly of First Nations (AFN) has worked with like-minded organizations to take action and bring attention to the critical and devastating issue of violence against Indigenous women, girls, and 2SLGBTQOIA people, including joining the call for a National Inquiry, and has been mandated by the AFN Chiefs to continue this work via Resolutions 57/2017, *Support for National Inquiry into Missing and Murdered Indigenous Women and Girls*, 78/2017, *Support for the Extension of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, and has passed critical Resolutions that support and honor Indigenous women and girls including 30/2016, *Declaration to Honour Indigenous Women and Girls*, 4/2014, *Support for First Nation and Federal Government Roundtable on Murdered and Missing Indigenous Women*, 36/2014, *Engagement and Representation on National Roundtable on Missing and Murdered Indigenous Women and Girls*, and 06/2014, *Protection of Indigenous Women Involved in the Sex Trade*. The AFN has also continuously called for a national action plan to end violence against Indigenous women and girls, as mandated by Resolution 04/2013, *Advancing a National Action Plan to End Violence Against Indigenous Women and Girls*.
- D. A National Inquiry into Missing and Murdered Indigenous Women and Girls (“the National Inquiry”) was launched September 1, 2016, with a Terms of Reference to inquire into and report on systemic causes of all forms of violence against Indigenous women and girls in Canada, and to report by April 30, 2019. The Inquiry held Part I – Family, Part II – Institutional, and Part III – Expert Hearings, led by Chief Commissioner Marion Buller, and released its final report on June 3, 2019, in Gatineau, QC.
- E. The final report of the National Inquiry included 231 Calls for Justice, which “represent important ways to end the genocide and to transform systemic and societal values that have worked to maintain colonial violence.” The first Call for Justice states “We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter “all governments”), in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQOIA people”.
- F. The National Inquiry found that Indigenous women are twelve times more likely to be murdered or to go missing than members of any other demographic group in Canada, and found that the deaths and disappearances constitute genocide, which Indigenous peoples and their allies have known and said for decades.
- G. Indigenous, front-line, grassroots, and women’s organizations participated in the movement created by the National Inquiry by producing their own submissions, and reports, which notably included the seminal report prepared by the Downtown Eastside Women’s Centre titled *Red Women Rising: Indigenous Women Survivors in Vancouver’s Downtown Eastside*, including 200 recommendations.

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

1. Fully support the immediate implementation of the Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls ("the National Inquiry") and also the recommendations coming directly from Indigenous, front-line, grassroots, and women's organizations, and particularly the recommendations from Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside, including the National Coalition for Grassroots Families.
2. Recognize that the implementation of these recommendations must include the full and meaningful implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including recognition of Indigenous Peoples' inherent Title and Treaty rights, and the restoration of collective Indigenous women's rights and governance.
3. Support the call for a "comprehensive national-level integrated action plan to eliminate violence against Indigenous women, girls, trans and two spirit people must address all the socio-economic factors impacting Indigenous women's, girls', trans and two-spirit's safety including equitable access and self-determination over land, culture, language, housing, child care, income security, employment, education, and physical, mental, sexual and spiritual health," as called for in *Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*, along with an appropriate budget and resources, before the fall 2019 federal election.
4. Direct the Assembly of First Nations to work with Indigenous, front-line, grassroots, and women's organizations, and other like-minded organizations to advocate for the full and immediate, Indigenous-women led implementation of these recommendations.
5. Call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter "all governments"), in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people.
6. Call upon the federal government to respond to the report by September 6, 2019.

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TITLE:	Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the <i>Safe Drinking Water for First Nations Act</i>
SUBJECT:	Water
MOVED BY:	Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, B.C.
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
DECISION:	Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them.
 - iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls has identified the First Nations water and housing crisis as a source of violence against First Nations women and girls.
- C. Call For Justice 4.1 identifies the appropriate response to these crises as follows:
- i. We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.
- D. The *Safe Drinking Water for First Nations Act* (SDWFNA) came into force on November 1, 2013. The SDWFNA grants sweeping enforcement, legislative and judicial powers to the Crown as well as the ability to confer those powers to any person or body including private corporations. The SDWFNA and government policies and programs have failed to address the continuing financial resource gap for First Nations water infrastructure and the required operations and maintenance of that infrastructure.
- E. Assembly of First Nations (AFN) Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, called for First Nations to take the lead in determining and developing priorities and strategies for new safe drinking water and wastewater legislation, including the co-development of a draft framework for new legislation and a framework for a First Nations Water Commission.
- F. In accordance with AFN Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, the AFN developed the *First Nations Safe Drinking Water Legislation Preliminary Concepts (Preliminary Concepts)* that proposed priorities, principles and interests foundational to new First Nations safe drinking water and wastewater legislation, These *Preliminary Concepts* were endorsed by the Chiefs-in-Assembly through AFN Resolution 26/2018, *Support for a First Nations Preliminary Concepts* as a basis for further engagement with First Nations across Canada in advance of the affirmation and assertion of repeal and replacement legislation.
- G. The AFN has conducted a regionally led National Engagement Process in all regions of Canada throughout the spring and summer of 2019 to engage First Nations technicians, Leadership and representatives on their views, needs, concerns and aspirations for the repeal and replacement of the *Safe Drinking Water for First Nations Act*.

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- H. The AFN has drafted the *First Nations Safe Drinking Water Refined Preliminary Concepts (Refined Preliminary Concepts)* utilizing the feedback, insights and concerns of First Nations provided through the National Engagement Process and now brings these Refined Preliminary Concepts to the Chiefs-in-Assembly for their review and endorsement as the affirmation and assertion continues for repeal and replacement legislation for the SDFWNA.

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

1. Hereby endorse the Refined Preliminary *Concepts* as a working document to inform an affirmation and assertion process with the Government of Canada to produce joint recommendations on a framework to repeal and replace the SDFWNA that will address the provision of First Nation safe drinking water and wastewater management.
2. Urge the Federal Government to participate in the affirmation and assertion process with the nations in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples, the Calls to Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the numerous commitments it has made to First Nations.
3. Call upon the Assembly of First Nations (AFN) to declare that, as partners in reconciliation, provinces and territories must recognize that First Nations rights, interests and title to waters and waterbodies remain unextinguished and will not be encumbered by Provincial and Territorial assertions of jurisdiction.
4. Direct the AFN to conduct follow-up engagement with First Nations throughout Canada throughout 2019 and 2020 on key issues, concerns and Regional or Local First Nations water initiatives that may be impacted or supported by the repeal and replacement of the *Safe Drinking Water for First Nations Act*.
5. Direct the AFN to seek sufficient resources to support the follow-up engagement process with First Nations, including a future affirmation and assertion process with the Government of Canada.
6. Direct the AFN to return to the next Chiefs Assembly to present the results of the follow-up engagements and affirmation and assertion process to the Chiefs-in-Assembly.

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TITLE:	Jordan's Principle Operations
SUBJECT:	Jordan's Principle, Social Development, Health, Education
MOVED BY:	Chief Ronald Ignace, Skeetchestn Indian Band, BC
SECONDED BY:	Chief Wayne Christian, Shuswap First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. This section provides the background information for the resolution.
- B. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued a landmark ruling that First Nations children living on-reserve and in the Yukon are treated in a discriminatory manner by the federal government in its provision of child and family services. The Tribunal ordered the federal government to completely overhaul its on-reserve child welfare program, cease applying a narrow definition of Jordan's Principle and adopt measures to immediately implement the full meaning and scope of Jordan's Principle.

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- C. On May 26, 2017, the Tribunal found that the Government of Canada has continued "its pattern of conduct and narrow focus with respect to Jordan's Principle," resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children.
- D. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolutions 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders, 83/2016, National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy* and 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*, calling on Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.
- E. To encourage increased dialogue and timely advice on Jordan's Principle implementation and planning activities, the Jordan's Principle Operations Committee (JPOC) was struck. The Committee is currently composed of federal government and First Nation representatives from the CHRT Complaint (AFN, First Nations Child and Family Caring Society of Canada, Chiefs of Ontario, and Nishnawbe Aski Nation).
- F. Reporting to the Consultation Committee on Child Welfare, and in order to improve access for First Nations children residing in Canada to health, social, educational, and other services and supports, the mandate of the JPOC is to:
- i. Provide operational guidance on the implementation of the Jordan's Principle;
 - ii. Provide input into the development of a longer-term approach;
 - iii. Champion Jordan's Principle within the Department of Indigenous Services Canada (ISC), other federal departments, among First Nations partners and the broader community;
 - iv. Discuss and provide input on key policy and operational issues;
 - v. Periodically review updates on progress, performance, and the achievement of key milestones; and
 - vi. Keep participating organizations and the wider community informed about the work accomplished by the Jordan's Principle Operations Committee.
- G. Given the national implications of discussions at the JPOC, national representative membership beyond the Tribunal parties would ensure regional First Nations voices are heard.

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

1. Direct the Assembly of First Nations (AFN) to complete a review of the Jordan's Principles Operations Committee and the Jordan's Principle Action Table to ensure the coordination of these two tables supports the long-term implementation goals of all regions.
2. Direct the AFN to ensure regional First Nation representatives are appointed to the Jordan's Principle Operations Committee in order to reflect and respect regional differences and concerns regarding Jordan's Principle implementation across the country.

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TITLE:	<i>An Act respecting First Nations, Inuit and Metis children, youth and families- Transition and Implementation Planning</i>
SUBJECT:	Social Development, Child Welfare
MOVED BY:	Chief Reginald Bellerose, Muskowekwan First Nation, SK
SECONDED BY:	Chief Wayne Christian, Shuswap First Nation, BC
DECISION:	Carried; 50 objections, 3 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
 - ii. Article 4: Indigenous peoples, in exercising their right to self- determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 specifically calls upon the federal government to enact Aboriginal child welfare legislation.

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- C. The overrepresentation of First Nations children and youth in care and in the child welfare system is a humanitarian crisis. This crisis requires immediate and legislative, policy and human rights action, including compensation to the victims of discrimination, to respond to this crisis.
- D. The harmful legacies of residential schools, the cross-cutting inequalities in services for First Nations children and families, the disproportionate number of First Nations children in care, the consequences of involvement in provincial and territorial child welfare systems, and the related loss of language and denial of culture and human rights has led to this humanitarian crisis.
- E. The Canadian Human Rights Tribunal's 2016 (CHRT 2) decision and subsequent rulings ordered the Government of Canada to fund First Nations Child and Family Services based on the principles of substantive equality, respect for children's best interests, needs, culture and language and to respect distinct circumstances for First Nations children.
- F. On June 21, 2019 *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent.
- G. The Act includes provisions affirming the UN Declaration, specifically supporting self-determination and the rights of First Nations peoples to determine their own laws, policies and practices in relation to their children, youth and families.
- H. The Act affirms the inherent right of First Nations to enact laws in relation to child and family services and further affirms that such inherent rights are protected under Section 35 of the *Constitution Act, 1982*.
- I. *The Act* confirms the funding principle that First Nations children, youth and families, as well as First Nations governments, require long-term needs-based stable and sustainable funding in order to exercise jurisdiction and to effect better outcomes for children, youth and families. The Act also contains a pathway for funding to be negotiated between First Nations and provincial and/or federal government in coordination agreements at the discretion and choice of each First Nations according to their exercise of self-determination.
- J. A Legislative Working Group (LWG) was created by the Chiefs in Assembly to provide input into the development of legislation, policies and approaches to child welfare reform. The LWG has completed the first phase of the work on the development of child welfare legislation. There is also a Child Welfare Consultation (CCCW) and the National Advisory Committee on Child Welfare (NAC) that arise from the CHRT to provide national advice on First Nations child and family services and the NAC is comprised of representatives of Delegated Aboriginal Agencies and Chiefs.

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K. Canada has committed to supporting a distinctions-based approach for implementation planning for the Act.

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

1. Call on Canada to adopt a human rights approach to the implementation of child welfare reform surrounding *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), including full implementation of the Canadian Human Rights Tribunal's (CHRT) principles of: substantive equality, best interests of the child, needs based funding, respect for culture and language, and consideration of the distinct circumstances of First Nations children and services, as the foundation for any policies or coordination agreements entered into within the Act with Canada and the Provinces and Territories.
2. Call on Canada to fully implement the funding principle of predictable, stable, sustainable, needs-based funding consistent with the principle of substantive equality in order to secure long-term positive outcomes for First Nations children, families and Nations.
3. Call on the Governor in Council to issue an Order, without delay, to bring the Act into force by September 2019.
4. Call on Canada to immediately support and fund a First Nations led distinctions-based transition and implementation planning process for all stages of the comprehensive reform of child and family services, affirming the inherent rights and self-determination each First Nation has to decide what is most appropriate for their own peoples, without interference by Canada.
5. Call on Canada to ensure that as per section 32 (1) of the Act on regulations, Indigenous governing bodies are provided a meaningful opportunity to collaborate in the policy development leading to the establishment of both national and regional regulations.
6. Direct the Assembly of First Nations (AFN) to establish a Chiefs Committee on Child and Family Services and Self-Determination to provide input, oversight and guidance during the national transition and implementation process and to report to the National Chief and Executive of the AFN and the Chiefs-in-Assembly.
7. Direct the AFN to establish a Technical Sub-Committee of the Chiefs Committee on Child and Family Services and Self-Determination called the "First Nations National Transition Planning Committee," comprised of representation from First Nations and technical experts from each region, such as members of the National Advisory Committee on Child Welfare (NAC), as determined by regional processes. The Technical Sub-Committee may establish additional action tables with approval of the Chiefs Committee.

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8. Direct the AFN, including the Chiefs Committee and the Technical Sub-Committee, to support First Nations self-determination in all matters relating to the Act, including the choice to not work within the Act by those Nations who have determined that they do not wish to do so, and to further conduct their work in a manner that affirms the inherent Aboriginal and Treaty rights of First Nations rights and title holders as the decision-makers for their own peoples, without interference from any organization, Canada, or Provincial/Territorial governments.
9. Direct the AFN to ensure all implementation activities conducted within the Chiefs Committee and Technical Sub-Committee do not restrict or limit the pace of implementation of the Act where First Nations are prepared to exercise their own jurisdiction, and that any national committee be explicitly directed that they do not have the mandate to speak for or alter the self-determination rights of each First Nation to determine their own pace of progress, nor should they hold back the actions of any First Nation as their work is supportive and should not be used by Canada or any Province/Territory to limit or constrain the affirmation of inherent Aboriginal and Treaty rights.
10. Direct the AFN Chiefs Committee and Technical Sub-Committee to acknowledge and defer to regional or local committees that may be created to implement the Act where such committees have been established by the First Nations of the region and such First Nations have directed that such regional structures are the bodies they have freely determined should be the mechanism to support the implementation of the Act in relation to those peoples and territories, and further direct that the AFN Chiefs Committee and Technical Sub-Committee may collect and receive advice from any regional bodies or mechanisms but that the rights and title holders of the First Nations are the rightful decision-makers in relation to their children and families, including the First Nations governing bodies selected by such rights and title holders.

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TITLE: Establishing Regional First Nations Child & Youth Advocates

SUBJECT: Child Welfare

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

SECONDED BY: Chief Walter Spence, Fox Lake First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
 - ii. Article 4: Indigenous peoples, in exercising their right to self- determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 specifically calls upon the federal government to enact Aboriginal child welfare legislation.
- C. The National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
- i. We call for the establishment of a Child and Youth Advocate in each jurisdiction with a specialized unit with the mandate of Indigenous children and youth. These units must be established within a period of one year of this report. We call upon the federal government to establish a National Child and Youth Commissioner who would also serve as a special measure to strengthen the framework of

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accountability for the rights of Indigenous children in Canada. This commissioner would act as a national counterpart to the child advocate offices that exist in nearly all provinces and territories.

- D. First Nations have the Inherent and Treaty Rights to exercise jurisdiction in all matters pertaining to their citizens, including child and family services for their Nations.
- E. The need for a First Nation Child Advocate in each region is demonstrated by the high number of individuals seeking assistance and advocacy in dealing with child welfare agencies to address rights violations such as: access to family, community, language, culture or inaccurate or insufficient information and conflict with social workers.
- F. There is a continued practice of provincial child welfare agencies apprehending, adopting and placing First Nations children with non-Indigenous families, not following their own policies, and neglecting the rights of First Nations children and families, similar to the actions that were taken during the Sixties Scoop.
- G. On June 21, 2019 *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent. With the passing of the Act, there is legal affirmation for First Nations to exercise their right to self-determination including the establishment of independent and/or non-political oversight bodies to review and investigate conduct of child welfare agencies and protect the rights of First Nations children and youth.

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

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

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TITLE:	Proper Funding for Digital Health Tools Required to Support Health System Transformation
SUBJECT:	Health
MOVED BY:	Chief Elaine Johnston, Serpent River First Nation, ON
SECONDED BY:	Chief Walter Spence, Fox Lake First Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

- A. The First Nations Digital Health Advisory is a national body dedicated to increasing access to digital health and Internet Communications Technology opportunities and innovation for all First Nations in Canada.
- B. The First Nations Digital Health Advisory advocates for the development, adoption and effective use of Internet Communications Technology and/or Digital Health solutions for First Nations in Canada.
- C. The First Nations Digital Health Advisory had drafted a Framework for investing in First Nations digital health in Canada that respects the Assembly of First Nations, regional and community processes.
- D. Articles 1, 3, 18, 21, 23, 24, 29, and 39 of the United Nations Declaration on the Rights of Indigenous Peoples describe the rights, the purpose, the benefits and the means by which First Nations will be supported to adopt and use digital health tools to improve health services and support Health System Transformation objectives.
- E. Provincial governments have invested in health information management / digital health support for health services for several decades and have recognized digital health tools to be "mission-critical" for integrated health care processes.
- F. Efficient, patient-centric circle-of-care coordination with provincial partners is critical to support the healthcare needs of First Nations community members.

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- G. The absence of First Nation health organization-level digital health tools impedes care coordination, delays communication, impacts patient safety and creates barriers to First Nations Health Data Sovereignty and Health System Transformation.
- H. Digital Health is an important catalyst for First Nations in Canada to efficiently participate in the healthcare industry. These solutions compliment traditional face to face exchange between provider and patient to achieve better outcomes.
- I. The Government of Canada has a responsibility to provide funding for the sustained use of reasonable, needs-based digital health tools and processes in all First Nation health organizations.

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

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

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TITLE:	Developing a Seven Generations Continuum of Care for First Nations, by First Nations of Health, Economic and Social Services
SUBJECT:	Social Development, Health, Economic Development
MOVED BY:	Chief Elaine Johnston, Serpent River First Nation, ON
SECONDED BY:	Chief Walter Spence, Fox Lake First Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. This section provides the background information for the resolution.
 - iii. Article 21 (2): States shall take the effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities
- B. The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:

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- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - ii. To take into account Article 5 of the Convention while implementing targets 10.2 and 10.3 of the United Nations Sustainable Development Goals, Agenda 2030, "*Leave No One Behind*".
- C. Bill C-81, the *Accessible Canada Act, (disabilities)* was passed in the House of Commons on May 29, 2019 and received royal assent on June 21, 2019.
- D. A wholistic approach to develop a continuum of supports and services, instead of a program-by-program approach, is necessary to address long-standing and growing gaps for continuing care in First Nation communities and to ensure health, social, and economic wellbeing for First Nations as they age and as their care needs change.
- E. Indigenous Services Canada (ISC) has offered to work with the Assembly of First Nations, First Nations, and other federal departments to identify needs and gaps in supports and services, capacity and infrastructure, as well as develop options for moving forward a Seven Generations Continuum of Care for First Nations, by First Nations.
- F. The Federal Government has indicated that part of Budget 2019's \$8.5 million in funding for long-term care in First Nations and Inuit communities can be allocated to develop a continuum of care in First Nations.
- G. Existing resolutions call for related work to develop a continuum of care, including Resolution 24/2018, *Increased Focus on Disabilities Centered on Human Rights*, Resolution 27/2018, *Support for the long-term implementation of Jordan's Principle*, Resolution 55/2018, *First Nations Disabilities Program On-Reserve*, Resolution 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*, Resolution 88/2018, *Support the Development of Wholistic First Nations Wellness Facilities*, Resolution 63/2017, *Federal Engagement on Health Transformation*, Resolution 55/2016, *First Nation Federal Accessibility Legislation*, and Resolution 75/2015, *Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*.

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

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

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TITLE: National Training Program for Indigenous Epidemiologists

SUBJECT: Health

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

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

DECISION: Carried by Consensus

WHEREAS:

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

- i. Article 23: Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- ii. Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

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

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

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- C. As Indigenous peoples of Turtle Island we have always had our own worldview that has informed our methodologies, our own sciences, our own research, our own laws that were passed down since time immemorial, our laws that were guided and aligned with the lunar cycles and ancestral star knowledge that told us when to plant, hunt, fish, and how we relate to one another. These laws and ways of knowing allowed us to survive and continue to do so.
- D. Our stories have been appropriated and interrupted by non-Indigenous researchers who have taken up the space and have been supported by institutions to tell our stories. Our stories have been analyzed from a non-Indigenous lens and worldview, and as a result, there is a gap and an urgent need to train our own Indigenous Epidemiologists who are grounded in an Indigenous worldview.
- E. The Institute for Indigenous Peoples Health (IIPH) is one of thirteen institutes within the Canadian Institute of Health Research (CIHR), which is one of the three Tri-Council agencies. IIPH has supported Indigenous-led research Network for Environmental Indigenous Health Research (NEIHR) Program that is aimed at establishing a national network of centres focused on capacity development, research and knowledge translation centered around the worldview of Indigenous Peoples. The network is intended to provide supportive research environments for Indigenous health research driven by and grounded in Indigenous communities in Canada.
- F. There is currently a limited number of trained Indigenous epidemiologists in Canada. The next generation of leaders requires exceptional Indigenous community engagement skills and a solid grounding in local Indigenous ways of knowing and doing; mentoring a culturally safe and enriched environment for Indigenous health researcher trainees, knowledge keepers and knowledge users across Canada to grow world class knowledge and skills in health information sciences, applied epidemiology, and health services evaluation.

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

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

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TITLE: Support for a Greater Investment into the Reclamation of Childbirth

SUBJECT: Health

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

SECONDED BY: Chief Walter Spence, Fox Lake First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

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

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

B. Section 3.2 in the Calls for Justice issued by the National Inquiry into Missing and Murdered Indigenous Women and Girls calls upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, 2-Spirit, Lesbian, Gay, Bisexual, Transgendered, Queer, Questioning, Intersex, and Asexual (2SLGBTQQIA) people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.

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- C. Indigenous midwives assisted in the birthing ceremony for thousands of years.
- D. Colonialism and paternalism, with the ultimate goal of assimilation, led the federal government to undermine all First Nations ceremonies, including birthing and impose a mandatory evacuation policy whereby women were and continue to be forced to leave the community at 36 weeks into the pregnancy to give birth in urban centres.
- E. The effects of this evacuation policy have had devastating consequences on First Nations infant and maternal mortality rates, mental health, infant attachment and bonding, child apprehension rates, and forced and coerced sterilization of vulnerable First Nations women left virtually alone due to these policies.
- F. The revitalization of language and cultural and ceremonial practices are integral to a future of self-determination and healthier communities.
- G. In 2017/2018, the federal government allocated \$6 million over five years for Indigenous midwifery. While this first of its kind announcement was welcomed, this funding is not enough.

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

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

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TITLE: Tri-Council Financial Administration Policy, Tri-Council Policy 2 Chapter 9 and the draft Tri-Agency Research Data Management Policy in alignment with Ownership, Control, Access, and Possession (OCAP®) and the United Nations Declaration on the Rights of Indigenous Peoples

SUBJECT: Health

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 23: Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
 - ii. Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.
 - 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.

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- B. The Truth and Reconciliation Commission of Canada Calls to Action state:
- i. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C. As Indigenous peoples of Turtle Island we have always had our own sciences, our own research, our own laws that were passed down since time immemorial, our laws were guided and aligned with the lunar cycles and ancestral star knowledge that told us when to plant, hunt, fish, and how we relate to one another, these laws and ways of knowing allowed us to survive and continue to do so.
- D. The Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council of Canada (NSERC) and the Social Sciences and Humanities Research Council of Canada (SSHRC) are federal granting agencies that support research, research training and innovation in Canadian post-secondary institutions. Collectively they are known as the Tri-agencies or the Government's granting councils and are governed by the Tri- Agency Financial Administration Policy and the Tri-Council Policy Statement 2 (TCPS2) Chapter 9, "Research Involving the First Nations, Inuit and Métis Peoples of Canada".
- E. The Tri-Agency Financial Administration Policy and the TCPS2 has effectively created barriers for community-based organizations to access research funding. To be an eligible institution, an organization needs an affiliation with an academic institution. The costs of administering research funding is an ineligible expense, also known as an indirect expense that is allowed for academic institutions, a cost not granted to community-based organizations.
- F. The Tri-Council has developed a draft *Tri-Agency Research Data Management Policy*, where the research data collected with the use of public funds should be responsibly and effectively managed and belong in the public domain and available for reuse by others, this draft policy is violation of the First Nations principles of OCAP®, where First Nations have a right to have Ownership, Control, Access and Possession of their data and information regardless of where it is held and the Indigenous peoples right to Free, Prior and Informed Consent (FPIC) as stated within UN Declaration.

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

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

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TITLE:	Reject the National Pharmacare Plan and any other plan that will violate the Medicine Chest for First Nations
SUBJECT:	Protection of Treaty and Inherent Rights
MOVED BY:	Chief Elaine Johnston, Serpent River First Nation, ON
SECONDED BY:	Chief Walter Spence, Fox Lake First Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

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

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

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

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TITLE:	Engage Extensively with First Nations on the Report of the Joint Advisory Committee on Fiscal Relations
SUBJECT:	Fiscal Relations
MOVED BY:	Chief Stanley Grier, Piikani Nation, AB
SECONDED BY:	Chief Brendan Mitchell, Qalipu Mi'kmaq First Nation, NL
DECISION:	Carried; 3 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B. There is a recognition of the diversity of First Nations and our relationships with the Crown, as acknowledged in Treaty and the Royal Proclamation of 1763.
- C. Under Section 91(24) of the Constitution of Canada, 1867, the federal government maintains sole jurisdiction for the relationship with First Nations and must uphold its fiduciary obligations.
- D. Under Section 35 of the Constitution of Canada, the inherent and Treaty rights of First Nations is recognized and affirmed by the Government of Canada.
- E. Through Assembly of First Nations (AFN) Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, Chiefs-in-Assembly directed Canada to create a Joint Advisory Committee on Fiscal Relations (JACFR) that would provide advice on a direction for the fiscal relationship between First Nations and Canada.
- F. In response to that resolution, the JACFR was created, based on equal recommendations from the AFN National Chief and the Minister of Indigenous Services Canada (ISC).

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- G. Building on thirty years of accumulated work on the fiscal relationship and ongoing discussions with First Nations leaders and technical experts, the JACFR presented its report – *Honouring our Ancestors by Trailblazing a Path to the Future* – to the National Chief and Minister on June 10, 2019.
- H. The JACFR report sets out a bold vision for a new fiscal relationship between First Nations and Canada to provide First Nations with the fiscal capacity to implement fully and effectively their inherent and Treaty rights, title and jurisdiction for the benefit of all their citizens, while reserving the right of any First Nation to opt in or out of the process.
- I. The JACFR report contains twenty-four (24) recommendations that will require extensive engagement with First Nations in order to review and obtain feedback for next steps.
- J. The federal election on October 21, 2019 will play an important role in determining the preparedness of Canada to pursue a new fiscal relationship with First Nations.

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

- 1. Affirm, acknowledge, and support the diversity of each First Nation.
- 2. The Spirit and Intent of the relationship between First Nations and Canada requires a fiscal arrangement that honors all agreements.
- 3. Call on the Joint Advisory Committee on Fiscal Relations (JACFR), the Assembly of First Nations, and Indigenous Services Canada to engage extensively with First Nations across the country on the report and its recommendations.
- 4. Call on the JACFR to report back to Chiefs-in-Assembly with the findings from those engagements at the Annual General Assembly in July 2020.

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

SUBJECT: Inherent Rights, Title and Jurisdiction

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, announced Canada's unqualified support for, and intent to fully implement, the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) at the United Nations Permanent Forum on Indigenous Issues on May 10, 2016.
- B. The Right Honourable Prime Minister Justin Trudeau promised to fully respond to each of the Calls to Action of the Truth and Reconciliation Commission.
- C. Call to Action 43 calls upon federal, provincial and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation.
- D. The UN Declaration states:
 - i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect of the customs, traditions and land tenure systems of the indigenous peoples concerned.

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- iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - iv. Article 28: (1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - v. Article 28: (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
 - vi. Article 29: (2) States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
 - vii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- E. Article XXIV of the American Declaration on the Rights of Indigenous Peoples states, "Indigenous peoples have the right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, in accordance with their true spirit and intent in good faith and to have States honor and respect same. States shall give due consideration to the understanding of the indigenous peoples as regards to treaties, agreements and other constructive arrangements."
- F. Canada's Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and associated processes undermine the true Nation-to-Nation relationship between First Nations and the Crown and have been widely rejected by First Nations for their focus on the infringement and extinguishment of Indigenous Rights, Title, and Jurisdiction. Both policies are inconsistent with Canadian jurisprudence (*Haida*, *Delgamuukw*, *Tsilhqot'in Nation*), Section 35 of Canada's Constitution, and the UN Declaration.

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- G. Unilaterally developed policy and legislation that sets parameters on the Crown's relationship with First Nations is in direct contravention of the Nation to Nation relationship and the Crown's obligations under International law.
- H. AFN Resolution 47/2015, *Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title*, rejects the CLCP and calls on Canada, "on a Nation-to-Nation basis, in direct consultation with Aboriginal Title First Nations, to undertake a process to replace the federal Comprehensive Claims Policy (CCP) with a policy that recognizes and respects Aboriginal Title and Rights in accordance with Canada's Constitutional obligations, the Tsilhqot'in Nation decision, and consistent with the UN Declaration."
- I. AFN Resolution 37/2016, *Establishing a Crown-First Nations Process on Land, Peoples and Governance*, calls for the creation of a First Nations process that seeks "mutual understanding, consensus and solutions to matters pertinent to First Nations including decolonization, empowerment and "going beyond the Indian Act," and direct the Assembly of First Nations to coordinate this process with First Nation regions and Canada."
- J. AFN Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, calls on Canada to "completely repudiate and abandon the inherent rights policy and the any related operating practices."
- K. In July 2018, AFN Chiefs-in-Assembly passed Resolution 39/2018, *First Nations Determination of the Path of Decolonization*, calling for the Framework process to be halted and a First Nations-led process created.
- L. On September 11-12, 2018, the AFN hosted a National Policy Forum attended by over 500 delegates to discuss Canada's Framework process. The Final Report identified 7 emergent First Nations principles that could guide the path forward:
- i. Affirm the pre-existing sovereignty and inherent Title of First Nations. Inherent rights and Title already exist and have been affirmed. Our rights as peoples and nations cannot be extinguished, and do not owe their existence to any other level of government.
 - ii. First Nations laws, language, culture, governance, jurisdiction must inform mutually acceptable solutions.
 - iii. The honour of the Crown means that the Crown's words meet their actions and the Crown always keeps its promises, including the full implementation of treaties and agreements.
 - iv. Value the equality of peoples as in the *Guswentah* (Two Row Wampum Treaty).

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- v. Fair and inclusive collaboration means making decisions together not in isolation.
 - vi. Clear, transparent communication must restore, not erode trust.
 - vii. Organize the federal government and its practices so that the *UN Declaration* guides reconciliation. Reconciliation does not mean compromise, it means moving forward in a respectful way.
- M. In December 2018, AFN Chiefs-in-Assembly passed AFN Resolution 67/2018, *Rejection of the recognition and Implementation of Indigenous Rights Framework and Associated Processes*, which called on the AFN to support First Nations in “developing their own Nation-building processes, including law-making, institution-building, and research of traditional governance systems in order for First Nations to begin developing standards of governance and law-making and to assert their inherent rights outside the purview of Canadian legislative control.”
- N. On December 4, 2018, Minister Bennett and Prime Minister Justin Trudeau publicly agreed to halt the Framework process while also committing to replace the existing CLCP and IRSG policies in partnership with First Nations.
- O. On May 1-2, 2019 the AFN hosted a National 4 Policies and Nation Building Forum in Edmonton, Alberta. At this Forum Minister Bennett announced that her government would support a First Nations led engagement process to develop new policy.
- P. On May 21, 2019, a *Draft Directive for Federal Officials on the Recognition and Implementation of Indigenous Rights*, was leaked. It is an internal draft government document that did not include any apparent involvement or consent of any First Nations or the AFN. Federal officials confirmed via email on June 11, 2019 that “at this point, nothing further is happening with it.”
- Q. The May 21, 2019, Draft Federal Directive has serious implications for Indigenous Title, Rights and historic Treaty Rights and in response, the National Chief wrote Minister Bennett on June 10, 2019, informing her AFN cannot support the unilateral Draft Directive.

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

1. Re-affirm our rejection of Canada’s Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and all associated policies and processes.

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2. Re-affirm Assembly of First Nations (AFN) Resolution 37/2016, *Establishing a Crown-First Nations process on Land, Peoples and Governance*, AFN Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, AFN Resolution 39/2018, *First Nations Determination of the Path to Decolonization*, and AFN Resolution 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*, which collectively:
 - a. Reject federally imposed processes and approaches to the recognition of Indigenous Rights, Title and Jurisdiction.
 - b. Recognize, elevate, and support Indigenous self-determination and decision-making processes.
3. Reiterate our call for a First Nations-led process to develop new federal policies and/or legislation to address the recognition and implementation of our inherent Rights, Title and Jurisdiction.
4. Reiterate our expectation that any policy or framework which may affect the Title, or Rights of any First Nation, irrespective of whether that First Nation is currently engaged in negotiations with the Crown, requires the free, prior and informed consent of all First Nations potentially impacted by such a policy or framework.
5. Direct the AFN, through coordinated action, to implement the common elements of these inter-related resolutions (08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, 39/2018, *First Nations Determination of the Path to Decolonization* and 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*) through a national engagement process.
6. Direct the AFN to advocate for adequate federal funding to support meaningful First Nations engagement at the local, regional, and national levels on nation building.
7. Direct the AFN to provide an update on progress at the December 2019 Special Chiefs Assembly.

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TITLE: Elders' Statement on Rights to Protect Nationhood

SUBJECT: Inherent Rights, Jurisdiction and Treaties

MOVED BY: Ron Lameman, Proxy, Beaver Lake Cree Nation, AB

SECONDED BY: Chief Vernon Watchmaker, Kehewin Cree Nation, AB

DECISION: Carried; 1 abstention

WHEREAS:

- A. First Nations inherent right to self-determination pre-exists contact with settler governments', including Canada and the provinces. First Nations sovereign jurisdiction has existed since time immemorial as we are the original peoples to our lands and territories.
- B. *The Royal Proclamation of 1763* establishes the Treaty process between Indian Nations or Tribes and the Crown which represents a Nation-to-Nation covenant or agreement, entered into according to our laws as Indian Nations and those of the Crown.
- C. The Crown wanted to access our territories for his subjects and as the original people, we agreed to only share our territory, the Crown undertook certain obligations and responsibilities.
- D. Treaty and inherent rights must be upheld through the Honour of the Crown for "as long as the sun shines, the grass grows and the waters flow".
- E. Elders from Treaty and sovereign Nations met in Edmonton, Alberta (April 29, 2019), Onion Lake Cree Nation (June 14, 2019) and Kehewin Cree Nation (June 26 and 27, 2019) to discuss the current government agenda that impacts First Nations inherent and Treaty rights, title and jurisdiction.

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- F. The Elders directed the drafting of a document entitled 'Statement of Rights' which has been translated into the Cree language in response to the current government agenda that attacks and undermines our inherent and Treaty rights, title and jurisdiction. The Elders direct leadership to take immediate action to protect our Nations Treaty rights and Inherent Rights sovereign jurisdiction to ensure decisions are made for our people, children and future generations.
- G. Treaty and Sovereign Title holders of our Nations gathered to maintain the sacred fire of our ancestors for all future generations where they stated that:
- i. Our Treaty laws are based on Creator's laws.
 - ii. In affirming the spirit and intent of our Treaties, since the beginning will last 'as long as the sun shines, waters flow, grass grows and as long as there are original peoples', as understood and consented to by both parties to co-exist as families.
 - iii. In affirming our Treaties, we firmly reject the federal government's colonial agenda that violates our international Treaty relationship.
 - iv. We, the original peoples of Turtle Island uphold our truth, our languages and sacred responsibilities (protection, prevention, intervention, direction, and connection) to our peoples and our lands.
 - v. We continue to carry the responsibility to protect and live our sovereignty, jurisdiction, laws and legal orders of our governance lodges so that they are transferred into the hands of the next generations for the circle of life to continue.
 - vi. We hold in reverence all that Mother Earth gives to us, including our responsibility to maintain balanced and harmonious relationships with all forms of life, now and continually.
 - vii. We direct all our leaders to make decisions protecting our Nations, people, children and future generations now and continually.
 - viii. We agree and commit ourselves to respectfully work together sustaining our jurisdiction through:
 - i. Speaking the truth about our inherent connection to our land and our Treaties.
 - ii. Carrying on our ceremonies, our laws and speaking our languages.
 - iii. Living in good relationship with our families, clans, Nations, our Treaties with the Crown and all of creation.

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- iv. Upholding our international Treaty relations that were confirmed for.
- v. Upholding the inherent and Treaty responsibilities for our future generations.
- vi. Confirming our right of self-determination.

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

1. Support the Elders 'Statement of Rights' that rejects the current government's termination agenda that is federally drafted and controlled through legislation and policy changes and associated processes.
2. Support First Nations to develop their own self-determination plans to protect our Treaty and inherent rights and sovereign jurisdiction.
3. Acknowledge that the signatories to the Elders' Statement of Rights.

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TITLE: Treaty and Inherent Rights Sharing Discussions

SUBJECT: Treaty and Inherent Rights

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

SECONDED BY: David Pratt, Proxy, Carry the Kettle First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

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

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

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

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TITLE:	Treaty and Inherent Rights Legal Unit
SUBJECT:	Treaty and Inherent Rights
MOVED BY:	David Pratt, Proxy, Carry the Kettle First Nation, SK
SECONDED BY:	Chief Ira McArthur, Pheasant Rump Nakota First Nation, SK
DECISION:	Carried by Consensus

WHEREAS:

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

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

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

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TITLE:	100 Wellington Street
SUBJECT:	Reconciliation
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Frankie Cote, Proxy, Kitigan Zibi Anishinabeg
DECISION:	Carried; 6 objections, 5 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - iii. Article 26(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iv. Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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- v. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - vi. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - vii. Article 28(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. The Charter of the Assembly of First Nations (AFN) states:
- i. *Ideals*, Article 1b: By virtue of the recognition and affirmation of their mutual freedom and self determination, First Nations possess the knowledge and political will to respect the sovereignty of each First Nation.
 - ii. *Principles*, Article 2, 5: The Assembly of First Nations shall remain at all times an instrument to advance the aspirations of First Nations and shall not become greater in strength, power, resources or jurisdiction than the First Nations for which it was established to serve.
- C. The Algonquin Nation holds inherent title to their traditional lands. The "Parliamentary Precinct" is located on unceded Algonquin territory.
- D. On June 21, 2017 the Prime Minister of Canada announced that the 100 Wellington Street building, located in Ottawa, is to become a space for Indigenous Peoples.
- E. There is a need for First Nations to establish their own process to determine the preferred use, function, and governance of the 100 Wellington Street space.
- F. AFN Resolution 29/2017, *100 Wellington Street*, mandated the Assembly of First Nations (AFN) to initiate a process to determine the most effective use of the 100 Wellington Street space, with certain conditions.

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 29/2019

- G. AFN Resolution 29/2017 directed the National Chief and the AFN to acknowledge the duly recognized Algonquin First Nations and make sure that the appropriate protocols with the Algonquin Nation are engaged to ensure a respectful process is initiated and to ensure Algonquin involvement.
- H. AFN Resolution 29/2017 also urged Canada to recognize the title of the Algonquin Nation and ensure the Algonquin Nation participates equally in the ongoing process to allow the building to ultimately be used as an Indigenous Peoples space in a manner which reflects and respects the engagement process with First Nations and the protocols with the Algonquin Nation.
- I. On July 1, 2019, Prime Minister Justin Trudeau committed to the Algonquin Nation that the Indigenous Peoples Space, particularly 100 Wellington St., would not open until the issues raised by the Algonquin Nation were resolved to its satisfaction.
- J. On July 2, 2019, Minister Bennett sent a letter to the Algonquin Nation committing to including 119 Sparks St. in the Indigenous Peoples Space project along with 100 Wellington St. and the infill space.
- K. In the July 2, 2019 letter, Canada committed to establishing a bilateral process with the Algonquin Nation on the creation of a building in the existing infill between 100 Wellington St. and 119 Sparks St. for the Algonquin Nation.
- L. Canada also confirmed in the July 2, 2019 letter Canada's commitment of not launching the Indigenous Peoples' Space where she stated, "I can also confirm that the Indigenous Peoples' Space will remain closed until a resolution has been reached on the issues by the Algonquin".

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

- 1. Support the Algonquin Nation to represent their own interests, rights and title by establishing a bilateral process with Canada to develop a dedicated Algonquin space in a newly created building between 119 Sparks Street and 100 Wellington Street.
- 2. Direct the Assembly of First Nations (AFN) to ensure the Algonquin Nation are equal partners (decision makers and beneficiaries) in the short-term project in 100 Wellington St., through the signing of a partnership agreement between the Algonquin Nation, the AFN, Inuit Tapiriit Kanatami (ITK) and the Métis National Council (MNC). The partnership agreement would last until such a time when construction is complete on the Algonquin specific site. All decisions in this partnership will be made by consensus.

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 29/2019

3. Direct the AFN to work with Algonquin Nation, MNC and ITK to set-up of a principals committee and technical working group dedicated to the long-term planning and use of 100 Wellington Street and 119 Sparks Street to be used by Indigenous leadership (Chiefs, tribal councils, First Nations, etc.) to conduct intergovernmental business.
4. Direct the National Chief to immediately inform the Prime Minister, his relevant Ministers, ITK and MNC of this resolution.

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE:	<i>An Act respecting First Nations, Inuit and Metis children, youth and families – Support for a British Columbia specific approach to transition and implementation planning</i>
SUBJECT:	Social Development, Child Welfare
MOVED BY:	Kukpi7 Wayne Christian, Splastin, BC
SECONDED BY:	Chief Elaine Johnston, Serpent River First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
 - ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. On June 21, 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent in the House of Commons. This Act affirms the inherent rights of First Nations over the care and welfare of their children and upholds the minimum human rights standards as contained within the UN Declaration.

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- C. The First Nations Leadership Council, (FNLC) comprised of political executives of the British Columbia (BC) Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs, and represents the 203 First Nations in BC. The FNLC takes direction from title and rights holders regarding advocacy and supporting the implementation of inherent First Nations title and rights.
- D. The FNLC was directed by resolutions from BC First Nations through each of the assemblies of the BC Assembly of First Nations, First Nations Summit, and BC Assembly of First Nations, to reform the current Indigenous child welfare system in BC. This includes working with federal and provincial governments to develop First Nations-supported legislation, policies, and practices that support and affirm child welfare laws, policies and practices in place since time immemorial.
- E. On April 4, 2017, the FNLC signed a Reconciliation Charter with the Province of BC and Canada that committed the parties to work in partnership to implement First Nations Child Welfare Reform via a Tripartite Working Group (TWG).
- F. BC First Nations want to ensure a BC-specific transition and implementation strategy is upheld and respected, based on the affirmation of self-determination and self-governance of First Nations who will make their own choices and preferences regarding the implementation of reforms to suit the needs of their children, youth and families.

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

- 1. Call on Canada and the Governor-in-Council to immediately bring all sections of *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) into force.
- 2. Call upon on Canada to support and fund a British Columbia (BC) First Nations specific approach for transition and implementation of the Act, by working through the already established Tripartite Working Group in a manner that:
 - a. Upholds the direction at other nation-building tables.
 - b. Is consistent with the affirmation of the inherent right of self-determination as affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- 3. Direct Canada and the Assembly of First Nations (AFN) to ensure that established Nation-to-Nation and First Nations regional tables shall be prioritized over a national table when developing any implementation plan for the Act.

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4. Direct Canada and the AFN to ensure that any national implementation process or mechanism related to the Act should ensure:
 - a. Transparency and accountability in all activities.
 - b. First Nations rights and title holders freely determine the scope and focus of implementation activities so that no other regional agency or national organization can decide on the implementation pathway in BC without the consent of First Nations of BC.

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TITLE:	Ontario Specific Process to Bill C-92, <i>An Act Respecting First Nations, Inuit, and Métis Children, Youth, and Families</i>
SUBJECT:	Child Welfare
MOVED BY:	Chief Elaine Johnston, Serpent River First Nation, ON
SECONDED BY:	Chief Wayne Christian, Splatshin First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
 - ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. First Nations have a sacred responsibility for the well-being of their children, youth, and families, and First Nations exercise this sacred responsibility through their inherent rights and jurisdictions that pre-exist Canada.
- C. On June 21, 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent.

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- D. Chiefs of Ontario Special Chiefs Assembly Resolution 07/19 reflects Ontario First Nations' opposition to the Act. The resolution rejected the Act for the following reasons:
- i. The Act does not affirm First Nations inherent rights over their children and families, rather it transforms our inherent rights into Canadian Law.
 - ii. The Act fails to guarantee federal funding for the full development, implementation, and operationalization of First Nations' Child and Family laws and systems.
 - iii. The Act imposes the *Canadian Charter Rights and Freedoms* and the *Canadian Human Rights Act* on First Nations' jurisdiction.
 - iv. The Act imposes federal standards and rules that limit any proposed First Nations' jurisdiction.
- E. The Ontario Chiefs Committee on Social has been mandated to provide technical and legal assessment on the Act. Ontario's Chiefs Committee on Social have determined that regardless of what policy or legislation Canada passes, any and all ultimate decision-making rests with the consent of rights holders.
- F. Ontario First Nations want to discuss and exercise an Ontario-specific strategy to assert jurisdiction outside of the Act, which affirms First Nations' inherent rights and responsibility to the well-being of their children, youth, and families.

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

1. Affirm that the honour of the Crown requires Canada to act with honour, integrity, good faith and fairness in their dealings with First Nations peoples and Nations.
2. Call upon Canada to hold and fund discussions and negotiations directly with Ontario First Nations, which will include discussions on funding for the development, implementation, and operationalization of First Nations laws and systems outside of *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), consistent with the principle of substantive equality and actual needs. These negotiations shall be guided by Ontario First Nations' political processes.
3. Affirm that no national and/or provincial organization shall decide on the implementation pathway in Ontario without the consent of First Nations of Ontario, including consent in the development of regulations under the Act.

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4. Direct Canada and the Assembly of First Nations (AFN) to ensure that established Nation-to-Nation and First Nation regional tables are prioritized over any AFN national table processes in regards to negotiations and discussions to work outside and inside of the Act.
5. Direct Canada and the AFN to ensure that any national table process shall affirm and assert in a manner that guarantees transparency and accountability with the rights holders, as it relates to the Act.
6. Affirm that First Nations rights, title and jurisdiction shall be respected, including First Nations who choose to or not to participate in the Act.

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TITLE:	Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines, and the Underlying Myth of Crown Title
SUBJECT:	Inherent Rights, Jurisdiction and Treaties
MOVED BY:	Chief Judy Wilson, Skat'sin te Secwépemc, Neskonlith, BC
SECONDED BY:	Phillip Chief, Proxy, Onion Lake First Nation, SK
DECISION:	Carried by Consensus

WHEREAS:

- A. Our peoples are the original peoples of the traditional territories of our Indigenous Nations, having been placed on our respective territories on Turtle Island by the Creator.
- B. The Creator gave us laws that govern all our relationships for us to live in harmony with nature and humankind.
- C. The laws of the Creator have defined our rights and responsibilities, gave us spiritual beliefs, our language, our cultures and places on Mother Earth which provided us with all our needs.
- D. We have maintained our freedom, our languages and our traditions from time immemorial.
- E. The Creator has given us the right to govern ourselves and the right to self-determination. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.
- F. Our Indigenous title, jurisdiction, rights and interests exist and are recognized by international law, our sacred Treaties with the Crown of Great Britain and the Constitution of Canada.
- G. The Government of Canada has misused the term nation-to-nation relationship and has unilaterally imposed 10 Principles for Indigenous Relationships for use in policy, legislation and negotiations.
- H. Canada's Ten Principles Respecting the Government of Canada's Relationship with Indigenous Peoples cannot override Section 35 rights as they relate to modern treaties or self-government agreements.

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- I. The Government of Canada, without our involvement or consent, has unilaterally dissolved the Department of Indian Affairs and Northern Development (DIAND) and created two new Departments (Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada) through Bill C-97, *Budget Implementation Act, 2019, No. 1*.
- J. The Government of Canada, without our involvement or consent, has developed a directive for federal officials on the recognition and implementation of Indigenous Rights, which contain fundamental flaws such as:
 - i. Maintains a pan-Indigenous approach diminishing First Nations Treaty and Inherent Title and Rights.
 - ii. Makes a distinction between non-binding discussions and “co-developing” negotiation mandates.
 - iii. Gives federal and provincial government representatives a veto because “co-developed” mandates have to “reflect the interest of all parties.
- K. In 2017, several Treaty Nations and Indigenous Title Nations presented Joint Recommendations to the United Nations Committee on the Elimination of Racial Discrimination (CERD) on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title.
- L. Several Treaty Nations and Indigenous Title Nations cooperated in Geneva, Switzerland at the United Nations, and in Canada to defend and protect the original Treaties and Indigenous Title and Rights from federal and provincial encroachments.
- M. The August 13, 2017 joint recommendations by the Indigenous Nations appearing before the CERD have been reformatted as a Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title.
- N. The Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Myth of Underlying Crown Title calls for the following action:
 - i. For the Crown in right of Canada to comply with CERD’s rejection of the colonial doctrines of discovery as a racist basis for the claim to sovereignty, jurisdiction and title.
 - ii. For Canada to cease and desist its unilateral approach to changes to policy and legislation and develop a process for mutual recognition based upon Indigenous sovereignty, original Treaties and jurisdiction.

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- iii. For CERD to condemn Canada for promoting and developing laws and policies based on colonial doctrines behind closed doors, in a non-transparent manner without the full involvement and the free, prior and informed consent of the Indigenous Nations as the proper Title and Rights holders.
- iv. For CERD to hold Canada accountable to implement General Recommendation No. 23 requiring States Parties to ensure that Indigenous peoples are full decision-makers regarding issues relating directly to Indigenous Peoples and that such decisions are not taken without their informed consent with specific reference to land and resource rights.
- v. For CERD to hold Canada accountable and require Canada to ensure the free, prior, and informed consent of Indigenous Peoples with regard to development and resource exploitation within their traditional lands and territories; and ensure restitution where decisions have already been taken without the prior and informed consent of all affected Indigenous Peoples.
- vi. For CERD to hold Canada accountable for its failure to implement its previous concluding observations rejecting Canada's Comprehensive Land Claims Policy aiming at the de facto extinguishment of Indigenous title, as a racially discriminatory policy against Indigenous Peoples and their proprietary interests.
- vii. For CERD to facilitate a dialogue and recommend an international facilitator to manage discussions with the Indigenous Nations, in relation to lands and other matters concerning underlying Indigenous Title to the land and the issue of free, prior and informed consent as it relates to Indigenous Nations and Peoples.
- viii. For CERD to reject "*Canada's Policy Approach to Implementation of the Inherent Right and the negotiation of Aboriginal Self-Government (1995)*", as violating the Indigenous right of self-determination.
- ix. For CERD to request that the settler colonial state of Canada provide a report on its efforts to reform the laws, policies and programs that aim at the de facto extinguishment of title to lands and the issue of self-government agreements as a means to resolve outstanding issues related to lands and resources.
- x. For CERD to make an official request to send one or more of its members to Canada in order to facilitate the implementation of international standards regarding the situation as described in these submissions of Indigenous Nations and to ensure implementation of its concluding observations.

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- xi. To request the CERD Secretariat to collect information from field presences of the Office of the High Commissioner of Human Rights and specialized agencies of the United Nations, national human rights institutions and non-governmental organizations on the situation as described in these submissions and more specifically to appoint and direct CERD members to investigate and collect information regarding the allegations contained in this Declaration and to report back to UN Committee on the Elimination of Racial Discrimination with recommendations; including, but not limited to these examples, follow-up on early warning and urgent action submissions in regard to the BC Treaty process, the Algonquins of Ontario Process, and the Lubicon Cree, and the failure to engage with the proper title and rights holders.
- xii. For Canada to comply with the International Convention on the Elimination of Racial Discrimination (ICERD) Article 5 (d)(1) which guarantees the right of peaceful assembly within our territories. When Indigenous Nations are protecting our territories, the racist state of Canada interferes with our Indigenous rights in relationship to our territories. Indigenous Peoples' free, prior and informed consent is denied when the state asserts rights in our territories by criminalizing Indigenous and water defenders who should be protected which denies Indigenous Peoples right to peaceful assembly. CERD requests Canada to respect all the articles of the Convention especially as it relates to the rights of Indigenous Peoples.

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

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

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TITLE: Developing a Ten-Year Treaty Education Implementation Plan

SUBJECT: Education, Treaties

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw-Kwaw-Apilt First Nation, BC

DECISION: Carried; 6 objections, 1 abstention

WHEREAS:

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

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

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- vi. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - vii. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - viii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.
 - ix. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
 - x. Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B. The *Constitution Act, 1982* states:
- i. Section 35 (1): The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- C. Aboriginal Treaties with Great Britain are the foundation of all governments in Canada and public international law.
- D. Treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened Nation-to-Nation partnership between First Nations and the Canadian government.
- E. The Supreme Court of Canada in *R. v. Côté* at para. 57 affirmed that to ensure the continuity of Aboriginal customs and traditions, a substantive constitutional right will normally include the incidental right to teach a practice, custom or tradition to a younger generation.
- F. The Aboriginal and Treaty right to education is constitutionally recognized across Canada and is integral to a promised and enriched livelihood.

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- G. The Truth and Reconciliation Commission of Canada, Call to Action #62, calls on Canada to make age-appropriate curriculum on Residential Schools, Treaties, and Aboriginal Peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
- H. Treaty education refers to the development and implementation of a greater understanding of inherent powers and Treaties of First Nations as both historical and living agreements, which have ongoing rights, responsibilities and implications.
- I. Treaty education should be an inclusive, obligatory exercise for the education of all citizens in the provinces and territories on the existence of Treaties, their importance as the foundation of relationship-building between First Nations and Canadians, and their value to Canadian society in both historical and contemporary contexts.
- J. Shared history and common understanding of both Treaty partners' pasts is integral to shaping the education of each province and territory.

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

1. Call-upon the Government of Canada, with the consultation and cooperation of First Nations, to develop and establish a minimum ten-year Treaty Education Implementation Plan that will ensure every school, every grade, and every class has access to Treaty education resources and training.
2. Call-upon the Government of Canada to provide First Nations with funding capacity to develop and establish a minimum ten-year Treaty Education Implementation Plan. The ten-year Treaty Education Implementation Plan will be led and monitored by First Nations.
3. Call-upon the Council of Ministers of Education, in partnership with First Nations, to support mandatory Treaty education in each provincial and territorial school system, while ensuring the implementation is culturally, historically and linguistically relevant, as directed by First Nations and their Elders.

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TITLE: First Nations Education Infrastructure Review

SUBJECT: Education

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw-Kwaw-Apilt First Nation, BC

DECISION: Carried; 5 objections, 1 abstention

WHEREAS:

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

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

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- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.
- C. Safe, adequate and sustainable education infrastructure provides a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.
- D. First Nations have unique needs and circumstances in education that must be reflected in their education infrastructure standards.
- E. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it, including the right to environmentally sustainable education infrastructure solutions.
- F. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to education infrastructure programs and/or policies relating to First Nations education administered by Indigenous Services Canada or other federal departments or agencies.

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

- 1. Reaffirm First Nations' inherent and Treaty Rights to education.
- 2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
- 3. Affirm that a review concerning First Nations education infrastructure is not intended to detract or hinder First Nations from advancing their current and future infrastructure processes.
- 4. Support policy or program changes in regards to First Nations education infrastructure that:
 - a. Exercise First Nations' Treaty and inherent rights to education, honours and advances First Nations control of First Nations education, and conforms to and upholds the Crown's Treaty and legal obligations to First Nations;

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- b. Reflect First Nations needs and deficiencies at the local and grassroots level;
 - c. Ensure that education capital funding needs are based on forecasted population growth in First Nations communities; and
 - d. Ensure that a 100% of real costs are provided for operations and maintenance of First Nations education infrastructure.
5. Support the Chiefs Committee on Education, National Indian Education Council and Assembly of First Nations to engage and lead a First Nations review, reflective of local and grassroots level needs, on federal policies concerning education infrastructure that supports regional models and approaches.

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TITLE: Additional Funding for First Nations Elementary and Secondary Education

SUBJECT: Education

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw-Kwaw-Apilt First Nation, BC

DECISION: Carried; 5 objections, 1 abstention

WHEREAS:

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

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

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- vi. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - vii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations have inherent and Treaty rights in regards to education and the Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over their education.
 - C. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
 - D. In 1972, First Nations in Canada endorsed the policy of *Indian Control of Indian Education* which advanced an education approach premised on parental and local control. In 2010, through Assembly of First Nations (AFN) Resolution 12/2010, First Nations endorsed the updated AFN “First Nations Control of First Nations Education” document as a core policy position on First Nations education.
 - E. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states, “No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.”
 - F. The Minister of Indigenous Services is mandated to “Ensure the successful delivery of the significant investments made in Indigenous services through Budget 2016 and Budget 2017. This includes... ensuring First Nations children on reserve receive a quality education.”
 - G. The Government of Canada committed \$2.6 billion for First Nations elementary-secondary education in Budget 2016, which is considered by First Nations as a first step to address the historic funding shortfall between First Nations education and the rest of Canada.
 - H. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and reflect the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.

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- I. First Nations across the country are currently engaging in regional technical table meetings to further examine their interim formulas to determine next steps.
- J. Provincial comparability standards are inadequate to achieving substantive equality and improved outcomes as they fail to account for the specific needs and circumstances of First Nations' students.
- K. The interim funding proposals submitted by Indigenous Services Canada to communities as of June 2019, are insufficient to provide equitable access to education for all learners.
- L. Regional and/or Treaty based education agreements are aimed at ensuring First Nation students, schools and communities are guaranteed predictable and equitable base funding on the basis of substantive equality.

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

- 1. Reaffirm First Nations inherent and Treaty rights to education.
- 2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
- 3. Call on the Government of Canada to uphold the commitments identified in AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, and repeated in the Memorandum to Cabinet.
- 4. Call on the Government to Canada to work in partnership with First Nations regionally-led technical tables and other First Nations and/or Treaty defined processes in order to identify the real costs and needs of each First Nation as researched and costed by the First Nations.
- 5. Call on the Government of Canada to provide additional investments in 2020 for First Nations elementary and secondary education in order to complete local, Treaty and or regional education agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities and education organizations.

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TITLE:	Chiefs Committee on Cannabis
SUBJECT:	Cannabis
MOVED BY:	Chief Edward Boulrice, Thessalon First Nation, ON
SECONDED BY:	Chief Christian Sinclair, Opaskwayak Cree Nation, MB
DECISION:	Carried; 2 objections

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21(1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, economic development, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. On October 17, 2018, the federal government passed legislation to legalize the sale of cannabis. There was little or no community consultation by the federal government and there are still no provisions in the legislation which address First Nation social and cultural needs, and rights to economic development, health and public safety.
- C. As a result of the federal government's commitment to reconciliation and respect of First Nations through their adoption of the UN Declaration, economic reconciliation must include the meaningful development of a First Nation cannabis jurisdiction.
- D. Opportunities exist for First Nations across Canada to become safely and responsibly involved in the industry.
- E. First Nation communities exploring opportunities in the cannabis industry may consider following Health Canada regulations as well as provincial retail regulations. First Nation communities also have the opportunity and the jurisdiction to establish their own laws and regulations.

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- F. First Nations must have their autonomy and authority recognized as rights holders at the table as governments when asserting their interests in the cannabis sector.
- G. AFN Resolution 90/2017, *Support for a Cannabis Working Task Force*, supported the establishment of an Assembly of First Nations Cannabis Task Force (Task Force) comprised of leadership, technicians, and knowledge keepers to undertake the work required to formalize a response and position on the legalization of cannabis and implementation of new laws.
- H. The Chiefs Committee on Cannabis (CCC) would directly provide First Nations with economic, health and safety information where the federal government has failed to do so to date.
- I. First Nations assert full jurisdiction and will exercise full jurisdiction over cannabis.
- J. The federal government must recognize that each First Nation has jurisdiction to govern all cannabis operations in our own territories, including, but not limited to, the regulation of the growth, processing and sale of cannabis and in all its derivatives.
- K. Each First Nation's regulatory systems must be recognized within our territories. Provincial and federal governments must eliminate barriers and cease actions which impede and interfere with nation to nation trade and commerce.

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

1. Direct the Assembly of First Nations (AFN) to replace the Cannabis Working Task Force with the Chiefs Committee on Cannabis (CCC), chaired by the Regional Chief holding the Cannabis portfolio. The CCC's mandate is to;
 - a. Serve as a clearinghouse for information for First Nations interested in becoming educated and informed on cannabis and the cannabis industry.
 - b. Provide recommendations for AFN cannabis-related communications (funding opportunities, public health, Indigenous health and spiritual health and safety, etc.) delivered to First Nations and stored in an online repository.
 - c. Seek funding for the CCC to coordinate First Nations interested in the cannabis industry regionally and nationally.

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- d. Recognize and support First Nations' assertion of inherent jurisdiction over cannabis licensing, taxation, regulation, and revenue sharing throughout First Nations' territories.
 - e. Operate under the directives outlined in AFN Charter and the standards of AFN Chiefs Committees, including a Terms of Reference for the Chiefs Committee on Cannabis.
 - f. Ensure regional representation within its composition by requesting each Regional Chief appoint one Chief and one Chief alternate to serve on the CCC, supported by AFN technicians.
 - g. There will be no imposition of federal or provincial taxation in respect to First Nations territories unless agreed upon by First Nations.
2. Direct the AFN to report back on the CCC's progress to the Chiefs in Assembly at the December 2019 Special Chiefs' Assembly.

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TITLE:	Continued Advocacy on Canada's International Trade Agreements to achieve Economic Reconciliation
SUBJECT:	Economic Development
MOVED BY:	Chief Stanley Grier, Piikani Nation, AB
SECONDED BY:	Chief Derrick Henderson, Sagkeeng First Nation, MB
DECISION:	Carried; 7 abstentions

WHEREAS:

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

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- v. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. The Government of Canada signed the Canada-United States-Mexico Agreement (CUSMA) on November 30, 2018 and continues to implement two significant international trade agreements; the Comprehensive Economic and Trade Agreement (CETA) with the European Union and the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP).
- C. The Government of Canada has introduced Bill C-100, *An Act to implement the Agreement between Canada, the United States of America and the United Mexican States* (Bill C-100), on May 29, 2019 in order to ratify and implement CUSMA into domestic law.
- D. CUSMA, as compared to the North American Free Trade Agreement (NAFTA), has the potential to further support the First Nations' economy and can be a step towards achieving economic reconciliation consistent with the UN Declaration.
- E. CUSMA is the first trade agreement to begin engaging with First Nations. The participation of First Nations and other Indigenous peoples in an Indigenous Working Group is a step towards achieving the promise of Article 19 of the UN Declaration and shows that better decisions can be reached in conjunction with First Nations people.
- F. CUSMA is the first trade agreement to include language to protect First Nation rights in a General Exception for Indigenous Peoples Rights. The provision makes it clear that Canada can take any measures necessary to protect Inherent and Treaty rights recognized and affirmed by s. 35 of the Constitution regardless of the trade rules in CUSMA. Respecting First Nation Inherent and Treaty rights in CUSMA is consistent with Article 37 (1) of the UN Declaration.
- G. The Assembly of First Nations (AFN) urged that exception clauses, carve outs and set asides in modernized trade agreements be included to benefit First Nations and First Nation businesses. These new provisions are consistent with Canada's obligations to continue improving the economic and social conditions of First Nations people as set out in Article 21 of the UN Declaration.

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- H. However, mandatory requirements are required in domestic legislation for government procurement and procurement for state-owned enterprises from Indigenous businesses and service providers, in order for CUSMA to be implemented in a manner that supports First Nation economic development consistent with Article 20 of the UN Declaration.

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

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

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TITLE: Increasing First Nations Procurement Opportunities and Benefits

SUBJECT: Economic Development

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

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

DECISION: Carried; 7 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations businesses continue to actively contribute to Canada's economy and are poised to be major contributors in the procurement space. However, First Nations have significant barriers when it comes to access to procurement opportunities.
- C. The Government of Canada has stated that it is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government relationship based on recognition of rights, respect, co-operation and partnership as the foundation for transformative change.

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- D. Government procurement has been, and will continue to be, a key component of the Canadian economy. Improved access and support for First Nations businesses to access the federal procurement market represents a significant growth opportunity. The Government of Canada is currently undertaking a process towards the modernization of the Procurement Strategy for Aboriginal Business (PSAB). Targeted Indigenous procurements under the current PSAB represents less than 1% of all federal procurements.
- E. The Assembly of First Nations (AFN), with the guidance of the Chiefs Committee on Economic Development (CCED), has developed an evergreen discussion paper, *Procurement in Canada: Possible Actions to Increase First Nations Opportunities and Benefits*, which outlines recommendations to increase First Nation procurement opportunities including:
- i. undertaking an independent First Nations-led review and action plan to review procurement.
 - ii. establishing a 5% First Nations Federal Government mandatory procurement target and increasing sole source thresholds for First Nations businesses.
 - iii. improving First Nations procurement data collection and reporting capabilities.
 - iv. establishing federal/provincial/territorial oversight bodies to increase enforceability of procurement targets
 - v. improving international trade procurement opportunities.
 - vi. establishing a comprehensive First Nations business marketplace.
 - vii. fulfilling the procurement recommendations provided by the Standing Committee on Government Operations and Estimates.
 - viii. making 95% percent of the funds within Indigenous Services Canada procurement be dedicated to First Nations.

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

1. Support the recommendations outlined in the evergreen discussion paper *Procurement in Canada: Possible Actions to Increase First Nations Opportunities and Benefits* for submission to the Government of Canada to inform the modernization of the federal Procurement Strategy for Aboriginal Business (PSAB).

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2. Direct the Assembly of First Nations (AFN) to seek resources to continue to coordinate First Nations input into the further development of options and recommendations to increase First Nations procurement opportunities and benefits.
3. Direct the AFN Chiefs Committee on Economic Development (CCED) to continue to advocate for options to increase First Nations procurement opportunities and benefits in federal, provincial/territorial and private sector procurement.

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE:	Inclusion of Canada Summer Jobs to First Nations Labour Market Agreements
SUBJECT:	Economic Development, Youth
MOVED BY:	Chief Stanley Grier, Piikani Nation, AB
SECONDED BY:	Chief Derrick Henderson, Sagkeeng First Nation, MB
DECISION:	Carried; 7 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations have participated in national employment and training programs (Pathways, Regional Bilateral Agreements, Aboriginal Human Resource Development (AHRDS)1, AHRDS-2, and the Aboriginal Skills and Employment Training Strategy (ASETS) since 1992.
- C. First Nations Labour Market Agreement (FNLMA) holders have delivered Canada Summer Jobs (CSJ) for one year under the ASETS, and under predecessor programs since 1992.

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- D. First Nation administrations and employers have had to apply for summer student positions in competition with other employers in a Member of Parliament's riding.
- E. First Nation administrations and employers have experienced a great loss of funding for First Nation students since CSJ was removed from FNLMA holders delivery.
- F. The federal government has espoused a commitment to youth training and employment, which includes First Nations youth.

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

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

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TITLE:	First Nations Labour Market Agreement (FNLMA) holders and the First Nations and Inuit Child Care Initiative (FNICCI)
SUBJECT:	Economic Development, Social Development
MOVED BY:	Chief Stanley Grier, Piikani Nation, AB
SECONDED BY:	Chief Derrick Henderson, Sagkeeng First Nation, MB
DECISION:	Carried; 7 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations have participated in national employment and training programs (Pathways, Regional Bilateral Agreements, Aboriginal Human Resource Development (AHRDS)1, AHRDS-2, Aboriginal Skills and Employment Training Strategy (ASETS) agreements since 1992.

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- C. First Nations Labour Market Agreement (FNLMA) holders have delivered the First Nations and Inuit Child Care Initiative (FNICCI) funds to their communities since 1999. FNLMA holders have participated in only one engagement session in July 2017 regarding the revamping of Early Learning and Child Care programs nationally.
- D. The summary report from the July 2017 meeting concludes that “the need to address deficiencies is quite obvious and long-standing. An Indigenous Early Learning and Child Care (ELCC) framework that prioritizes an empowered FNICCI program will be able to produce substantial benefits practically immediately because the ASETS framework is already in place and working.”
- E. The federal government has provided the Indigenous Skills and Employment Training (ISET) Program, a ten-year national employment and training strategy.
- F. The ten-year contribution agreement includes only two years of funding of the FNICCI through the FNLMA holders.

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

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

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TITLE:	Support for Treaty-Based Funding Arrangements and First Nations that are being impacted by existing Fiscal Relations discussions Federally
SUBJECT:	Fiscal Relations/Treaty and Inherent Rights
MOVED BY:	Phillip Chief, Proxy, Onion Lake Cree Nation, SK
SECONDED BY:	Chief Lynn Acoose, Zagime Anishinabek, SK
DECISION:	Carried; 1 abstention

WHEREAS:

- A. The Crown wanted to access our territory for her subjects. In return for the use of our territory, the Crown undertook certain obligations.
- B. The Crown must honour its obligations for as long as the sun shines, the grass grows, and the waters flow.
- C. Assembly of First Nations (AFN) Resolution 36/2018, *Support to Pursue Treaty Based Funding*, calls on continued support for Treaty Based Arrangements.
- D. To date the Crown continues to interfere in the jurisdiction of communally-held Treaty and Inherent Rights by interfering with Treaty-based funding arrangement discussions by asserting that the existing discussions with federal positions and options must be followed and are the only ones being offered, which are the 10 Year Grant and the New Contribution Agreement that requires First Nations to comply with legislation such as Bill C-27, *An Act to enhance the financial accountability and transparency of First Nations*.
- E. The current review of the existing fiscal relationship, research, and development of proposals and recommendations for the design of a new fiscal relationship was meant to move forward towards sufficient, predictable and sustained funding, and lift the 2% cap on annual funding increases to First Nations.

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- F. The Federal Government has not offered to date any options that include lifting the 2% cap on annual funding and providing for sustainability funding increases to First Nations and have instead embedded Bill C-27 in their templates, which they had promised to repeal as part of their Liberal Party.
- G. Treaty and Inherent Rights are held communally by all members within a Nation and cannot be altered or negotiated without the rights-holders, and those Nations that want to move forward with Treaty-based funding arrangements must not be restricted by federal legislation.
- H. AFN Resolution 50/2017, *Support Onion Lake Cree Nation to Pursue Treaty Based Funding* and 36/2018, *Support to Pursue Treaty Based Funding*, calls for the support of Treaty-Based Funding Arrangements for those First Nations that entered into Treaty with the Imperial Crown.
- I. The Treaty-based funding arrangement includes discussions about needs-based funding that upholds the Honour of the Crown in Right of Canada and protects Treaty and Inherent Rights of First Nations.
- J. AFN Resolution 127/2016, *Treaty-Based Funding*, calls on the Crown in Right of Canada to be inclusive of the Treaty approach as part of defining fiscal relationships. Treaty First Nations request that the AFN advocate and support Treaty First Nations on Treaty-based funding arrangements and those First Nations that are not required to comply to Bill C-27.

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

1. Direct the Assembly of First Nations to support Treaty First Nations in their continued work on Treaty-based funding arrangements with the Crown in Right of Canada, which are being impacted by discussions federally where the Crown in Right of Canada asserts that the existing discussions and options put forward federally must be followed and are the only ones being offered, which are the 10 Year Grant and the New Contribution Agreement that requires First Nations to comply with Bill C-27, *An Act to enhance the financial accountability and transparency of First Nations*.

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TITLE:	Demarcation of Indigenous Language Signs on Traditional and Ancestral Lands
SUBJECT:	Languages, Treaties
MOVED BY:	Chief Lynn Acoose, Zagime Anishinabek, SK
SECONDED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
DECISION:	Carried by Consensus

WHEREAS:

- A. This resolution is in support of the meaningful implementation of Calls to Action 13, 14, and 15 of the Truth and Reconciliation Commission of Canada, elements of the United Nations Declaration on the Rights of Indigenous Peoples, and the federal government's commitment to a renewed relationship with Indigenous Peoples based on the recognition of rights, respect, cooperation and partnership.
- B. 2019 was declared the International Year of the Indigenous Languages by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Indigenous languages are an integral part of Indigenous Peoples' cultures and identities, and of Canada's society. Indigenous languages are also integral to Indigenous worldviews connecting Indigenous Peoples to their lands and territories.
- C. Bill C-91, *An Act respecting Indigenous languages*, received Royal Assent on July 21, 2019, and seeks to reclaim, revitalize, strengthen and maintain Indigenous languages in Canada. The Department of Canadian Heritage, the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council worked together to co-develop national First Nations, Inuit, and Métis languages legislation that reflected the distinct geographical, political, legislative and cultural context impacting language preservation, promotion and revitalization.

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- D. Governments at all levels have failed to honour the spirit and intent of Treaty, which impacts First Nations communities' abilities to exercise their Treaty and Inherent rights. It is important that all levels of government and the citizens of Canada recognize and acknowledge when they are in Indigenous Treaty and traditional territory.
- E. Indigenous Treaty First Nations have the right to exercise their Treaty and Inherent right to hunt, fish, trap and gather within their traditional territories. First Nations have the right to determine who enters their Treaty reserve lands and that non-First Nation individuals must have proper authority to be on those lands.
- F. A step toward re-affirming our connection to our lands can be achieved through language reclamation and revitalization initiatives that support Indigenous Peoples in the demarcation of signs in Indigenous languages that mark; lands, waterways and territories for each First Nation, including boundaries of the Treaty areas, reserve boundaries and traditional hereditary lands and waterways.

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

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

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TITLE: Treaty and Adhesions to Treaty Commemoration

SUBJECT: Treaties

MOVED BY: Chief Lynn Acoose, Zagime Anishinabek, SK

SECONDED BY: Chief Alvin Francis, Nekaneet First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

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

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

1. Recognize, respect and support the Montreal Lake Cree Nation and Lac La Ronge Indian Band in the commemoration of the 130th anniversary of the Treaty Number 6 Adhesion (1889-2019) on August 28, 2019, at Molanosa ' kiskahikanisihk.

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2. Direct the Assembly of First Nations to call upon the Federal Government to advance reconciliation and renew the Nation-to-Nation relationship by marking, participating and funding in commemoration celebrations as Treaty Nations across Canada are reaching significant anniversary dates.
3. Call on the Governor General to attend our Treaty commemoration ceremonies and gatherings.

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TITLE: Supporting First Nations Guardians

SUBJECT: Environment

MOVED BY: Chief Don Tom, Tsartlip First Nation, BC

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried by Consensus

WHEREAS:

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

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

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- B. Assembly of First Nations (AFN) Resolution 60/2015, *Support for a National Guardian Program*, mandates the AFN to fully support Indigenous Guardian programs and assist with the development of a nationally funded Indigenous Guardians program in Canada.
- C. First Nations have a profound relationship with the land and all of creation that has existed since time immemorial. This relationship is expressed as a cultural responsibility to care for and protect the land. As such, First Nations are the rightful managers, stewards, and guardians of our lands.
- D. First Nations are also responsible for ensuring our traditional knowledge systems and practices are appropriately acknowledged, respected, considered and incorporated in all related decision-making.
- E. First Nations traditional territories are under unprecedented pressure from the impacts of the climate crisis and development that requires urgent financial and technical capacity to ensure that any and all development and associated decision making meets the needs, desires and aspirations of our Nations.
- F. First Nations presence on the land is not only a meaningful assertion of our Inherent Aboriginal and Treaty Rights, but also reconciliation in action.
- G. Guardian programs worldwide have produced stable and meaningful employment for a large number of Indigenous Peoples, which has resulted in the unprecedented improvement of socio-economic conditions and the development of enhanced planning and management tools, including the establishment of Indigenous Protected and Conserved Areas (IPCAs).
- H. There is a growing recognition of the critical leadership role of Indigenous Peoples in achieving positive conservation outcomes. Examples of leadership include land-based educational programming and Guardian accreditation developed by Dechinta Bush University Centre for Research and Learning, located in the Northwest Territories, and the Government of Canada's recent support for a five-year Indigenous Guardians pilot project.
- I. There are a number of successful community-based Guardian and Ranger programs across Canada that comprise a broader network in support of Indigenous led conservation efforts which have been championed by Indigenous organizations including the Indigenous Leadership Initiative who have been working to advance an Indigenous led model for a national guardians network.

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

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

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TITLE: National Expansion of the Indigenous Rookie League Baseball Program

SUBJECT: Sports and Recreation

MOVED BY: Chief Don Tom, Tsartlip First Nation, BC

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) proclaim a standard of achievement to be pursued in the spirit of partnership and mutual respect to include improvement of their economic and social conditions. Specifically noting;
- i. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - ii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health, States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The Kenora Chiefs Advisory and the File Hills Qu'appelle Tribal Council have partnered with the Jays Care Foundation to successfully implement the Indigenous Rookie League baseball program.
- C. Indigenous Rookie League is unique in its design and promotes social connection, health and wellness among children, youth, families and communities by promoting and encouraging participation of the entire community.

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- D. The Indigenous Rookie League is a wellness initiative that not only teaches the game of baseball to young people, but also encourages resiliency against negative social determinants of health and provides a healthy environment for community engagement and togetherness.
- E. The Kenora Chiefs Advisory, the File Hills Qu'appelle Tribal Council, Grand Council Treaty #3 and Jays Care Foundation have signed a declaration recognizing the value the league has brought to communities by providing opportunities for growth and building resiliency among youth and families to strengthen and continue improving their own economic, physical and social conditions. The declaration solidifies a partnership to support, promote and participate in the expansion of a National Indigenous Rookie League Baseball program.

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

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

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TITLE: Support for Sumas First Nation Gaming Initiatives

SUBJECT: Economic Development

MOVED BY: Chief Don Tom, Tsartlip First Nation, BC

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous people have the right to maintain and strengthen distinct political, economic and social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural institutions to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment and vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations possess inherent jurisdiction in the area of gaming, recognized and affirmed in Canada's Constitution.
- C. Since 1987, the Assembly of First Nations (AFN) Chiefs-in-Assembly resolved to support First Nations assertion of their authority and jurisdiction in the regulation of gaming or gambling activities.

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- D. The Truth and Reconciliation Commission of Canada's (TRC) Executive Summary of its Final Report, *Honouring the Truth, Reconciling for the Future*, called upon the federal, provincial, and territorial and municipal governments to:
- i. fully adopt and implement the UN Declaration as the framework for reconciliation.
 - ii. reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiations and implementation processes involving Treaties, land claims, and other constructive agreements.
- E. First Nations in British Columbia have unextinguished Aboriginal title and rights, including Treaty rights.
- F. The Government of Canada has committed to work with the Indigenous Nations and Treaty Partners on a "Nation to Nation" basis, and work toward reconciliation, including the implementation of the TRC's Final Report and Calls to Action.
- G. Sumas First Nation has been working on the development of a facility including hotel, convention centre, and gaming and entertainment center with limited progress in advancing their economic initiatives with the British Columbia Lottery Commission (BCLC) and the Province of British Columbia.
- H. Sumas First Nation is exercising jurisdiction over their lands to pursue economic opportunities in the gaming sector for the benefit of future generations, which will also benefit surrounding municipalities and the Province of British Columbia.

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

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

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TITLE: Support for Miziwe Biik Employment and Training Centre

SUBJECT: Employment and Training

MOVED BY: Chief Don Tom, Tsartlip First Nation, BC

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Miziwe Biik Employment and Training has been the leader in providing pathways for employment for the First Nations and Indigenous community of the Greater Toronto Area.
- C. Miziwe Biik has provided, and continues to provide, essential career and employment services to First Nations people who live and work in the Greater Toronto Area since 1991.
- D. Miziwe Biik has focused its work towards assisting in integral efforts to eliminate training and employment gaps that persist between Indigenous and non-Indigenous Canadians and are partnering with other urban Indigenous organizations in the Greater Toronto Area to develop Toronto's first-ever Aboriginal Hub.

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- E. As a key training partner in the Aboriginal Hub, Miziwe Biik aims to double their physical space and their service offerings to accommodate the growing demand for training and employment services for First Nations and Indigenous people.
- F. Miziwe Biik is proposing to develop a new training centre at the Aboriginal Hub that will include:
 - i. A multi-purpose vocational training workshop, including a carpentry shop to prepare clients for careers in the skilled trades.
 - ii. Tutoring classrooms, that will function as a culturally-relevant and supportive study location for clients.
 - iii. Incubator and multi-purpose spaces for First Nations and Indigenous business start-ups.
 - iv. Special purpose space to support collaboration with other partners.
- G. By creating this new training centre, Miziwe Biik aims to support an additional 700 First Nations and Indigenous people to secure new jobs each and every year.
- H. The Government of Canada, through the Department of Indigenous Services Canada, affirms that economic prosperity is one of their five key priorities, stating that Canada will continue working with Indigenous partners and organizations to advance community economic development.
- I. Funding announcements since Budget 2017 have targeted funding supports for Indigenous community economic development, skills and employment training specific to the urban Indigenous communities and capital and infrastructure to support community development.
- J. Supporting innovative First Nations and Indigenous-led opportunities, including Miziwe Biik Training Centre, will further the Truth and Reconciliation Commission's Call to Action #7, which calls upon the Government to work with Indigenous partners to eliminate educational and employment gaps between Indigenous and non-Indigenous Canadians.

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

- 1. Support Miziwe Biik Employment and Training in the continuing development and vision of the Miziwe Biik Training Centre.

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

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE: Support of Cannabis as Part of Global Indigenous Culture

SUBJECT: Cannabis

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

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

DECISION: Carried; 2 objections, 1 abstention

WHEREAS:

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

- i. Article 15 (1) Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. (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.
- ii. Article 20 (1) Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. (2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

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- iv. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - v. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
 - vi. Article 31 (1) Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures... They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
 - vii. Article 31 (2) In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B. Cannabis is an emerging and a substantiated element of Indigenous heritage and cultural expression of Indigenous communities around the globe. Its use is protected by the fundamental human rights to self-determination, freedom of expression and freedom of thought.
- C. Indigenous heritage includes ideas, objects, artistic expressions, practices, languages, knowledge of places that are valued because they are linked to collective identity and life.
- D. Recent and long standing drug policies laid out by federal government, such as C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substance Act, the Criminal Code, and other Acts*, 2018 in Canada, and the US Substance Abuse Act of 1970, carry cannabis legislation that violates the rights of Indigenous peoples in regard to lack of consent and inclusion of Indigenous peoples in critical decision-making, delaying the development of their economies, and by extension delaying essential community building efforts, by justifying the disproportionate and discriminatory persecution of Indigenous peoples, and by violating the human right to freedom of expression and thought derived from Indigenous understandings and sacred relationship to the plant.

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- E. Indigenous communities in Canada and around the world are still in the process of understanding and articulating the spectrum of Indigenous cannabis rights, which include protections, opportunities and methods for interfacing with the social, political, economic, health, taxation, jurisdiction, and education extensions of cannabis culture and life that have impact for better or worse on Indigenous communities for generations to follow.
- F. It is the right of Indigenous peoples to join together on matters of shared importance to share and exchange information and knowledge, strategize, and develop their self-regulatory frameworks to suffice and exceed outside regulatory standards and capacity, to address First Nation social and cultural needs and rights to economic development, health and public safety.
- i. There is need and opportunity for further collaboration between Indigenous peoples to ensure and defend rights integrated with cannabis, as well as formulate the regulatory frameworks that articulate the safe progress of cannabis economy, heritage, and culture;
 - ii. Cultivating connections between national and international Indigenous cannabis experts and scholars would create a force and foundation for thoughtful establishment, participation, and leadership in the emerging national and international discourses on indigenous cannabis rights.

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

1. Support the development of a global Indigenous platform to establish a wider dialogue that brings together Indigenous expertise for Indigenous peoples to organize for the political, economic, social and cultural enhancement, and for the purpose of bringing an end to ongoing oppression and discrimination, wherever it occurs.
2. Support the development of a legal framework that incorporates a holistic review of Indigenous cannabis rights and that can serve as a resource to Indigenous communities anywhere by offering key insight and advisement to cannabis processes.
3. Support American tribes in expressing concern that discriminatory historic injustices have prevented Indigenous peoples from their right to develop in accordance with their own needs and interests.

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TITLE: Support for an Inquest into the Death of Devon Freeman

SUBJECT: Justice

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - ii. Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. In April 2018, Devon Freeman, a member of the Chippewas of Georgina Island First Nation's, body was discovered on the property of the group home he was living at just outside of Hamilton. He was a seventeen-year old Crown ward and his grandmother believed that the Children's Aid Society (CAS) could offer him better supports and services.
- C. In May 2017, an incident of attempted suicide was reported to the group home, but they did nothing more than give Devon a crisis phone number. He was not taken to the hospital and the information was not shared with his grandmother or Georgina Island First Nation.

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- D. In October 2017, Devon went missing. No search was undertaken, and CAS did not contact Georgina Island to advise that he was missing. The police did not engage in any earnest searching until close to the end of November 2017.
- E. The CAS did not advise the First Nation or his family of Devon's death. The family learnt of his death when CAS provided them with a death certificate.
- F. Georgina Island and Devon's grandmother are preparing to ask the Coroner to call an inquest into the death of Devon Freeman.

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

1. Support the formal request to the Coroner's Office by Georgina Island First Nation and Devon Freeman's family to undertake an inquest into the death of Devon Freeman.

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TITLE: Support for the Canadian Safety and Security Program – Project Charter

SUBJECT: Emergency Management

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and where possible, with the option of return.
 - ii. Article 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 programs for indigenous peoples for such conservation and protection, without discrimination.
- B. Evacuation has been the main response by emergency management agencies to ensure the safety of First Nations and Canadians during wildfire events, including fire proximity and smoke. The majority of evacuations are due to a direct threat by a wildfire.
- C. Indigenous Services Canada (ISC) has identified over 100 isolated communities without year-round road access, necessitating the need to be flown out should an evacuation be deemed necessary, and that First Nations are 18 times more likely to be evacuated due to disaster and emergency events than non-First Nations municipalities.

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- D. Despite being less than 4% of Canada's population, Indigenous communities comprised nearly one-third of all evacuees and evacuation events in the last decade, due in large part to approximately 80% of Indigenous communities in Canada being located in forests prone to wildfire. Indigenous communities are particularly vulnerable to emergencies caused by wildfires due to their relative remoteness and limited access to emergency services.
- E. A proactive and long-term supportive approach to wildfire management and evacuations for First Nations is required to ensure the health, safety, and security of their citizens, lands, and infrastructure.
- F. The Project Charter for the fire risk and evacuation capabilities in isolated communities establishes the fire risk and evacuation capabilities in isolated communities as a Project in accordance with the Canadian Safety and Security Program (CSSP), managed through the Defence Research and Development Canada-Centre for Security Science (DRDC-CSS). This Targeted Investment project is being conducted for the Community Resilience and Natural Hazards Portfolio, which is a component of emergency management, addressed by the Assembly of First Nations (AFN) Emergency Services in advocating for the development of First Nations emergency management regimes.

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

1. Direct the National Chief and the Assembly of First Nations (AFN) Executive Committee to call on the Canadian Safety and Security Program (CSSP) and Indigenous Services Canada (ISC) to work in partnership with the AFN and those First Nations identified within this project as affected by wildfire and evacuated, to provide permanent, reliable and appropriate funding and resources to ensure coordinated responses to wildfire situations affecting First Nations.
2. Call upon the CSSP and ISC to work with the AFN and those First Nations identified within the Fire Risk and Evacuation Capabilities Project in Isolated Communities Project to develop a consultation and accommodation process consistent with obtaining their free, prior, and informed consent.
3. Direct the AFN to support the CSSP in the creation and implementation of the Project Charter for the Fire Risk and Evacuation Capabilities in Isolated Communities (the Project Charter).
4. Call upon ISC, as primary proponent and stakeholder for the CSSP Project Charter, to provide funding support for all First Nations involved in the development of this project.

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TITLE:	Support for Fort Albany First Nation Treatment Detox Centre/Mental Health Facility
SUBJECT:	Health
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. Fort Albany First Nation's opioid crisis and illegal drug and alcohol epidemic continues to destroy families, children, community and the Cree way of life.
- B. Described herein is in immediate or imminent danger that has resulted or may result in serious harm to the safety, health and/or welfare of our members.
- C. Fort Albany has declared a state of emergency, pursuant to the Emergency Management and Civil Protection Act, on May, 28 2019.
- D. Fort Albany has put forth five calls to action as part of a harm reduction strategy:
 - i. Treatment Detox Centre/ Mental Health for the members in the Community so they do not have to leave home to access services.
 - ii. More capacity and resources for drug K9 unit officers.
 - iii. Suboxone/After Care Program.
 - iv. Grief Counselling that addresses intergenerational trauma.
 - v. More capacity for housing needs.

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E. The Truth and Reconciliation Commission's Call to Action #22 states:

- i. "We call upon the those who can affect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal Healers and Elder where requested by Aboriginal patients."

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

1. Fully support Fort Albany First Nation's request to construct a local Treatment Detox Centre/ Mental Health facility.
2. Call on Canada to provide funding to construct and develop a local Treatment Detox Centre/ Mental Health facility in Fort Albany First Nation.
3. Direct the Assembly of First Nations to advocate for the federal government to identify emergency funding that would enable Fort Albany First Nations to respond to their declared state of emergency.

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TITLE:	Fraser River Salmon State of Emergency
SUBJECT:	Fisheries, Emergency Management
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iv. 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.
 - 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.

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- B. The Assembly of First Nations (AFN) passed Resolutions 50/2018, *Support for the Fraser Salmon Management Council in their attempts to negotiate with the Department of Fisheries and Oceans a Fraser Salmon Management Agreement*, and 92/2016, *Mismanagement of Fraser River Spring Chinook Salmon Fisheries*.
- C. 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. The FSMC passed emergency resolution #1 concerning the Fraser River rock slide on July 5, 2019.
- D. First Nations along the Fraser River have fished for Fraser River salmon since time immemorial, and the ability to continue this practice remains fundamental to who they are as Indigenous peoples.
- E. Due to serious conservation concerns for several years, Fraser River First Nations have not been able to meet their food, social, and ceremonial (FSC) needs for Fraser River salmon, which are a unique source of physical, cultural, and spiritual sustenance.
- F. In late June 2019, a significant rockslide was discovered in a narrow portion of the Fraser River near Big Bar, British Columbia, which narrows the river from 100 meters to 40 meters wide, creating a 5-meter-high barrier.
- G. The Early Chinook and Early Stuart Sockeye are currently at the slide area and only larger Chinook are making it over the barrier. The numbers of Early Chinook and Early Stuart Sockeye and upcoming Sockeye and Chinook runs have diminished to a point of serious concern.
- H. Natural hazards such as landslides are becoming more frequent with climate change. First Nations in British Columbia are especially concerned about the Big Bar Rockslide and the serious and long-lasting impacts that this event could have on the future of these salmon species as well as the food sovereignty of First Nations.

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

1. Call on the Assembly of First Nations (AFN) to support the Fraser Salmon Management Council (FSMC) to call upon the Union of British Columbia Indian Chiefs (UBCIC), British Columbia Assembly of First Nations (BCAFN), First Nations Summit (FNS), First Nations Health Council FNHC, First Nations Fisheries Council (FNFC), and the First Nations Energy and Mining Council (FNEMC) to work together collaboratively regarding the Fraser River Salmon state of emergency.

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2. Call on the AFN to support the FSMC and BC First Nations organizations to demand that the BC and Canadian governments immediately:
 - a. Work in full participation with the Canoe Creek Band, High Bar Band, Esketemc and all other concerned BC First Nations.
 - b. Expedite a plan to remove the partial obstruction on the Fraser River to allow Fraser salmon to safely migrate to their spawning grounds.
 - c. Stop all recreational and commercial fisheries of Fraser River salmon (including catch and release fisheries) until the obstruction is cleared, and that any fishery openings only be considered after conservation and First Nations priority needs are met.

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TITLE: Human Right to Clean Drinking Water

SUBJECT: Drinking Water

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

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision- making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision- making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them.
 - iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. The human right to water and sanitation (HRWS) was recognized as a human right by the United Nations General Assembly on July 28, 2010.
- C. First Nations and all Canadians have the basic human right to clean drinking water. In addition, since the Walkerton Crisis of 2000, the Province of Ontario has made clean drinking a priority for all municipalities, while failing to include First Nation communities.
- D. Since the current federal Liberal Government was elected in October 2015, eliminating all First Nation Long-Term Drinking Water Advisories within five years was made a top priority by the Prime Minister, in his mandate letters to Cabinet.
- E. On July 8, 2019, Attawapiskat First Nation declared a State of Emergency over drinking water that contains harmful levels of trihalomethanes (THMs) and halo acetic acids (HAAs) which are by-products of the disinfection process created when chlorine interacts with high levels of organic materials in the community's water source. The water is also unsafe to bathe in, causing skin burns and in at least one case, a nosebleed to a young child.
- F. On July 15, 2019 – Eabametoong First Nation also declared a State of Emergency as discovery of high levels of trihalomethanes alarmingly have been detected in the remote community's water distribution system. Eabametoong has been on a boil water advisory for 18 years.
- G. One of the main obstacles for Attawapiskat to qualify for federal funding to build a clean drinking water system is the enormous burden of red tape and reports that must be filled out and sent to bureaucrats in Ottawa, which then take many months to file a response. For example, according to Indigenous Services Canada, the following criteria must be met:
 - i. A feasibility study is required before any project receives approval. Feasibility studies must conform with the requirements set out in the *Design Guidelines for First Nations Water Works*, the *Protocol for Centralised Drinking Water Systems in First Nations Communities*, the *Protocol for Decentralized Water and Wastewater Systems in First Nations Communities*, and/or the *Protocol for Centralised Wastewater Systems in First Nations Communities*, as applicable. At a minimum, feasibility studies must include:
 - i. project rationale;
 - ii. description of any existing water works and wastewater facilities;
 - iii. source water quality;

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- iv. identification of the community or area served;
- v. description of the nature and extent of the area to be served;
- vi. provisions for extending the water system to include additional areas;
- vii. appraisal of the future requirements for service, including existing and potential industrial, commercial, institutional, and other water supply needs;
- viii. detailed analysis of advantages and disadvantages of each option analysed;
- ix. recommended option with reference to Aboriginal Affairs and Northern Development Canada (AANDC's) Level of Service Standards (LOSS) (note: bench scale study results, or pilot studies, or demonstrations may be required later to establish adequacy of recommended process, or, may be required as part of the deliverables of the feasibility study);
- x. detailed analysis of operation and maintenance cost for all options, including the requirement for a certified operator;
- xi. life cycle cost analysis of all options;
- xii. Environmental Scoping Report (including *Species at Risk Act* and a timber permit assessment);
- xiii. Identify regulatory impacts (i.e: permits and licenses that will be required for the project);
- xiv. land requirements (including for future expansion); and
- xv. identify all permits and applicable water licenses that will be required for the project.

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

1. Call upon the federal government to immediately to remove bureaucratic barriers and systemic failures in guidelines and policies which lead to the denial of the basic human right to clean drinking water to the residents of Attawapiskat First Nation, and all other First Nation communities who are experiencing similar problems.

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TITLE:	Support for First Nations Self-Determined Right to Govern the Cultivation, Processing and Retail of Cannabis
SUBJECT:	Economic Development
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried; 2 objections, 1 abstention

WHEREAS:

- A. Whereas the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration):
- i. Article 21(1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, economic development, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. On October 17, 2018, the federal government passed legislation to legalize the sale of cannabis. There was little or no community consultation by the federal government and there are still no provisions in the legislation which addresses First Nation social and cultural needs, and rights to economic development, health and public safety.
- C. As a result of the federal government's commitment to reconciliation and respect of First Nation through their adoption of the UN Declaration, economic reconciliation must include the meaningful development of a First Nation cannabis jurisdiction.
- D. First Nation communities exploring opportunities in the cannabis industry may consider following Health Canada regulations as well as provincial retail regulations. First Nation communities also have the opportunity and the jurisdiction to establish their own laws and regulations.

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- E. First Nations must have their autonomy and authority recognized as rights holders at the table as governments when asserting their interests in the cannabis sector.

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

1. Assert and exercise complete jurisdiction over cannabis.
2. Assert that each First Nation has jurisdiction to govern all cannabis operations in their own territories, including but not limited to, the regulation of the growth, processing and sale of cannabis and in all its derivatives.
3. Assert that each First Nations' regulatory system must be recognized within their territories and urge the provincial and federal governments to eliminate barriers and to cease interference that would impede nation-to-nation trade and commerce.
4. Immediately request the following:
 - a. that the Federal government acknowledge, through the issuance of a Ministerial Order, First Nations jurisdiction over all aspects of cannabis cultivation, processing and retail operations within their territories;
 - b. the removal of the role previously delegated to the provinces and territories under the *Cannabis Act*, regarding the retail licensing of cannabis within First Nations territories; and
 - c. that the Government of Canada work with First Nations, in the spirit of reconciliation, to establish a framework for participation that respects First Nations autonomy and sovereignty.

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TITLE:	Support for the Development of an Implementation Plan, Funding Strategy and Governance Strategy for the Wood Buffalo National Park Action Plan
SUBJECT:	Environment; Parks
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- B. Wood Buffalo National Park, and particularly the Peace Athabasca Delta (PAD), is facing threats to water quantity and water quality as a result of oil sands and hydro developments;
- C. These environmental threats have had a grave impact on wildlife including the endangered whooping crane and the wild herds of wood buffalo.

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- D. These environmental threats negatively impact Indigenous livelihood and traditional ways of life, including eight First Nations (Mikisew Cree First Nation, Athabasca Chipewyan First Nation, Little Red River Cree First Nation, Salt River First Nation, Smith's Landing First Nation, Dininu Kue First Nation, Hay River First Nation, K'atl'Odeeché First Nation) who include Wood Buffalo National Park in their traditional territories;
- E. In the numbered Treaties, there was a request for the protection of the buffalo and there were assurances by the representatives of the Crown that they would in fact make provisions for the buffalo.
- F. In 2014, Mikisew Cree First Nation petitioned the World Heritage Committee to review the status of Wood Buffalo National Park, a UNESCO World Heritage Site, and consider adding it to its list of World Heritage Sites in danger.
- G. In February 2019, in response to a request by the World Heritage Committee for immediate and decisive action to protect and restore Wood Buffalo National Park, Canada tabled its Action Plan.
- H. The Action Plan contains over 140 Actions designed to restore the ecology of Wood Buffalo National Park and include Indigenous Peoples in management and decision making.
- I. The Action Plan does not contain details on implementation, governance, or budget required to implement the Actions.
- J. In July 2019, the World Heritage Committee's decision 43 COM 7B.15 requested that Canada report, by December 2020, on efforts to "link action with adequate governance and resource allocation, including effective sharing of governance and management with indigenous peoples inside and outside of the property."

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

- 1. Call on Canada to take immediate action to restore the ecological and cultural health of Wood Buffalo National Park, including;
 - a. developing all necessary agreements to manage the Peace and Athabasca Rivers for the restoration of the health of the Peace Athabasca Delta, including to enable a strategic flow release on the Peace River;
 - b. establishing robust, long-term funding for the restoration of the Peace Athabasca and Slave Deltas and the implementation of the Action Plan in the 2020 federal budget;
 - c. fully supporting First Nations to be partners in developing an implementation plan for the Action Plan;

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- d. providing adequate funding directly to individual First Nations for their full, direct, and unfettered participation in governance and implementation activities arising from the Action Plan.
2. Support the listing of Wood Buffalo National Park on the list of World Heritage Sites in Danger if Canada does not show real progress in establishing a co-governance process with Indigenous Peoples in Wood Buffalo National Park and restoring the health of Wood Buffalo National Park by December 1, 2020.

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TITLE:	Support for the Earth Strike and Fridays For Future movements and the General Strike on September 27, 2019
SUBJECT:	Environment
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources,
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- 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) has declared a climate emergency in July 2019.
- C. The international Earth Strike movement, a movement of adults striking in the workplace to act against the state of global idleness in the climate emergency, is planning a workplace and school strike, as well as a protest on September 27, 2019 as a demonstration of civil disobedience and advocacy for action from political and corporate leaders and is expecting massive global turnout.
- D. The FridayForFuture movement started by Greta Thunberg is a student-led global initiative of students skipping school and protesting every Friday worldwide to express dissatisfaction with the current state of inaction on the climate emergency. In Canada, the first climate strike was held on Friday, November 2, 2018. Since then, many youths in Canada have begun striking regularly, resulting in a growth of over 100 events in all four directions.

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

1. Support the international Earth Strike movement and recognize its benefit to the fight against climate inaction.
2. Support the September 27, 2019 General Strike and recognize its purpose, value, and importance as an international initiative and mobilization in the fight against climate inaction.
3. Support the FridaysForFuture movement and recognizes its importance as a voice for youth concern on the climate emergency to express their utter dissatisfaction with the international community's lack of sufficient action.

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TITLE:	Request Letter for Support to Gambler First Nation in their efforts to improve the health and wellbeing of their Nation
SUBJECT:	Health
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. Article 25 of the Universal Declaration of Human rights affirms that:
- i. Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services.
- B. Too many First Nations lack access to adequate health services, especially in remote communities. Sustainable solutions and partnerships are needed to address this issue.
- C. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions."
- D. Call to Action #23 of the Truth and Reconciliation Commission of Canada (TRC) calls upon the federal, provincial, territorial and Aboriginal governments to:
- i. increase the number of Aboriginal professionals working in the health-care field;
 - ii. ensure the retention of Aboriginal health-care providers in Aboriginal communities.

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- E. The Cuban Medical Authorities (CMA) of the Republic of Cuba approached Gambler First Nation along with other First Nations with the opportunity to have Cuban trained physicians provide medical care in First Nations communities.
- F. The Cuban Medical Authorities (CMA) of the Republic of Cuba offered to recruit and train First Nation community members as health care providers at a Cuban Medical school.
- G. Gambler First Nation has accepted both offers from the Cuban Medical authorities, as there is potential to drastically accelerate the implementation of the TRC Recommendation # 23, concerning the necessity to significantly increase the number of Indigenous health care providers in our communities.

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

1. Request the National Chief continue to advocate on behalf of First Nations for the recognition of the Self-Determination Rights of First Nations.
2. Request that the Assembly of First Nations provide a letter of support to Gambler First Nation in their efforts to improve the health and wellbeing of their Nation through their partnership with the Republic of Cuba.

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TITLE:	Supporting an increased role for First Nations in the Government of Canada's Procurement Process for removing Unexploded Ordnance on First Nation lands
SUBJECT:	Treaties, Land Claims etc.
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they choose, in the political, economic, social and cultural life of the State.
 - ii. 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.
- B. It has been a struggle for First Nations whose lands are impacted by Unexploded Ordnance (UXO) contaminants to participate in Canada's procurement process of selecting contractors to work on their lands. Further, Canada's perceived conflict of interest is limiting what aspects of the procurement process First Nation can participate in.
- C. Each First Nation who is dealing with UXO contamination should have the option to participate in the entire process of clearing UXO contaminants on their territories.
- D. Canada's current procurement policies that exclude First Nations deny First Nations self-determination on their lands and territories and deny opportunities for economic development.

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- E. First Nations lands are rich with cultural significance and First Nations have a responsibility to protect and have full involvement in the protection and clean-up of their lands should they choose to.

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

1. Call on the Government of Canada to ensure that the procurement process for removing Unexploded Ordnance (UXO) contaminants on First Nations lands recognizes and affirms First Nations right to exercise their jurisdiction and control over their lands and territories including where UXO contaminants need to be cleared from First Nations lands and territories.
2. Call on the Government of Canada to implement a policy for procurement that ensures equitable treatment for First Nations.
3. Call on the Government of Canada to ensure it works directly with First Nations impacted by UXO contaminants to develop new tools, policies and procedures that will ensure First Nations are not excluded through conflict of interest policies in the procurement process.

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TITLE:	Strengthening and Supporting the Assembly of First Nations Women's Council
SUBJECT:	Assembly of First Nations Women's Council
MOVED BY:	Chief Adrienne Jerome, Lac Simon First Nation, QC
SECONDED BY:	Chief Lisa Robinson Wolf Lake First Nation, QC
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous woman and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. Assembly of First Nations (AFN) Resolution 16/2001, *Amendment to Charter Re: Establishment of a Council of Women as a Recognized and 'Principle Organ'*, under Article 5 of the AFN Charter, established the AFN's Women's Council as a principle organ of the AFN and affirmed the importance of building and strengthening partnerships between men and women in all levels of decision-making within the AFN, as an integral step in achieving an equitable society.

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- C. The AFN Charter Article 24(a) states that, "The Council of Women may discuss any question or matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and make recommendations to the Executive Committee, the Confederacy of Nations, the First Nations-in-Assembly or to any subsidiary organ on any such question or matter."
- D. The AFN Women's Council Terms of Reference states that the purposes of the AFN Women's Council is to:
- i. unify and create healthy, happy, and harmonious communities through cultural identity and cultural teachings based on: respect, love, courage, wisdom, honesty, humility and truth;
 - ii. establish a gender-balanced perspective within First Nations communities and within all entities dealing with First Nations, that honours the rights and aspirations of First Nations women.
- E. The Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) in August 2016. The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- F. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women and girls. The Final Report also contains 4 overarching findings relating to rights recognition, justice, security, health and wellness, and over 230 *Calls for Justice* which include recommendations to governments, institutions, industries, service providers, partners and to all Canadians.
- G. In June 2019, Crown Indigenous Relations and Northern Affairs (CIRNA) advised that it would be undertaking a Regional Roundtable process for developing and implementing a National Action Plan on violence against Indigenous Women Girls and 2SLGBTQQIA.
- H. The role of the AFN Women's Council must be strengthened and supported by increased funding, resources and staff support to undertake the work of advocating for the implementation of the National Inquiry's Final Report *Calls for Justice* and the development and implementation of a National Action Plan.

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

1. Direct that the Assembly of First Nations (AFN) prioritize obtaining appropriate funding, including government grants and private donorship, to ensure that the AFN Women's Council is properly resourced and at the forefront of advocacy for all First Nations women's issues.

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2. Direct the AFN to seek out appropriate funding and resources, including dedicated staff, for the AFN Women's Council to undertake advocacy for the implementation of the National Inquiry's Final Report *Calls for Justice* and the development and implementation of a First Nations-led National Action Plan.

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PERRY BELLEGARDE, NATIONAL CHIEF

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TITLE:	The Protection of First Nations Intellectual Property Rights and Traditional Knowledge, Cultural Expressions and Genetic Resources
SUBJECT:	Legal Affairs & Justice
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
 - ii. Article 31(2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B. First Nations' traditional knowledge and cultural expressions have been developed over centuries and are collectively held by First Nations families and peoples. First Nations have developed an array of cultural expressions including folklore, dance, songs, and knowledge of the use of natural resources, including the sustainable use of biodiversity and medicines. The authenticity, quality and cultural integrity of First Nations' traditional knowledge and cultural expressions have been maintained through the generations.

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- C. Cultural property, traditional knowledge and genetic resources have been taken from First Nations without consent or compensation for hundreds of years, as they are frequently appropriated, reproduced, copied, and adapted by others. Examples of cultural properties being appropriated are agricultural innovations developed but not limited to items produced in the Western Hemisphere such as varieties of maize, legumes (beans), Squash and sunflower seeds.
- D. Current intellectual property laws fall short of adequate protections for First Nations. The existing protections for intellectual property rights do not recognize First Nations customary laws, cultural protections and that traditional knowledge.
- E. The current Canadian intellectual property regime encourages non-Indigenous Peoples to use First Nations' cultural expressions and traditional knowledge without consultation or permission. The regime fosters unauthorized reproduction, adaptation and commercialization of First Nations' cultural expressions and traditional knowledge with no sharing of benefits, economic or otherwise, with First Nations.

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

1. Direct the Assembly of First Nations (AFN) to advocate both domestically and internationally for changes to the intellectual property regime, which includes adequate legal protections for traditional knowledge, cultural expressions, genetic resources and accommodates First Nations interests and ownership over their intellectual property rights.
2. Direct the AFN to engage with Canada on strategies to improve legal protections for First Nations intellectual property rights, which incorporates a First Nations approach and respects First Nations customary laws.
3. Direct the AFN to develop legal options on the protection of intellectual property rights for consideration of First Nations and to develop materials that outline what First Nations intellectual property rights are under the current intellectual property regime.

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TITLE:	Assembly of First Nations' Participation in Court Actions regarding the Constitutionality of the Greenhouse Gas Pollution Pricing Act
SUBJECT:	Environment/Greenhouse Gas Pollution Pricing Act
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. Whereas the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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.
- B. In the Paris Agreement, signed by Canada in April 2016, parties agreed that they should, when taking action on climate change, recognize and respect the rights of Indigenous Peoples.
- C. The First Ministers adopted the Pan-Canadian Framework on Clean Growth and Climate Change (PCF) outlining four pillars: pricing carbon pollution; complementary mitigation actions to reduce emissions across all sectors; adaption and climate resilience; clean technology, innovation, and jobs; also agreeing to recognize, respect and safeguard the rights of Indigenous Peoples.

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- D. A central pillar of the PCF is carbon pricing, which gave rise to the *Greenhouse Gas Pollution Pricing Act* (*GGPPA*). This federal legislation was introduced to Parliament on March 28, 2018 and received Royal Assent on June 21, 2018.
- E. Effective April 1, 2019, the *GGPPA* requires all Canadian jurisdictions to have a sufficiently stringent carbon pricing system in place. Any province who fails to implement a sufficiently stringent carbon pricing system is subject to the federal backstop as outlined in the *GGPPA*, including
 - i. a levy on fossil fuels; and
 - ii. an output-based pricing system for facilities producing greater volumes of carbon emissions.
- F. The governments of Ontario and Saskatchewan commenced constitutional references to their respective Court of Appeal, asking the court to provide a decision as to whether the *GGPPA* was unconstitutional, in whole or in part.
- G. The Assembly of First Nations (AFN) intervened in both the Ontario and Saskatchewan Carbon References and made submissions that a national response which respects First Nations rights, Title, jurisdiction and responsibilities was critical given the disproportionate impacts that both climate change and carbon pricing pose for First Nations.
- H. Both the Court of Appeal of Saskatchewan and Ontario decided the *GGPPA* was constitutional in whole, based on the federal government's "Peace, Order and Good Government Power" as a matter of national concern. The Government of Saskatchewan is appealing its Court of Appeal's decision to the Supreme Court of Canada and Ontario is likely to follow suit.
- I. Manitoba has commenced an application for judicial review at the Federal Court, also questioning the constitutional authority of the federal government to pass the *GGPPA*. Alberta has referred the question of the constitutionality of the *GGPPA* to the Alberta Court of Appeal wherein it will argue against the constitutionality of the legislation.

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

- 1. Direct the Assembly of First Nations (AFN) to continue to advocate for a national response to the issue of climate change which respects First Nations inherent rights, Treaties, Title and jurisdiction, including the inherent right of self-determination in the area of carbon pricing.

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2. Direct the AFN to intervene in the Governments of Saskatchewan's and Ontario's appeal on the constitutionality of the *Greenhouse Gas Pollution Pricing Act (GGPPA)*, now before the Supreme Court of Canada.
3. Direct the AFN to intervene in the Government of Manitoba's Application for Judicial Review to the Federal Court challenging the constitutionality of the *GGPPA* as well as the Government of Alberta's reference to the Alberta Court of Appeal challenging the constitutionality of the *GGPPA*.
4. Direct the AFN to urge the Federal Government to work with First Nations directly to develop policies and regulations under the *GGPPA* which respect First Nations inherent rights, Treaties, Title and jurisdiction, and recognizes First Nations' inherent responsibilities to their traditional territories, including ensuring that there is equity in the allocation of the revenues flowing from carbon pricing and that due consideration is given for First Nations jurisdiction over the area of carbon pricing in their traditional territories.

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TITLE:	Enhanced funding for First Nation socioeconomic development, through the National Aboriginal Capital Corporations Association and Aboriginal Financial Institutions
SUBJECT:	Economic Development
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 20(1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - ii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - 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.
- B. The Government of Canada has committed to closing the socioeconomic gap that exists between Indigenous Peoples and Canadians through the co-development of a new fiscal relationship between Canada and First Nations.

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- C. The Assembly of First Nations (AFN) supports the mandate of the National Aboriginal Capital Corporations Association (NACCA), comprised of a network of 59 Aboriginal Financial Institutions (AFIs) across Canada. NACCA is dedicated to stimulating economic growth for First Nation businesses and communities, as recognized in AFN Resolution 44/2014, *Support for a Dedicated Fund for First Nations Small and Medium Sized Entreprises*, and AFN Resolution 31/2018, *Building on our Success and Supporting our Future through Economic Reconciliation*.
- D. Federal funding to support Indigenous small and medium-sized enterprises has been reduced by approximately 70% since 1995, while increasingly First Nations are pursuing economic opportunities that require access to financing as well as improved economic development programs.
- E. NACCA and the AFI network continue to be a significant developmental lending infrastructure, having delivered \$2.6 billion dollars in lending, averaging over \$100M annually to Indigenous Peoples.
- F. NACCA is one of the leading national organizations for the advancement of First Nations economic, procurement and business development for the benefit of First Nations people and communities.
- G. First Nations require greater control and access to economic supports through the development of economic policies, created by First Nations, aimed to create and deliver enhanced access to capital.

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

- 1. Direct the Assembly of First Nations (AFN) to work in partnership with the National Aboriginal Capital Corporations Association (NACCA) to:
 - i. Advocate that the Minister of Indigenous Services Canada and federal government:
 - 1. allocate 95% non-discretionary of the total Indigenous Services Canada budget to Indigenous economic development; and
 - 2. source 5% of total government procurement for products and services from Indigenous businesses and service providers.
- 2. Support regular communications with NACCA and First Nations economic institutions to advance joint First Nations economic development goals and advocacy.

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TITLE:	National Advisory Committee on Child and Family Services (NAC), National Data-Outcomes and Indicators-Working Group
SUBJECT:	Social Development, Child Welfare
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried; 1 objection

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 21 (2): States shall take effective measures and, where appropriate, special measure 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 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 through #5 call on federal, provincial and territorial governments to take actions to improve child welfare. Call to Action #4 specifically calls upon the federal government to prepare and publish annual reports on the number of First Nations children who are in care, as well as reasons for apprehension, the total spending on preventative and care services by child-welfare agencies, and the effectiveness of various interventions.

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- C. The overrepresentation of First Nations children and youth in care and in the child welfare system is a humanitarian crisis. This crisis requires immediate and legislative, policy and human rights action, including compensation to the victims of discrimination, to respond to this crisis.
- D. The wide recognition regarding the lack of national data, statistics and quality information to understand the full context of the issues facing First Nations children and to further understand whether their circumstances and conditions is improving.
- E. The harmful legacies of residential schools, the cross-cutting inequalities in services for First Nations children and families, the disproportionate number of First Nations children in care, the consequences of involvement in provincial and territorial child welfare systems, and the related loss of language and denial of culture and human rights, have led to this humanitarian crisis.
- F. The Canadian Human Rights Tribunal's 2016 (CHRT 2) decision and subsequent rulings ordered the Government of Canada to fund First Nations Child and Family Services based on the principles of substantive equality, respect for children's best interests, needs, culture and language and to respect distinct circumstances for First Nations children.
- G. A National Advisory Committee on First Nations Child Welfare (NAC) was reinstated to oversee recommendations and medium- to long-term reform related to CHRT 2 and to provide general advice on program reform, including the implementation of Jordan's Principle. The NAC is a joint committee of First Nations child welfare experts appointed by Assembly of First Nations (AFN) Regional Chiefs, the AFN, the First Nations Child and Family Caring Society of Canada, and the Department of Indigenous Services Canada (ISC).

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

1. Direct the Assembly of First Nations to establish a Sub-Committee for Data-Outcomes and Indicators-Working Group, in order to develop a data-informed approach to understanding the number of First Nations children in care, so that First Nations can properly address the issue of First Nations children in care and further understand if circumstances are changing.
2. Call on Canada to fully support and fund the Sub-Committee for Data-Outcomes and Indicators-Working Group to include such activities as literature reviews, environmental scans, as well as test new and innovative approaches to data collection.

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TITLE:	Extension of Interim Funding Model for First Nations Early Learning and Child Care
SUBJECT:	Early Learning and Child Care
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 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.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. In September 2018, the National Indigenous Early Learning and Child Care (ELCC) Framework was released, with Canada committing up to \$1.02 billion over 10 years for First Nations ELCC service delivery, program enhancement and expansion, partnerships, and governance, to be divided nationally according to First Nations direction.

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- C. Assembly of First Nations (AFN) Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care*, mandated a National Expert Working Group (NEWG) on First Nations ELCC to oversee a national engagement process to develop a National First Nations ELCC Policy Framework. Further, AFN Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*, endorsed the First Nations ELCC Policy Framework as the First Nations component of the National Indigenous ELCC Framework.
- D. The AFN, NEWG and the federal government developed an interim funding model to allocate funds to First Nations, based on the Modified Berger Formula, using the Indian Registration System population counts of on- and off-reserve children aged 0-6, weighted for remoteness. The funding model does not account for high costs of service delivery in northern locales or small communities, historical underfunding, infrastructure and human resource needs, or costs of language and culture programming, and it is based on an inadequate population dataset.
- E. Contingent upon a new funding model being developed to address the funding allocation inadequacies, AFN Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, endorsed the interim funding allocation, with a sub-working group of the NEWG mandated to bring a new model forward for Chiefs-in-Assembly approval for fiscal year 2019-20. This resolution further called upon Canada to adequately resource the development of a new funding model *“separately from service delivery, partnerships and governance funding.”*
- F. The AFN sought funding from Employment and Social Development Canada (ESDC) for the sub-working group to develop a new funding model, and for the NEWG to continue its mandated work to implement the National Indigenous ELCC Framework and First Nations ELCC Policy Framework.
- G. ESDC has indicated they currently will not provide funding to support the national coordination and advocacy work required to fulfil the mandates given by Chiefs-in-Assembly. The lack of funding has resulted in the development of a new funding model halting, and the inability of the NEWG to implement the National Indigenous ELCC Framework and First Nations ELCC Policy Framework.
- H. Historically, First Nations ELCC has been chronically underfunded. Failing to properly fund the work to support its transformation will be detrimental to ELCC programs and services for First Nations children.

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

1. Call on the Minister of Families, Children and Social Development to immediately and properly fund the Assembly of First Nations (AFN) to support the National Expert Working Group (NEWG) on First Nations Early Learning and Child Care (ELCC), including the development of a new funding model for First Nations ELCC, to be sourced separately from service delivery, partnerships and governance funding.
2. Direct the AFN, NEWG and funding model sub-working group to immediately commence work to develop a new funding model, pending receipt of funding to support this work.
3. Support the extension of the interim funding model until March 31, 2021, to allow adequate time for the AFN, NEWG and funding model sub-working group, including the development of a new funding model that is more responsive to First Nations ELCC realities and needs, and support First Nations in Treaty-based funding arrangement discussions.

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TITLE: Recognition of the Marshall Decision

SUBJECT: Fisheries

MOVED BY: Chief Alvin Francis, Nekaneet First Nation, SK

SECONDED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON

DECISION: Carried by Consensus

WHEREAS:

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

- i. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- ii. 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.
- iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iv. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- v. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

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- B. The Atlantic region is the traditional and unceded territory of the Wolastoqey, Mi'kmaq and Peskotomuhkati First Nations; all members of the Wabanaki Confederacy.
- C. The Wolastoqey, Mi'kmaq, and Peskotomuhkati First Nations entered into a peaceful relationship with the British Crown by signing onto the Covenant Chain of Peace and Friendship Treaties between 1725 and 1779.
- D. The treaties did not cede any territorial lands or waters to the Crown and guaranteed the right to hunt, fish, and gather for the First Nations.
- E. On September 17, 1999, the Supreme Court of Canada confirmed that Donald Marshall Jr., a Mi'kmaw fisher living in Unama'ki, had a Treaty right to catch and sell eels based on the Peace and Friendship Treaty of 1760/61.
- F. The Marshall Decision affirmed an over 240-year-old Treaty right which allowed Indigenous peoples to earn a "moderate livelihood" through commercial fishing in Atlantic Canada.

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

1. Call on the Assembly of First Nations (AFN) to recognize and affirm the 20th anniversary of the Marshall decision by the Supreme Court of Canada.
2. Call on the AFN to recognize the affirmed Nation-to-Nation relationship of the Wolastoqey, Mi'kmaq and Peskotomuhkati with the Crown on the unceded traditional territorial lands and waters of these First Nations.
3. Call on the AFN to continue its advocacy with the federal government to uphold and honour all treaty relationships with First Nations in Canada.

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TITLE:	Appointment of Governor General
SUBJECT:	Treaties, Crown – Indigenous Relations
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

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 37 (1): Indigenous peoples have the right to the recognition, observe and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
 - iii. Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B. In a historic ceremony, the Honourable Russell Mirasty was sworn in as the first First Nations citizen appointed Lieutenant Governor of Saskatchewan.
- C. Canada's Governor General has responsibilities such as managing the Canadian honours system, representing Canada abroad, signing the letters of credence for outgoing Canadian diplomats, signing treaties and declarations of war, and granting Canadian Coats of Arms.

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- D. Appointed by the Queen on the advice of the Prime Minister, the Governor General usually holds office for a period of five years.
- E. The Right Honorable Julie Payette was appointed as the 29th Governor General on October 2, 2017.
- F. On June 21, 2017, Prime Minister Justin Trudeau declared that “No relationship is more important to Canada than the relationship with Indigenous Peoples.” To date, no First Nations person has held the office of Governor General of Canada.
- G. The Governor General, as a representative of the Queen, represents the Crown in the Nation-to-Nation Treaty relationships with Inherent and Treaty Rights Holders. We urge that the role of Governor General be reinvigorated to support and elevate the Treaty relationship and ensure the full implementation of our Treaties.

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

1. Call on the Prime Minister of Canada to recommend to the Queen that a First Nations citizen be appointed as the next Governor General of Canada, in the spirit of reconciliation.
2. Call on the Prime Minister of Canada to work directly with First Nations citizens to select qualified candidates and provide a jointly agreed upon recommendation to the Queen regarding the next Governor General of Canada.

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TITLE:	Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQQIA
SUBJECT:	Safety and Security of Indigenous Women and Girls
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

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

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- C. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women and girls. The Final Report also contains 4 overarching findings relating to rights recognition, justice, security, health and wellness, and over 230 *Calls for Justice* which include recommendations to governments, institutions, industries, service providers, partners and to all Canadians.
- D. AFN Resolution 37/2014, *Support for Families First*, mandates the Assembly of First Nations (AFN) to:
- i. call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honour the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systematic change;
 - ii. recognize that any process including roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support families and communities in their healing journeys, and honour the MMIWG; and
 - iii. recognize that a one-day roundtable on MMIWG is not sufficient.
- E. In June 2019, Crown Indigenous Relations and Northern Affairs (CIRNA) advised that it would be undertaking a Regional Roundtable process for developing and implementing a National Action Plan on violence against Indigenous Women Girls and 2SLGBTQQIA.
- F. CIRNA further advised that the Minister would be appointing an individual to oversee the implementation of the National Inquiry's Final Report Calls for Justice and the development and implementation of a National Action Plan.
- G. CIRNA must not make unilateral decisions regarding the engagement process for the development and implementation of a National Action Plan. There must be transparency with regard to whom the federal government is engaging with for the development and implementation of a National Action Plan and how its decisions are being made.

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

1. Call upon the Federal government to ensure that all engagement on a National Action Plan be carried out using the "Families First" approach.

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2. Direct the Assembly of First Nations (AFN) to seek out appropriate funding and resources for the Women's Council to:
 - a. attend and participate in all Roundtable meetings in every region; and
 - b. co-ordinate its own engagement with First Nations on a National Action Plan.
3. Direct the AFN to develop its own First Nations led National Action Plan with input from the regions and First Nation survivors, families and the First Nations Coalition for Grassroots Families and advocate for all governments to adopt it.
4. Call upon the federal government to ensure that AFN Women's Council participates in the selection process for any representative appointed to implement the National Inquiry's Final Report *Calls for Justice*; including the development and implementation of a National Action Plan.
5. Direct the AFN to ensure the First Nations Action Plan is respectful of any Nation, women, or regional-led processes in regard to their planning.

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TITLE:	Establishing Support and Industry Platform for First Nations Food Security, Sovereignty and Economic Development
SUBJECT:	Economic Development, Agriculture, Treaties, Health
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
- B. The universality, inalienability, indivisibility, interdependence and interrelatedness of all human rights should inform any human rights analysis. This includes Indigenous Peoples right to access and use food resources in a way that supports their sovereignty and security.

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- C. First Nations hold Aboriginal Title and Rights that are recognized and affirmed in Section 35 of the *Constitution Act*, 1982.
- D. The long-term health of First Nations communities and individuals, including spiritual, economic, cultural and political, relies upon their ability to secure their food sovereignty through, but not limited to, exercising their control over the harvesting and trade of food resources.
- E. First Nations are experiencing the effects of the climate crisis on their territories at extreme rates compared to mainstream society which, directly impacts their food security and sovereignty.
- F. 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.
- G. 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.
- H. The Indigenous Peoples food sovereignty movement is a movement to re-establish pre-contact foods, with related protocols.
- I. Support from the Government of Canada for economic activities related to the First Nations food economy continues to increase economic development activity on First Nations traditional territories.
- J. The growth of tourism and a global conscious traveller is increasing the number of visitors, businesses and representative business associations that experience and consume First Nations foods.
- K. Trade in First Nations food products represents a unique opportunity to create economic benefits for businesses, communities and First Nations governments.

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

1. Direct the Assembly of First Nations (AFN) to:
 - i. advocate for the development of funding and other industry support programs for First Nations to maintain and re-establish their food security and sovereignty; and
 - ii. promote food-focused research to better understand the intersection of First Nations food security, sovereignty and sustainability.

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2. Seek the guidance of the Chiefs Committee on Economic Development to establish a First Nations Food Security and Sovereignty working group to:
 - i. draft a framework and develop a position paper(s) outlining First Nations' positions; and
 - ii. develop and advocate for First Nations-specific communication tools and workshops to raise awareness.
3. Direct the AFN to investigate advocacy opportunities regarding food security and sovereignty according to United Nations (UN) mechanisms relating to rights of Indigenous Peoples, including the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples.

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TITLE:	To Fully Implement the First Nations Priority Right to Food, Social, and Ceremonial Fisheries
SUBJECT:	Fisheries
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states that:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- B. The Mi'gmaq, in what is currently called New Brunswick, have fished and have relied upon their fisheries for sustenance and cultural purposes in their territory since time immemorial.
- C. The Mi'gmaq are beneficiaries of the Peace and Friendship Treaties signed between 1725 and 1779 with the British Crown.
- D. The treaties did not cede any territorial lands or waters to the Crown and guaranteed the right to hunt, fish, and gather for First Nations.
- E. The Supreme Court of Canada *Sparrow Decision* (1990) recognizes the right of First Nations to fish for food, social, and ceremonial (FSC) purposes, which takes priority over all other uses of the resource, second to conservation.

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- F. The Department of Fisheries and Oceans Canada has assumed the authority to manage FSC fisheries and continue to charge Mi'gmaq First Nations community members if they fish outside of their insufficient and federally-imposed FSC allocations, while subsequently allowing commercial and recreational fisheries to take place.
- G. Actions taken by the Department of Fisheries and Oceans Canada to restrict the Mi'gmaq FSC fisheries are not consistent with the legal priority access right as determined by the Supreme Court of Canada.

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

1. Direct the Assembly of First Nations (AFN) to call upon Canada and the Department of Fisheries and Oceans to immediately cease placing unlawful restrictions on food, social, and ceremonial fisheries of the Mi'gmaq and to cease charging community members for exercising their right to fish for food, social, and ceremonial purposes.
2. Direct the AFN to call upon Canada and the Department of Fisheries and Oceans to fully implement the First Nations priority right to food, social, and ceremonial fisheries for the Mi'gmaq.

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TITLE:	To provide Mi'gmaq and Wolastoqiyik First Nations access to the Atlantic snow crab fishery
SUBJECT:	Fisheries
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states that:
- a. 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.
 - b. 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. The Mi'gmaq and Wolastoqiyik in what is currently called New Brunswick have fished and traded in fish in their territories since time immemorial.
- C. The Mi'gmaq and Wolastoqiyik are beneficiaries of the Peace and Friendship Treaties signed between 1725 and 1779 with the British Crown.
- D. The treaties did not cede any territorial lands or waters to the Crown and guaranteed the right to hunt, fish, and gather for First Nations.
- E. The Government of Canada has never fully implemented the Supreme Court of Canada Decision on *Marshall* (1999), which recognizes that First Nations have a Treaty right to earn a "moderate livelihood" through commercial fishing.

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- F. Instead, the Department of Fisheries and Oceans Canada has provided Mi'gmaq and Wolastoqiyik First Nations with inadequate access to commercial fisheries in Atlantic Canada, including the snow crab fishery, through limited communal commercial fishing agreements.
- G. Certain Mi'gmaq and Wolastoqiyik First Nations have been denied access to the snow crab fishery altogether and have been further prevented from exercising a Treaty fishery in snow crab by the Department of Fisheries and Oceans Canada.

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

1. Direct the Assembly of First Nations to call upon Canada, including the Department of Fisheries and Oceans Canada to immediately grant all Mi'gmaq and Wolastoqiyik First Nations access to the snow crab fishery in the Atlantic Region, in a manner consistent with the Marshall decision that recognizes their Treaty right to a moderate livelihood.

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TITLE:	Support for Native Hawaiians' Efforts to Protect Mauna Kea
SUBJECT:	Protect and Defend Sacred sites
MOVED BY:	Chief Alvin Francis, Nekaneet First Nation, SK
SECONDED BY:	Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON
DECISION:	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. The UN Declaration is an international standard for Indigenous Peoples all over the world.
- C. The Government of Canada has committed to implementing the UN Declaration and to reconciling with Indigenous Peoples.

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- D. The Government of Hawai'i has authorized the building of a Thirty Meter Telescope (TMT) on the summit of a dormant volcano called Mauna Kea, located on Hawai'i's Big Island. The TMT is as big as six football fields and will desecrate and destroy this sacred site that is critical to the Native Hawaiian peoples.
- E. Native Hawaiians are protecting and defending this important sacred site (Mauna Kea). This has been a revered site of the Native Hawaiians since time immemorial and its significance is key to the continuation of their spirituality, culture and traditions.
- F. Some Native Hawaiians, including respected Elders, have been arrested in their efforts to protect their sacred site.
- G. Native Hawaiians are asking for support in their struggles to protect Mauna Kea.
- H. The Government of Canada has provided support for the construction of the TMT, as well as 19 Canadian universities.
- I. Universities across Canada have committed to uphold the Truth and Reconciliation Commission's Calls to Action, which included reconciliation – they cannot achieve reconciliation if they are supporting the desecration of the Native Hawaiian's sacred site, Mauna Kea.
- J. The Government of Canada has committed to implementing the UN Declaration, which includes all Indigenous Peoples around the globe that their actions and commitments would affect.
- K. The Government of Canada is committed to reconciliation – they cannot reconcile with Indigenous Peoples in Canada if they are complicit in desecrating the Native Hawaiians' sacred site. In order to have credibility with Indigenous Peoples in Canada, they must honour and respect Indigenous Native Hawaiian rights under the UN Declaration.

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

- 1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to withdraw their financial and political support for the building of the Thirty Meter Telescope on Mauna Kea – a sacred site of the Native Hawaiians on Hawai'i's Big Island.

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2. Direct the AFN to call upon these universities individually to withdraw their support of the construction of the TMT in their efforts to reconcile with First Nations peoples. These universities include: Athabasca University, Bishop's University, Brandon University, McGill University, McMaster University, Queen's University, St. Mary's University, Trent University, University of Alberta, University of British Columbia, University of Calgary, Université de Laval, University of Manitoba, Université de Montreal, University of Toronto, University of Victoria, University of Waterloo, University of Western Ontario, and York University.
3. Direct the AFN to publicly express their support of the Native Hawaiian people, for example, through media releases and open letters to the Prime Minister and universities supporting this project.
4. Direct the AFN to communicate our support to Native Hawaiians and to write directly to Governor David Ige of Hawai'i to express our solidarity with the Native Hawaiians in their efforts to protect Mauna Kea and to ensure their rights to their lands are respected.

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TITLE: Executive Committee Representation, Prince Edward

SUBJECT: The Charter of the Assembly of First Nations

MOVED BY: Chief Roderick Gould Jr., Abegweit First Nation, PE

SECONDED BY: Chief Darlene Bernard, Lennox Island First Nation, PE

DECISION: Carried by Consensus

WHEREAS:

- A. Prince Edward Island (PEI) Mi'kmaq are represented by the Abegweit First Nation Chief and Councillors and the Lennox Island First Nation Chief and Councillors.
- B. In addition to their First Nation specific leadership, the Prince Edward Island First Nation Chiefs and Councillors work together on shared Epekwitk (Prince Edward Island) Mi'kmaq issues, including Mi'kmaq Rights and governance matters.
- C. As with every provincial First Nation leadership in the country, the PEI Mi'kmaq leadership has governance processes and unique interests that are specific to the Province.
- D. The PEI First Nation Chiefs are proud members of the Mi'kmaq Nation leadership, but also recognize the modern realities of provincial level Mi'kmaq governance.
- E. Prince Edward Island and New Brunswick Chiefs and Nova Scotia and Newfoundland Chiefs are the only Chiefs in the country that do not have individual provincial representation on the Assembly of First Nations (AFN) Executive Committee.

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- F. The PEI Mi'kmaq Chiefs and their respective Councils believe that the current shared AFN Executive Committee representation has not evolved to reflect the role and governance responsibilities of the PEI First Nation Chiefs and leadership, and is neither sustainable nor in the best interests of the PEI First Nations, or the AFN as a whole, and are therefore seeking respectful representation at the AFN Executive Committee, with a Prince Edward Island Regional Chief selected in accordance with a process acceptable to the Epekwitk First Nation leadership.
- G. The PEI Chiefs recognize that in accordance with Article 27 of the AFN Charter, written notice to present a resolution at the next Annual or Special Meeting of the First Nations-in-Assembly is required to amend Article 17 of the Charter to change the composition of the Executive Committee and allow for a PEI Regional Chief.
- H. The PEI Chiefs further recognize that a consultation process related to Charter renewal is being implemented, but do not support this matter being deferred while the process is underway.
- I. The PEI Chiefs are seeking the support of the First Nations-in-Assembly to recognize and respect their roles and responsibilities and unique interests at the provincial level.

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

1. Direct the Assembly of First Nations (AFN) to work with the Prince Edward Island Chiefs to prepare an amendment to Article 17 of the AFN Charter for the next Annual or Special Meeting of the First Nations-in-Assembly to change the composition of the Executive Committee to allow for a Prince Edward Island Regional Chief.
2. Direct the AFN to give required written notice in accordance with Article 27 of the Charter of the AFN to amend the Charter.

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