
TITLE:	AFN Knowledge Keepers Council
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Dean Sayers, Batchewana First Nation, ON
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION:	Carried; 1 objection; 2 abstentions

WHEREAS:

- A. The Knowledge Keepers Terms of Reference was adopted by the Assembly of First Nations (AFN) Elders Council on September 13, 2019 and was accepted by the AFN Executive Committee on September 25, 2019.
- B. The Chiefs' Committee on Charter Renewal has reviewed the Knowledge Keepers Council Terms of Reference and proposes amendments to the Charter of the AFN that will reflect the intentions of the Knowledge Keepers Council.
- C. The Chiefs' Committee on Charter Renewal recommends that amendments in the Charter be made to Article 5, *Organs*; Article 17, *The Executive Committee Composition*; Article 23, *Council of Elders Composition*; and Article 24, *Role and Function*.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 5, *Organs*, to delete "The Council of Elders" and replace it with "Knowledge Keepers Council."
- 2. Direct that the AFN Charter be amended at Article 17, *The Executive Committee Composition*, to delete "Chairman of the Council of Elders" and replace it with "Chairperson of the Knowledge Keepers Council."

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3. Direct that the AFN Charter be amended at Article 23, *Council of Elders Composition*, to delete reference to the Council of Elders and replace it with the following:

“Knowledge Keepers Council Composition:

1. The Council shall consist of three Knowledge Keepers, inclusive of male, female, and 2SLGBTQQIA peoples, from each of AFN’s affiliated regions across Canada. Each Region shall appoint and can remove a Knowledge Keeper to serve on the Council in accordance with the process and procedures governing that Region.
2. Two Resident Knowledge Keepers, who represent the genders/sexes equally, inclusive of 2SLGBTQQIA people, shall be appointed to and can be removed from the Council by the National Chief, on advice from the AFN Executive Committee.
3. Knowledge Keepers shall elect a Chairperson and an alternate Chairperson to preside over Council meetings.”

4. Direct that the AFN Charter be amended at Article 24, *Role and Function*, to delete reference to the Council of Elders and replace it with the following:

a. “Role and Function:

- i. The role of the Knowledge Keepers Council is to provide assistance, guidance and support to the National Chief, Executive Committee and First Nations-in-Assembly.
- ii. The Knowledge Keepers Council will meet bi-annually in conjunction with the AFN Annual General Assembly and Special Assembly. The Council Chairperson may call additional Council meetings where, in the view of the Chairperson, such meetings are necessary.
- iii. The Knowledge Keepers Council may provide oral and/or written reports to the First Nations-in-Assembly, Executive Committee and National Chief on issues that the Council deems of national or international concern.
- iv. The Chairperson or the alternate shall participate in Executive Committee meetings in an advisory capacity.
- v. The role of the Resident Knowledge Keepers is to provide assistance, guidance and support to the National Chief and the Executive Committee.”

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TITLE:	AFN First Nations Veterans Council
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Leah George-Wilson, Tsleil-Waututh Nation, BC
SECONDED BY:	Chief Karen Batson, Pine Creek First Nation, MB
DECISION	Carried; 1 objection; 2 abstentions

WHEREAS:

- A. The Assembly of First Nations (AFN) Charter is being reviewed for the purposes of updating and amending it so that it continues to be a relevant and current guiding document for the First Nations-in-Assembly.
- B. There is no organ currently within the Charter that recognizes First Nation veterans.
- C. First Nations veterans played an important role in the establishment of the National Indian Brotherhood.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended to include a new organ - a First Nations Veterans Council.
- 2. Direct that the First Nations Veteran's Council shall be composed of veterans, representative of all First Nations veterans within Canada and the United States of America, as well as First Nations within the Royal Canadian Mounted Police (RCMP), the Canadian Department of National Defense, First Nation Peacekeeper societies, First Nations police forces and First Nations who have served in other law enforcement agencies.
- 3. Direct that the role and function of the First Nations Veterans Council shall be to promote the recognition of contributions of First Nation veterans in Canada made in all conflicts as allies to Canada, to educate First Nations about the history of First Nation veterans, develop and maintain a database recognizing First Nation veterans and to engage with Veterans Affairs Canada in efforts to advance reconciliation and healing.

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4. Ensure the First Nations Veterans Council is inclusive of male, female, and 2SLGBTQQIA peoples.

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TITLE: Addressing Priority Concerns and Needs of First Nations Around COVID-19

SUBJECT: Health

MOVED BY: Chief Andrea Paul, Pictou Landing First Nation, NS

SECONDED BY: Chief Karen Batson, Pine Creek First Nation, MB

DECISION: Carried; 1 abstention

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 restraining, 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 social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities; and,
- iv. 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.

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- B.** The COVID-19 pandemic has exacerbated pre-existing systemic barriers to Indigenous wellbeing, while continuing to create new challenges to the rights and safety of First Nations in Canada.
- C.** The Assembly of First Nations (AFN) COVID-19 National Task Force (C-19 Task Force) was established by the AFN Executive Committee to ensure that First Nations' unique needs were addressed during the pandemic through engaging in dialogue with experts, leadership and First Nations to develop advocacy tools and to provide recommended actions.
- D.** Rural and remote First Nations face additional barriers due to isolation, limitations on modes of transportation, challenges with access to food and supplies, digital connectivity and their capacity to respond to an outbreak.
- E.** Indigenous Peoples are facing increased human rights challenges that have been exacerbated by the pandemic, including increased rates of domestic and gender-based violence and reduced or halted support from in-person resources such as shelters and safe-injection sites. Mental health and addictions/substance use issues have risen since the start of the pandemic. Beyond that, the unintended consequences of lockdowns and community security, as well as public health measures and isolation protocols, have yet to be fully understood.
- F.** First Nations, particularly those that are remote, are challenged to obtain Personal Protective Equipment (PPE), adequate COVID-19 case information, widespread rapid-testing kits, culturally safe contact tracing, and proper screening methods to prevent travelers from compromising the health of their Elders and community members.
- G.** First Nations residing in urban areas and away from their First Nations must be supported throughout the pandemic and post-pandemic stages. Support must be extended to address the systemic issues faced by First Nations who must be not left behind simply through the act of leaving their nations as they face their own challenges accessing appropriate services and care. First Nations make up a disproportionate amount of Canada's homeless populations.
- H.** While First Nations have requested government action and progress on their priority needs and concerns, including requests for improved government communications, data access, funding increases, respect for Aboriginal Title and Rights, addressing racial discrimination, and administrative and/or service support, they have received inconsistent and uneven aid, resources, and funding from Canada.

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

- 1.** Direct the Assembly of First Nations (AFN) to urge the Government of Canada to rectify any inequities in their efforts to aid and support First Nations during the pandemic and to address the social injustice, economic insecurity and priority issues continuing to confront and challenge First Nations, including, but not limited to:

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funding to support safe and high-quality education; mental wellness and addictions services and supports; gender-based violence supports; shelters; healthcare resources and infrastructure.

2. Direct the AFN to urge the Government of Canada to create effective mechanisms to hear from and respond to First Nation communities and organizations about their recommendations and most pressing concerns and ensure their involvement in pandemic related decisions, including future vaccine prioritization.
3. Direct the AFN call upon Canada and the provinces and territories to respect the jurisdiction and autonomy of First Nations in their responses to the pandemic and to take immediate action to implement effective mechanisms for information sharing and data dissemination that will ensure Nations are informed of the number COVID-19 cases in their proximate communities and can respond appropriately and effectively.
4. Direct the AFN to support building First Nations' capacities to serve their citizens, regardless of residency, by working with like-minded organizations, including urban Indigenous organizations that have a mandate from First Nations to provide services, to continue advancing the needs and requests of First Nations to the Government of Canada and calling for informed and organized support, funding, and resources.
5. Direct Indigenous Services Canada (ISC) and other federal departments to ensure that First Nations residing in urban areas and away from their First Nations are provided supports during the COVID-19 pandemic and beyond and to build capacity for First Nations to meet the needs of all their citizens, including persons with disabilities.
6. Direct the AFN COVID-19 National Task Force to provide on-going support to the AFN Executive Committee for the duration of the pandemic to support the mitigation of impacts of COVID-19 on First Nations.
7. Ensure that all federal and provincial responses respect First Nations inherent and Treaty rights, such as the 'famine and pestilence' and 'medicine chest' clauses included in many of the Numbered Treaties.

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TITLE: Call for a Moratorium of the research study titled: *The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*

SUBJECT: Health

MOVED BY: Chief Sheldon Kent, Black River First Nation, MB

SECONDED BY: Chief Wilbert Marshall, Potlotek First Nation, NS

DECISION: Carried; 4 abstentions

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.

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- iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
- i. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C.** As Indigenous Peoples of Turtle Island we have our own sciences, research and laws that are passed down since time immemorial. Our laws are guided and aligned with the lunar cycles and ancestral star knowledge, which signal us when to plant, hunt, fish, and how to relate to one another. These laws and ways of knowing allow us to sustain ourselves.
- D.** In the Tri-Council Policy Statement *Ethical Conduct for Research Involving Humans*, First Nations OCAP® is defined. Within this policy, Chapter 9's preamble states,
- i. "This chapter is designed to serve as a framework for the ethical conduct of research involving Indigenous peoples. It is offered in the spirit of respect. It is not intended to override or replace ethical guidance offered by Indigenous peoples themselves. Its purpose is to ensure, to the extent possible, that research involving Indigenous peoples is premised on respectful relationships. It also encourages collaboration and engagement between researchers and participants."
- E.** Since 1998, the Assembly of Manitoba Chiefs (AMC) Chiefs-in-Assembly supported the mandate for the Health Information Research Governance Committee (HIRGC), as a First Nations research ethics board. In 2019, the Manitoba Chiefs-in-Assembly revised the mandate for HIRGC to authorize HIRGC to act as:
- i. the gatekeeper of First Nations data at a regional level;
 - ii. the advisory body to offer guidance to research carried out on a regional basis, including reviewing applications from First Nations or academic researchers or consultants; and,
 - iii. the body to ensure that respectful research for and by First Nations is carried out according to these principles: (a) free, prior, informed consent on a collective and individual basis; (b) First Nations OCAP® principles so that First Nations have Ownership, Control, Access, and Possession of their own data and information; (c) First Nations ethical standards, whether Cree, Dakota, Dene, Anishininiwak (Oji-Cree) or Anishinaabe (Ojibway); and (d) Benefits to First Nations.

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- F. The First Nations Information Governance Centre (FNIGC) is an incorporated non-profit operating with a mandate from the Assembly of First Nations Chiefs-in-Assembly (Resolution 48/2009, *First Nations Information Governance Stand Alone Centre*). FNIGC envisions that every First Nation will achieve data sovereignty in alignment with its distinct world view. FNIGC's mission is; "with First Nations, we assert data sovereignty and support the development of information governance and management at the community level through regional and national partnerships. We adhere to free, prior and informed consent, respect nation-to-nation relationships, and recognize the distinct customs of nations." FNIGC promotes, protects, and advances OCAP®, and is charged with protecting the integrity on behalf of all First Nations people.
- G. The Public Health Agency of Canada (PHAC) is funding a research study called, "*The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*." It is understood that a contract was awarded in the amount of **\$9,246,325.00**, with additional funds to be provided at a later date. The institution holding these funds is Simon Fraser University, with lead Principle Investigator identified as Dr. Jeff Reading. The proposed baseline study is a national cross-sectional cohort which will be established by sampling blood spot tests from ~6,000 household sites, resulting in a total sample size of ~18,000 across 9 regional sites across Canada. Within each household, three samples will be used to represent a child/youth, an adult, and an Elder.
- H. The lack of transparency and accountability that the research team demonstrated in the initial stages of the large research study through proposing to collect multiple biological samples from individuals over a two year period has undermined and violated regional ethical processes that have been put in place to protect Manitoba First Nations since the 1990's.
- I. Zero funding for adequate engagement will be allocated to First Nations to properly engage with their leadership and First Nation communities on participation within this research study, which is unethical with respect to free, prior, and informed consent.
- J. Careful review of the funding agreement between Simon Fraser University and Canada indicates that terms have already negotiated. As 16.1 states,
- i. "Any intellectual property that arises out of or under this Agreement shall be owned by the Recipient or by a third party, as set out in an agreement between the Recipient and such third party."
 - ii. Article 16.2 states, "The Recipient shall report to Canada what Materials, if any, have been created or developed under this Agreement. Canada will review the list of Materials provided by the Recipient pursuant to section 16.1 for the purpose of determining if Canada wishes to negotiate a license agreement, separate from this Agreement, for the rights to have and to use any such Materials."

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- K.** HIRGC is concerned on the risk of the misuse of First Nations biological samples without proper First Nations governance, as the lead Principal Investigator or third party would be responsible for negotiating with Canada on how the samples are interacted with, analyzed, stored and accessed. Without strict First Nations governance, which is aligned with our distinct culturally-based protocols, samples become subject to use without consent. Without oversight or governance by First Nations, the biological samples will be placed with institutions and governments to decide how samples are utilized without requirement to adhere to the principles of transparency and accountability to First Nations.
- L.** Since FNIGC withdrew their support in July 2020, the Network Environments for Indigenous Health Research (NEIHRs) were approached in August 2020 and named in the submission without proper engagement or consent from the governing circles of all NEIHRs. Each of the Principle Investigators of the 9 sites of the NEIHRs, which included the Manitoba NEIHR, have been implicated without proper engagement.
- M.** The Government of Canada, the Tri-agencies, the Government's granting councils, the Public Health Agency of Canada and academic institutions, need to abide by First Nations operated regional oversight bodies, such as HIRGC to ensure that respectful research for and by First Nations is carried out according to these oversight bodies' principles and mandates.
- N.** Any study that is national in scope and pertaining to First Nations must respect and adhere to each of the regional processes that have been determined by and for respective First Nations research ethics bodies in Canada.
- O.** The AFN was a member of the Indigenous Advisory Circle (IAC) and was aware of this study in its early stages, however, since learning of the concerns related to the ethical and engagement processes by research leads, the AFN removed itself as a member from the IAC.

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

- 1.** Call on the Assembly of First Nations (AFN) to work with the Government of Canada to call for a moratorium of the research study titled *The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*.
- 2.** Call on the AFN to work with the Public Health Agency of Canada to ensure it is more transparent regarding the funding allocations for this study, address concerns of accountability to First Nations related to the OCAP® Principles and any possible conflicts of interest with the research study and the principle investigators.

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3. Call on the AFN to ensure that any research that involves First Nations in Canada has support for regional processes and engagement embedded in their research protocols and that the AFN support Manitoba in ensuring its principles are adhered to for any research impacting Manitoba First Nations, whether it be research that is regional or national.

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TITLE: Principle for the elimination of racism and discrimination in the services provided to First Nations

SUBJECT: Health and Social Sciences

MOVED BY: Chief Harvey McLeod, Upper Nicola Indian Band, BC

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 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 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

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- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
- i.** Call to Action #57: We call upon federal, provincial, territorial and municipal governments to provide education to public servants on the history of Aboriginal Peoples, [...]. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.
- C.** The report *First Peoples, Second Class Treatment* (Smylie, 2015) states:
- i.** At the individual, family and community levels, Indigenous people have been managing racism and its impacts on health and wellbeing for hundreds of years, demonstrating resilience in the face of violence, cultural genocide, legislated segregation, appropriation of lands and social and economic oppression.
- D.** The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) states:
- i.** Call to Justice 7.6: We call upon institutions and health service providers to ensure that all persons involved in the provision of health services to Indigenous Peoples receive ongoing training, education, and awareness in areas including, but not limited to:[...] anti-bias and anti-racism; and local language and culture; and local health and healing practices.
- E.** In Quebec, the Commission d'enquête sur les relations entre les Autochtones et certains services publics : écoute, réconciliation, et progrès (Inquiry Committee on the Relations between Indigenous People and some Public Services: Listening, Reconciliation and Progress) ("Viens" Commission) recommends in its Calls to Action #24, 25 and 26 to make professional bodies aware of the importance of including content on Aboriginal Peoples and to make ongoing training available to promote sensitivity, competence and cultural safety to all managers, professionals and employees likely to be in contact with Aboriginal Peoples and working in public services.
- F.** With the inaction of some governments regarding the realization of repeated Calls to Action and Calls for Justice, the Assembly of First Nations Quebec-Labrador (AFNQL) launched its own Action Plan on racism and discrimination in October 2020.
- G.** Following the avoidable death of Ms. Joyce Echaquan, the Honourable Marc Miller, Minister of Indigenous Service Canada (ISC) and the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, convened the Urgent Meeting to Address Racism Experienced by Indigenous Peoples in Canada's Health Care Systems during which "all participants recognized the need to take concrete steps to fight unacceptable racism and discrimination in all of our institutions" and committed to a follow-up meeting in January 2021.
- H.** The federal government has recognized Jordan's Principle as a response to the systemic racism that prevails in the health care systems for First Nations children.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to support the development and implementation of 'Joyce's Principle' which intends to guarantee the safety of First Nations when accessing health and social services with the right to enjoy the highest attainable standard of physical and mental health services without discrimination.
2. Call on the Government of Canada and the provinces and territories to provide and grant the necessary funding to First Nations for the development of regional strategies, including an awareness campaign and training in health and social services institutions across Canada.
3. Call upon the AFN to establish a table of experts to address systemic racism toward First Nations, with specific tasks to include:
 - a. working directly with First Nations and First Nations experts in healthcare to develop anti-racism strategies;
 - b. calling on Canada to conduct an immediate review of the *Canada Health Transfers* and the *Canada Health Act*, to ensure quality health care is being provided to First Nations;
 - c. exploring the feasibility of a First Nations Health Care Ombudsperson that would work with federal, provincial, and territorial governments to implement the recommended actions developed by First Nations; and
 - d. exploring systemic conditions that enable and encourage discrimination by non-Indigenous and Indigenous service providers in their dealings with First Nations citizens away from home and on reserve.

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TITLE:	Support for Advocacy on Systemic Racism in Canada
SUBJECT:	Police Reform
MOVED BY:	Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), 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 they freely determine their political status and freely pursue their economic, social, and cultural development.
 - ii. 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.
 - iii. 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
 - iv. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Nations have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them, as far as possible, to administer such programs through their own institutions.
 - vi. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. First Nation peoples continue to face systemic racism across many institutions in Canada from police services, health care, child welfare system, and education.
 - C. The recent death of Joyce Echaquan in the Quebec hospital system and the Government of Quebec's denial of systemic racism continue to express Canada's failure and unwillingness to address systemic racism. These matters, along with the increasing incarceration rates of First Nation peoples, have illustrated that systemic racism remains a critical issue in this country.
 - D. The Royal Canadian Mounted Police (RCMP) have recently been criticized for inaction following violent attacks on Mi'kmaq lobster facilities in Nova Scotia. This, along with the use of tasers and rubber bullets by the Ontario Provincial Police on Haudenosaunee land defenders in Six Nations is indicative of the systemic racism prevalent in Canadian policing.
 - E. The Assembly of First Nations (AFN) estimated the total cost of transitioning child-welfare services to First Nations could reach \$3.5 billion. However, Bill C-92 came into force January 1, 2020 without stable funding to assist in the transition, reinforcing structural inequity within the child welfare system.
 - F. The Alberta government has proposed to delay the integration of lessons on the Indian Residential School System within its educational curriculum and remove references to equity, alleging that these are "politically biased". This runs counter to the Truth and Reconciliation Commission's Calls to Action to redress the legacy of Residential Schools and promote reconciliation.
 - G. Institutions across Canada do not have adequate mechanisms in place to address systemic racism, such as oversight committees and culturally appropriate training. These mechanisms must be in place and include First Nations as partners in their development.
 - H. There have been generations of distrust between the RCMP, provincial and municipal police forces and Indigenous Peoples. The history of the RCMP is a colonial institution which has entrenched systemic racism woven through its infrastructure. Indigenous Peoples have faced unfair, unequal, and discriminatory treatment by the RCMP.

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- I. The current action of the federal government to address police reforms across the country has been inadequate.
- J. Prime Minister Trudeau has recently recommitted to addressing systemic racism in Canada including policing and the justice system.
- K. Prime Minister Trudeau has committed to developing strong policies that will eliminate barriers facing Indigenous Peoples, racialized people, and persons with disabilities.
- L. In their public communications, the RCMP has committed to being a modern organization equipped to serve Canada and Canadians now and into the future.

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

- 1. Urge the federal and provincial governments to take concrete steps to prevent, combat and eradicate systemic racism, racial discrimination, and intolerance within the criminal justice system, the public service, health care, education, and the private sector.
- 2. Direct the Assembly of First Nations (AFN) to advocate for legislative and other reforms, including the development and mandates of oversight committees, to address systemic racism in institutions such as policing and justice, health care, education and child welfare. These committees must include First Nations as partners in their development and operations.
- 3. Urge the AFN to work in partnership with First Nations organizations involved in police and justice reform to develop a platform of recommendations to guide and inform the change in the RCMP with recommendations including:
 - a. the need for First Nations Policing to be considered an essential service;
 - b. sufficient, predictable and sustainable funding to the same level as all other police services;
 - c. a zero tolerance policy for excessive use of force;
 - d. increased restorative, trauma informed and culturally sensitive practices; and,
 - e. updating RCMP protocols and practices to include harm reduction and mental health supports.
- 4. Call on the federal government to amend the Criminal Code of Canada to create new offenses related to hate crimes, including the use, or threat to use force to willfully interfere with any person because of race, color, religion, or national origin.
- 5. Urge the AFN to lobby for the modernization of policing legislation across Canada and the RCMP Act to include extensive input from First Nations organizations involved in policing and justice.

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6. Call on Canadian leaders to take decisive action to protect Indigenous Peoples within Canada's institutions.
7. Direct the AFN to ensure police are held accountable to the highest standards for fair and unbiased conduct, which is crucial to maintaining trust.
8. Direct the AFN to report back on its progress to Chiefs-in-Assembly at the December 2021 Special Chiefs' meeting.

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CTITLE: Call for Reform to Address Institutional Racism in the Justice System

SUBJECT: Justice, Policing

MOVED BY: Judith Sayers, proxy, Toquaht First Nation, B.C.

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

DECISION: Carried by Consensus

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.
- ii. 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.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

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- B.** Countless independent reports outlining the nature of systemic racism in institutions at all scales across Canada have demonstrated the devastating and sometimes fatal use of force exercised disproportionately against Indigenous Peoples in Canada by colonial police authorities, including the Royal Canadian Mounted Police (RCMP).
- C.** The RCMP have been a critical colonial tool used to assimilate, displace, and enforce racist, anti-Indigenous genocidal policies and legislation.
- D.** In 2020, numerous documented instances of police-involved fatalities of and excessive use of force against racialized people in Canada, including many Indigenous Peoples, have sparked national discourse regarding legislation on policing and demands from Indigenous Peoples for policing reform.
- E.** The recent policing shootings of First Nation peoples like Rodney Levi and Chantel Moore, as well as the inaction of the RCMP to maintain the rule of law during the dispute between Mi'kmaq and Nova Scotia fishermen have shown a discrepancy in the way First Nations are treated by law enforcement agencies compared to other Canadians.
- F.** Dismantling systemic racism in police services across Canada includes providing First Nations the opportunity to fund their own policing services that are comparable to those provided to other communities in Canada. The current footprint of the First Nations Policing Program (FNPP) must be expanded, as it is grossly underfunded and impedes those nations that wish to exercise their right to self-determination by providing police services for their nation.
- G.** First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" creates systemic barriers to the long term creation and sustainability of quality First Nations services.
- H.** Thirty percent of inmates in Canadian prisons are Indigenous, despite comprising 5% of the country's population. Since April 2010, the number of incarcerated Indigenous Peoples in Canada has grown by 44%, while non-Indigenous prison populations have decreased by 13.7%. Indigenous women are even more overrepresented at 42% of female prison populations.
- I.** Commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) were delayed by the Minister of Crown-Indigenous Relations and Northern Affairs in June 2020, further exemplifying the racist societal acceptance that missing and murdered Indigenous women, girls and 2 Spirit people are not a national priority and that the lives affected by this crisis are less worthy of intervention. By extension, this delay implicates the Crown as complicit in violence against Indigenous women, girls and 2-Spirit peoples.

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- J. The Minister of Public Safety and Emergency Preparedness, on June 23, 2020, testified to the Public Safety Committee that he has committed “to co-develop a legislative framework that recognizes First Nations policing as an essential service.”
- K. Gladue reports are not easily accessible for Indigenous Peoples. The 2019 *Viens Report* recommended that there be an increased number of Gladue writers with more funding, improved training and standardization and measures to evaluate and monitor their work.
- L. Restorative justice principles and practices and culturally attuned programming in the justice system reduce recidivism amongst Indigenous Peoples.

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

1. Direct the Assembly of First Nations (AFN) to work with the relevant ministries to co-develop a legislative framework to designate First Nations Policing as an essential service with adequate funding to support community-based, self-determined holistic approaches that are grounded in First Nations principles, laws, and traditions, including but not limited to the United Nations Declaration on the Rights of Indigenous Peoples.
2. Direct the AFN to engage with the Minister of Public Safety and Emergency Preparedness on funding increases for First Nations police services, which includes infrastructure, First Nations development of police services, adequate equipment supplies and salaries.
3. Direct the AFN to urge the federal and provincial governments to address systemic racism in the Royal Canadian Mounted Police and other police services, which includes the need for adequate and appropriate oversight mechanisms and legislative reforms to eradicate racism from police agencies.
4. Direct the AFN to advocate for broader funding for Gladue reports, enhanced training of Gladue writers and implementation of Gladue principles across the justice system.
5. Direct the AFN to advocate for sustained and increased funding for restorative and culturally informed justice programming in Canada.
6. Direct the AFN to advocate that all legislative and programmatic reforms in every system be made in congruency with the Calls to Justice outlined in the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry in order to reduce the harm faced by Indigenous women, girls and 2-Spirit peoples.

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TITLE: Systemic Racism in all federal agencies including Fisheries and Oceans Canada's Response to Sipekne'katik First Nation's Inherent Rights-based Fishery

SUBJECT: Fisheries

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

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

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 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 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iv. 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.
- v. 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.

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- vi. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.
- B. The Assembly of First Nations (AFN) passed Resolution 115/2019, *Full Implementation of the Supreme Court of Canada Marshall Decision*, Resolution 65/2019, *Recognition of the Marshall Decision*, Resolution 107/2017, *Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service*, and Resolution 76/2017, *Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions Regarding Fisheries*.
- C. On September 17, 2020, exactly 21 years after the Supreme Court of Canada's Marshall Decision, Sipekne'katik First Nation launched its treaty-protected inherent rights-based fishery.
- D. Non-Indigenous fishers violently retaliated over the following weeks against Mi'kmaw fishers and individuals, which included physical assault, arson, theft and destruction of fishing gear, lobster catches, vehicles, and property. Sipekne'katik has estimated a total financial loss will exceed over three million dollars as a result.
- E. Law enforcement has been heavily criticized for inaction in this ongoing dispute. On October 23, 2020 AFN National Chief Perry Bellegarde called on the Royal Canadian Mounted Police (RCMP) Commissioner Brenda Lucki to resign after she defended the RCMP's response to the ongoing violence.
- F. Despite public statements by the Minister of Fisheries and Oceans Canada (DFO) about affirming Sipekne'katik's treaty-protected inherent rights to fish, DFO Conservation and Protection Officers have not charged non-Indigenous fishers for interfering with the activities of the Sipekne'katik's rights-based fishery, as prohibited by s. 22(7) of the Fishery General Regulations, through s. 43 of the *Fisheries Act*.
- G. Instead, RCMP and the DFO's Conservation and Protection Officers stood idle while non-Indigenous fishers continued to seize, damage and tamper with lobster traps belonging to Sipekne'katik fishers, assaulting Sipekne'katik members and harassing fishers, perpetuating the systemic infringement of the Mi'kmaw peoples' rights to access the lobster resource under their treaty-protected inherent rights-based fishing plan.
- H. First Nations law enforcement services, including fisheries enforcement services, are essential services necessary for the safety and security of First Nations citizens.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Minister of Fisheries and Oceans and the Canadian Coast Guard to address systemic racism within the Department of Fisheries and Oceans (DFO) by:

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- a. calling for a national reform on DFO's Conservation and Protection sector to ensure that their operational policies duly recognize and respect First Nations' treaty-protected inherent right to harvest and sell fish;
 - b. committing to work with First Nations, provinces or territories as appropriate, and with the guidance of the AFN's National Fisheries Committee, to review, revise, and develop regulations, policies, and programs that recognize and respect First Nations' treaty-protected inherent rights, as well as the inherent authority of First Nations to empower First Nation enforcement and protection authorities;
 - c. undertaking necessary investigations and charging appropriate individuals under the powers of s. 43 of the *Fisheries Act*, s. 22(7) of the Fishery General Regulations and fishing license conditions, which prohibit individuals from tampering or interfering with fishing activities of another person, and demand that these non-Indigenous fishers licenses be revoked; and,
 - d. holding any persons that have tampered or interfered with the Sipekne'katik inherent rights-based fisheries accountable and liable for costs related to damages, replacement of gear, and resultant loss of revenue, and that the Department direct recovered costs to the Sipekne'katik First Nation.
2. Direct the AFN and the National Fisheries Committee to advocate that DFO support and prioritize the development of joint protocols between First Nations and DFO, or provinces and territories as appropriate to identify:
 - a. procedures in advance for dealing with possible emergencies concerning public safety and security of the First Nation; and,
 - b. appropriate responses to infractions under the *Fisheries Act*, relevant provincial or territorial legislation, or the authority of the First Nation.
3. Direct the AFN and National Fisheries Committee to advocate that DFO and provinces or territories, adequately fund programs as well as any necessary capacity and training to enable the recognition of First Nations' authority and the ability for First Nation enforcement and protection authorities for their respective fisheries.

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TITLE: Jointly Develop a Fully Independent Specific Claims Process

SUBJECT: Specific Claims

MOVED BY: Kukpi7 Judy Wilson, Stat'skin te Secwépemc Neskonlith, BC

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

DECISION: Carried; 3 objections; 3 abstentions

WHEREAS:

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

- i. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- ii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied, used or damaged without their free, prior and informed consent.
- iii. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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- iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Assembly of First Nations (AFN) Resolution 91/2017, *Support for a Fully Independent Specific Claims Process*, support(s) the work of the Assembly of First Nations – Canada Joint Technical Working Group and call(s) on Canada to commit to jointly develop a fully independent specific claims process with the goals of eliminating Canada's conflict of interest and achieving the just resolution of Canada's outstanding lawful obligations through good faith negotiations.
- C. Resolution 91/2017 mandates the AFN to advocate for a more transformative approach to specific claims reform and resulted in a 2017 federal Memorandum to Cabinet (MC) and funding to support engagement with First Nations.
- D. In 2019, the AFN carried out a national dialogue process with First Nations on what a fully independent specific claims process should look like, resulting in a draft Summary Report outlining First Nations input.
- E. Based on the dialogue process and the Summary Report, the AFN is developing a draft proposal for a new independent body to facilitate the resolution of specific claims through negotiation or adjudication.

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

- 1. Call on Canada to work directly with the Assembly of First Nations (AFN) and the Chiefs Committee on Lands, Territories and Resources (CCoLTR) to develop a fully independent specific claims process consistent with the United Nations Declaration on the Rights of Indigenous Peoples and based on the following principles identified by First Nations during the 2019 AFN dialogue process:
 - a. The Honour of the Crown: the specific claims process must be consistent with the Honour of the Crown;
 - b. Independence of all Aspects of Claims Resolution: specifically including funding and oversight of claims and their resolution that must be handled independent of Canada;
 - c. Recognition of Indigenous Laws: Support the recognition of the laws, legal orders, and dispute resolution mechanisms as articulated by participating First Nations. The recognition of First Nations' laws may impact the conduct of adjudication, dispute resolution and negotiation; and,

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- d. No Arbitrary Limits on Compensation: there will be no financial constraints, such as the 150 million dollar cap on the jurisdiction of the Tribunal or the Commission. First Nations should have access to a fair process of redress that fits their needs and priorities.
2. Call on Canada to compel the provinces to participate actively in the specific claims processes.
3. Declare that efforts to reform the specific claims process will not prejudice claims currently under negotiation or at the specific claims tribunal.

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TITLE:	Support for First Nations to Administer Justice
SUBJECT:	Self-Governance & Justice Transformation for First Nations
MOVED BY:	John Bilton, proxy, Naothkamegwanning First Nation, ON
SECONDED BY:	Chief Ronald Ignace, Skeetchestn Indian Band, BC
DECISION:	Carried; 2 objections; 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.
 - ii. 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.
 - iii. 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.
 - iv. Article 37: 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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- v. Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - vi. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** The *Truth and Reconciliation Commission of Canada: Calls to Action* states:
- i. 42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.
 - ii. 45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal Peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara 1764, and reaffirm the nation-to-nation relationship between Aboriginal Peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:
 - i. (iv.) 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 negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
- C.** The Assembly of First Nations (AFN) Resolution 87/2019, *Support a Process for Implementation of International Treaties*, reaffirms that Treaty and Non-Treaty First Nations in Canada have never renounced their sovereign attributes, including the inherent right to self-determination and related governance structures.
- D.** The Ontario Court of Justice decision of Mr. Justice David M. Gibson in Kenora on October 2, 2020, in *R. v. Sherry Turtle, Audrey Turtle, Loretta Turtle, Rocelyn Moose, Cherilee Turtle, Tracy Strang (R. v. Turtle et al.)*, exposed the Crown's failure to honour the sacred Treaty relationship and its obligations with Treaty No. 5 signatory Pikangikum First Nation, the related corrosive effects of colonization, and the historical and ongoing harms perpetuated by the non-Indigenous justice systems on the First Nation. The Court concluded that it is also in the best interests of the Crown to consult meaningfully with the First Nation in respect of repairing the Treaty relationship in the domain of justice administration.

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- E. In reference to the decision in *R. v. Turtle et al.*, a letter was sent by Chief Dean Owen of Pikangikum First Nation on October 20, 2020, to the Attorneys General of Canada and Ontario, the Federal Minister of Crown-Indigenous Relations, and the member of the Provincial Legislature for the District of Kenora, Ontario calling on the Crown to act immediately to repair the sacred Treaty relationship and to consult deeply with the First Nation on a nation-to-nation basis about exercising its right to administer justice in accordance with its laws and traditions.
- F. Referring to the decision in *R. v. Turtle et al.*, the Grand Council Treaty #3 (GCT#3) Resolution (dated October 15, 2020), *Support for the GCT #3 Initiative to Have First Nations of Treaty #3 Administer Their Rights on Their Treaty Lands*, directs the Ogichidaa (Grand Chief) to meet with the federal and provincial governments to address the treaty right to self-determination and the legitimacy of Indigenous jurisdiction to administer Anishinaabe laws on Treaty land.
- G. In reference to the decision in *R. v. Turtle et al.*, the Nishnawbe-Aski Nation (NAN) Resolution 20/14 (dated October 21, 2020), *Justice and Law Transformation in NAN Territory* indicates: the Chiefs-in-Assembly collectively and individually assert the right to self-determination, call for the implementation of a justice system in NAN First Nations territory inclusive of Indigenous history, culture, values and traditions; and in support of this mandate direct the NAN Executive Council to begin work immediately in respect of transforming the system of justice in NAN First Nations territory, including maintaining channels of communication with the federal and provincial governments in furtherance of the sacred Treaty relationship.
- H. The non-Indigenous justice systems in Canada continue to have devastating and long-lasting impacts on First Nations peoples, including but not limited to the staggering overrepresentation of Indigenous men, women and youth in Canadian jails, the grossly disproportionate numbers of Indigenous child apprehension and related family fragmentation, the high rates of Indigenous female victimization, the shocking Indigenous youth suicide rate as well as related substance addiction and mental health issues. There is an urgent need to end the perpetuation of these appalling and disturbing outcomes and any solution must substantially involve transforming systems of justice for Indigenous Peoples in Canada to those demonstrative of First Nations self-governance.

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

1. Declare support for all First Nations, such as Pikangikum First Nation, Grand Council Treaty #3 First Nations and Nishnawbe Aski Nation First Nations to administer justice in relation to their respective peoples and territories in accordance with their Inherent Title and Rights and Treaty Rights and Relationships; ensuring overlapping rights, claims and territory are taken in to account.

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2. Declare support for all First Nations in exercising their sovereign rights to self- determination, including the implementation, enforcement and direction of culturally relevant justice systems in relation to their respective peoples.
3. Urge the Government of Canada to acknowledge that the imposed application of non- Indigenous justice systems on First Nations is an extension of colonization that has been and continues to be an evident catastrophe.
4. Urge the Government of Canada to honour the sacred relationships with First Nations, recognize the legitimacy of the sovereignty of First Nations to administer justice in respect of their peoples, and consult deeply with them.
5. Urge the Government of Canada to establish and maintain channels of communication with First Nations in furtherance of recognizing the sovereign Indigenous jurisdiction to administer justice in respect of their peoples.
6. Urge the Government of Canada, in accordance with Articles 4 and 39 of the United Nations Declaration on the Rights of Indigenous Peoples, to provide financial and technical assistance to all First Nations in support of their respective administrations of justice.
7. Declare that self-government or modern treaty agreements do not supersede the inherent, rights, title and jurisdiction of any other First Nation.

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TITLE:	Implementation of the National Indigenous Justice Summit's Immediate Action Points
SUBJECT:	Justice
MOVED BY:	Chief Rosanne Casimir, Tk'emlúps te Secwépemc (Kamloops Indian Band), BC
SECONDED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
DECISION:	Carried; 7 abstentions

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 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.
 - 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 other programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Several Indigenous and human rights organizations organized a virtual National Indigenous Justice Summit from July 7-8, 2020 that brought together a number of participants, moderators, and key panelists from across Canada who shared the overarching perspective that immediate action is needed to eliminate current and intensifying practices of oppression at all levels of Canadian policing and justice systems.

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- C. Those who supported this event included the Indigenous Bar Association, Nuu-chah-nulth Tribal Council, BC First Nations Justice Council, Membertou First Nation, the Union of BC Indian Chiefs, the Indigenous Community Legal Clinic (UBC), Testify: Indigenous Laws + the Arts, and other groups and organizations.
- D. The National Indigenous Justice Summit was guided by ten “Immediate Action Points,” a list of key recommendations that provided a starting point for discussion on widespread reform in areas related to policing, human rights protections, and the broader justice system.
- E. The Immediate Action Points outline how Canada can end the unjust criminalization of Indigenous Peoples for substance use, mental illness, impoverishment, and intergenerational trauma by re-directing funds from the police into community safety supports and crisis intervention programs that are low-cost, effective, and allow medics and crisis workers to de-escalate situations and help people access medical, housing, and mental health supports in lieu of armed police.
- F. During 2020, the Black Lives Matter movement has highlighted the disproportionate number of Black and Indigenous lives lost to police brutality and negligence, and mobilized Black, Indigenous, and minority communities at local and international levels to advocate for greater police accountability and to protest the policing and justice systems that enable hate and colonial violence.
- G. Historical and ongoing systemic inequities found in Canada’s justice system target and disproportionately impact Indigenous Peoples, including Canada’s failure to uphold the principles of the *Gladio* decision, the over criminalization of Indigenous women and girls, and the over incarceration of Indigenous Peoples in federal prisons.

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

- 1. Fully support and endorse the Immediate Action Points from the National Indigenous Justice Summit held virtually on July 7-8, 2020 as a strong framework of reform that complements and strengthens the ongoing work by First Nation communities and organizations to repair the relationship between Indigenous Peoples and the criminal justice system. These Immediate Action Points are as follows:
 - a. Create a national Indigenous-led police oversight body;
 - b. Establish a national protocol for police investigations;
 - c. Redirect “Public Safety” funding to services that increase community safety;
 - d. Implement a multi-pronged Indigenous de-escalation strategy;
 - e. Establish a national protocol for police engagement with Indigenous Peoples;

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- f. Amend Canadian and provincial/territorial human rights codes to include “Indigenous identity” as a protected ground against discrimination;
 - g. Create Indigenous courts;
 - h. Increase Indigenous representation across all levels of the criminal justice system;
 - i. Require judges to give written reasons in all Indigenous sentencing cases;
 - j. Require judges to give written reasons in all Indigenous child apprehension cases where a child is placed outside of their Indigenous community.
2. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to work collaboratively with provincial governments and First Nations to implement the Indigenous Justice Summit’s Immediate Action Points, including the transformative redistribution of justice service funding toward community-based safety practices, programs, and initiatives that are culturally appropriate, reflective of Indigenous Peoples’ needs, and non-reliant on the institution of policing.
3. Direct the AFN to work with like-minded organizations to continue advancing the Immediate Action Points and other advocacy related to addressing the vast inequities in Canada’s human rights, and policing and justice systems that lead to the over-incarceration and criminalization of Indigenous Peoples.

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TITLE: First Nations Representation in Cannabis Legislation

SUBJECT: Cannabis

MOVED BY: Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Chief Ron Ignace, Skeetchestn Indian Band, BC

DECISION: Carried; 7 abstentions

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 they freely determine their political status and freely pursue their economic, social, and cultural development.
- ii. 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.
- iii. 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.
- iv. 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.

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- B. Resolution 123/2016, *First Nation Inclusion in the Emerging Cannabis Economy*, mandated the Assembly of First Nations (AFN) to call on the Canadian government to ensure any legislation regarding the production of cannabis included provisions that allow First Nations to participate and benefit from the emerging cannabis sector.
- C. Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (the Cannabis Act)* received Royal Assent on June 21, 2018 without the consideration of First Nations jurisdiction, tax-revenue sharing opportunities, health and safety and security concerns.
- D. As a result of the passing of the Cannabis Act without the proper consultation of First Nations, many First Nation cannabis operations are in a jurisdictional 'grey-zone', precluding them from full participation in the market.
- E. Prior to receiving Royal Assent, Senator Lillian Eva Dyck, Chair of the Senate Committee on Aboriginal Peoples, was promised that these issues would soon be resolved.
- F. Over two years have passed and these areas of concern have yet to be addressed.
- G. Resolution 36/2019, *Chiefs Committee on Cannabis*, established a committee to inter alia, recognize and support First Nations' assertion of inherent jurisdiction over cannabis licensing, taxation, regulation, and revenue sharing throughout First Nations territories.
- H. The Chiefs Committee on Cannabis is currently developing a national advocacy plan to include First Nation participation in the cannabis industry with respect to First Nation jurisdiction, tax-revenue sharing, health and safety, and security of property.
- I. As a result of the federal government's commitment to reconciliation and respect of First Nations through their adoption of the UN Declaration, reconciliation must include the meaningful recognition of First Nation jurisdiction in federal laws- including Bill C-45. Reconciliation without acknowledgment in legislation is meaningless.

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

- 1. Recommit to supporting the Chiefs Committee on Cannabis (CCC) on its mandates and objectives to create a legislative framework that amends the Cannabis Act and other relevant legislation for the inclusion of First Nations' participation in the cannabis industry. Further, that the CCC amend its mandate to include:
 - a. the inclusion and recognition of First Nations' laws, bylaws, regulatory frameworks and policies;
 - b. the recognition of how First Nations' policing intersects with the Community Tri-partite Agreement; and

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- c. providing opportunity for First Nations to enter into revenue sharing agreements regarding revenues from the cannabis industry and make amendments to the Excise Tax and the First Nations Fiscal Management Act to provide those First Nations choosing to exercise law making power to levy cannabis excise tax on reserve.
2. Direct the Assembly of First Nations to call upon Canada to establish the cannabis legislative framework as part of the advocacy efforts to include First Nations in the COVID-19 economic stimulus and recovery plan.
3. Call on Canada to provide funding to the CCC and First Nations' organizations at the national, regional, and local levels to address the interests of First Nations in asserting jurisdiction and their inherent right to self-determination in regards to cannabis.
4. Direct the AFN to report back to the Chiefs in Assembly at the December 2021 Special Chiefs Assembly.

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TITLE:	Becoming A Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations
SUBJECT:	Gender equity, sexual orientation and gender-based discrimination
MOVED BY:	Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Doris Bill, Kwanlin Dün First Nation, YK
DECISION:	Carried; 12 objections; 4 abstentions

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind;
 - ii. 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;
 - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;
 - iv. Article 15: 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;
 - v. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

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- vi. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary;
 - vii. 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;
 - viii. 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.** The Assembly of First Nations (AFN) is an organization established to advocate and support its First Nation members' interests.
- C.** The AFN seeks to be a proactive, progressive and responsive organization that upholds its First Nation members' values and interests at all levels of leadership and within and throughout every branch of the organization and administration.
- D.** AFN members look to the AFN to set minimum standards for organizational conduct and accountability.
- E.** The AFN can and should be a role model in best practices for ethical conduct and accountability on ending sexual orientation and gender-based discrimination in the organization.
- F.** First Nations Women, Elders, Youth and the 2SLGBTQQIA represent vulnerable sectors within society.
- G.** AFN leadership has a responsibility to ensure that the governance of the organization does no harm, and that the AFN organization and administration:
- i. supports the most vulnerable members within our societies;
 - ii. takes action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the AFN organization or administration; and
 - iii. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment and violence and achieve gender equity.
- H.** Discrimination happens when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression.
- I.** AFN activities requires participation by different groups of individuals, both internal and external to the AFN, as follows:

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- i. Political - elected officials: the National Chief, Regional Chiefs, the Knowledge Keepers Council, Women's Council and Youth Council;
 - ii. Secretariat AFN employees;
 - iii. Chiefs' Committees (elected First Nation leadership); and
 - iv. First Nations-In-Assembly: First Nation leaders, technicians, advisors, guests.
- J.** At the AFN Special Chiefs' Assembly on May 23, 2007, the Chiefs-in-Assembly passed Resolution 02/2007 endorsing the AFN Women's Council Gender Balanced Analysis Framework to be used as a policy teaching tool to restore traditional egalitarian partnerships and relationships among men and women.
- K.** In October 2014, the AFN Executive Committee received the AFN Women Council's Strategy titled "Promoting Empowerment, Equity and Leadership" which endorsed a Gender-Based Analysis of the AFN leadership and committees, overall organization and administration with the intent to provide recommendations to Chiefs-in-Assembly at the AFN Annual Assembly (2021).

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

1. Order an independent, fair, and impartial investigative review of the Assembly of First Nations (AFN) ("investigative review") to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "*The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination*".
2. Establish that the objective of the investigative review is to examine specific incidents to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN.
3. Order an independent three-member panel of external experts to oversee the Investigative Review with:
 - i. an independent appointee chosen by the Women's Council;
 - ii. an independent appointee chosen by the Knowledge Keepers Council; and,
 - iii. an independent appointee chosen by the Youth Council.
4. Direct the Women's Council, the Knowledge Keepers Council and the Youth Council to meet within 30 days of the passing of this resolution to appoint the independent three-member panel of external experts.
5. Direct the AFN to ensure the independent investigative review is financially resourced and supported by, and given unfettered access to the AFN Executive Committee and AFN administration to carry out the review's objective.

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6. Direct that this investigative review includes, at a minimum:
- i. codes of conduct for all aspects of the AFN organization;
 - ii. investigators with experience and knowledge of First Nations organizations and expertise in conducting complex investigations;
 - iii. provide an outline regarding processes for those involved with the AFN to report allegations and how these incidents are addressed;
 - iv. a staged review beginning with specific allegations and then moving to a broader look at of systemic sexual orientation and gender-based discrimination in the organization and a plan moving forward to address these matters;
 - v. conforms to employment law legislation in effect;
 - vi. provide various means for current or past First Nations leaders, AFN members, and others to confidentially share experiences of sexual orientation and gender-based discrimination in the AFN; and,
 - vii. presentation of the findings of this review and investigation in a report with recommendations to the Chiefs-in-Assembly that includes:
 - a. reviewing and recommending changes to the codes of conduct, policies, bylaws and practices with the aim of eliminating sexual orientation and gender-based discrimination in the AFN, improving gender parity on all committees, and improving the ethics, conduct, and accountability systems in the AFN;
 - b. recommendations regarding the advisability of an independent ethics officer in the AFN to receive, review, and address complaints, including what new roles and resources are needed to support this office;
 - c. recommendations for a fair, ethical and independent system to address complaints and violations;
 - d. recommendations for fair ethical and independent appeal and dispute resolution processes;
 - e. recommendations for annual reporting to Chiefs-in-Assembly on ethics complaints and violations;
 - f. recommendations for amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the organization;

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- g.** recommendations for mandatory training to be attended by the AFN Executive Council, senior management and staff at the AFN; and,
 - h.** any additional recommendations needed to address sexual orientation and gender-based discrimination within the AFN.
- 7.** Direct the three-member panel to report to the Chiefs-in-Assembly within six months, with an interim report followed by a final report within nine months of this resolution's passing.
- 8.** Call for the AFN to renew itself as a role model organization to end sexual orientation and gender-based discrimination including harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny within the organization.
- 9.** Call for the AFN to include harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation and gender-based discrimination.

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TITLE: Issues with ability to register lands under 53/60

SUBJECT: Land Registry

MOVED BY: Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Chief Cliff Arnouse, Adams Lake Indian Band, BC

DECISION: Carried; 7 abstentions

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 they freely determine their political status and freely pursue their economic, social, and cultural development.
- ii. 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.
- iii. 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.
- iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Nations have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them, as far as possible, to administer such programs through their own institutions.

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- v. 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.
 - vi. 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.
 - vii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B.** Tk'emlúps te Secwépemc (TteS) has section 53/60 Delegated Land Management Authority under the *First Nations Land Management Act (FNMLA)*. Section 53 of the Indian Act authorizes the Minister to delegate his/her authority to administer reserve lands to First Nations. Section 60 allows Cabinet to authorize First Nations to administer their lands. The FNMLA is a sectoral self-government initiative that allows First Nations to sign a Framework Agreement with Canada delegating section 53/60 Delegated Land Management Authority.
- C.** In 2008, the federal department now known as Indigenous Services Canada (ISC), selected TteS for a pilot project for E-submission of documents into the Indian Land Registry System (ILRS) to assist with expediting the registration of documents. This process was successful with registration taking from 24 hours to a maximum 72 hours.
- D.** In 2012 ISC branched out into provinces. The Vancouver, BC regional federal office was delegated authority to process and register all 53/60 documents, including TteS documents. With this change, TteS's ability to register documents increased from 24 to 72-hour registration, to months.
- E.** It takes far too long for ISC to register documents submitted by First Nations, including TteS. For most other governments, such as the City of Kamloops, the process for registration is no more than one (1) day. By comparison, TteS submitted a Band member to Band member transfer January 9, 2019. ISC received the document on February 13, 2019. To date, the document has not been registered. These types of delays make it nearly impossible to run our land management efficiently and professionally.
- F.** Some law offices refuse to deal with TteS because of the registration timeline. TteS has been threatened with legal action over the registration of documents, which is a result of ISC delays.
- G.** A cyber-attack on ISC in September 2020 completely halted the registration of documents. TteS was not able access or e-submit any documents.
- H.** TteS contacted both the BC regional federal office and ISC requesting information or how to proceed with our continuing day to day transactions. ISC provided TteS with direction on how to proceed with registration transactions.

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

1. Call on the Assembly of First Nations (AFN) to advocate to Indigenous Services Canada to ensure that:
 - a. Appropriate communication is occurring between 53/60 Delegation of Authority Land Management on Reserve communities on issues associated with Land Registry.
 - b. The land registration timeline is back to 24 to 72 hours to ensure that 53/60 communities can efficiently and effectively address their document registration (mortgages, discharges) in an appropriate time frame.

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TITLE: Support of the Algonquin Nation's Moose Moratorium

SUBJECT: Treaties, Claims

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

SECONDED BY: Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg First Nation, QC

DECISION: Carried; 1 abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 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.
- B. The Algonquin Nation and the communities within, actively practice traditional and cultural activities related to subsistence hunting on their territory. The main source of this subsistence hunting is moose, an animal considered sacred by the Algonquin people.

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- C. The right to harvest moose is protected by the Canadian Constitution, in particular Section 35.
- D. Algonquin hunters have observed in recent years a drastic drop in the number of moose in La Vérendrye Wildlife Reserve and the surrounding areas and have informed provincial authorities on several occasions of the challenges facing local moose populations.
- E. An inventory of moose carried out by the Government of Quebec in January 2020 confirmed the fears and observations of the Algonquin Nation, demonstrating that the moose have decreased by a third in this sector.
- F. The Government of Quebec has continued to issue sports hunting licenses for moose in 2020, despite the warnings of the Algonquin communities and its own studies, and plans to continue issuing additional permits for 2021.
- G. The Algonquin Nation was not consulted on this matter in accordance with the Crown's duty to consult, as per Supreme Court decisions (*Haida Nation, Taku River, and Mikisew*). These decisions by Quebec have immediate effects on the way of life of the Algonquin people and endanger the resources of their territory.
- H. The Algonquin Nation fears that this vitally important species will disappear from their territory as a result of misinformed decisions by the Government of Quebec, as it was the case recently for the woodland caribou in the same sector.
- I. The Algonquin Nation has requested the establishment of a moratorium on sport hunting for a period of five years in order to allow for the regeneration of moose in this area.
- J. Quebec rejected this request and plans to issue sport hunting permits in the territory in 2021.

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

1. Support the Algonquin Nation's proposal to declare a Moratorium on sport hunting for a period of five years in their territory.
2. Direct the Assembly of First Nations (AFN) to call on Canada and the province of Quebec to respect this Moratorium and ensure that the Algonquin Nation is fully involved in its management moving forward.
3. Denounce the Government of Quebec's disrespect of the rights of Indigenous Peoples, in particular those of the Algonquin Nation, through decision-making processes that directly threaten their traditional practices and right to hunt/harvest guaranteed by the Constitution.
4. Direct the AFN to call on the Government of Quebec and those responsible management organizations, to address their lack of meaningful consultation with the Algonquin Nation before adopting measures that affect the way of life of the Algonquins and call for immediate action to address the absence of accommodation in full consultation with the Algonquin Nation.

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TITLE:	Support for Survival of Fraser River, Thompson River and Pacific Coastal First Nations' Culture, Way-of-Life, and Food Security: Removal of Open-Net Fish Farms Off the Pacific Coast
SUBJECT:	Fisheries
MOVED BY:	Chief Courteney Adolph-Jones, T'it'q'et, BC
SECONDED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
DECISION:	Carried; 1 abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2) (b): States shall provide effective mechanisms for prevention of, and redress for: Any action which has the aim or effect of dispossessing them of their lands, territories or resources.
 - iii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - iv. Article 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.

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- v. 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.
 - vi. 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. Since time immemorial, wild Pacific salmon has been and still is one of the most important food staples for First Nations along the Fraser River, Thompson River, as well as for Pacific Coastal First Nations.
 - C. Since time immemorial, each First Nation who depended on wild Pacific salmon managed their fisheries according to their traditional laws, values and principles, ensuring sustainability of the fishery for their current and future generations.
 - D. Wild Pacific salmon is deeply embedded in the identity, culture, society, spirituality and way of life of First Nations along the Fraser River, Thompson River, and Pacific coast, which are embodied by our Indigenous languages, songs, legends, stories, traditional ecological knowledge, traditional phenological knowledge, traditional teachings for preparation and preservations and the intrinsic connection between the people, land and resources.
 - E. After decades of precipitous decline of Fraser River sockeye salmon, a collapse of the fish population in 2009 prompted a federal inquiry, the Cohen Commission, to investigate the decline of the Fraser River sockeye salmon and provide recommendations.
 - F. The Cohen Commission concluded after three years at a cost of \$26 million and provided 75 recommendations to the Government of Canada to improve the sustainability of the Fraser River sockeye. This included Recommendation #18 and #19, stating that open-net pen fish farms must cease to exist in Discovery Island by September 30, 2020 if they cause greater than minimal risk to migrating Fraser River sockeye salmon.
 - G. On September 28, 2020, the Department of Fisheries and Oceans Canada (DFO) held a press conference to release a summary of nine risk assessments, determining that the fish farms posed minimal risk to migrating Fraser River sockeye, despite substantial scientific evidence to the contrary. DFO concluded that they will not close the fish farms in the Discovery Islands as a result.
 - H. Federal scientist Dr. Kristi Miller-Saunders, who has worked for DFO for more than 25 years, criticized the scientific inadequacy and bias of the risk assessments, which were conducted in collaboration with the fish farming industry, and accused DFO of downplaying the threat of open-net fish farms to wild Pacific salmon. She warned about the Department's reliance on industry-funded research that too often worked in the interest of

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British Columbia's fish farming industry - collusion that allows for massive epidemic of sea lice that is linked to the decline of wild Pacific salmon.

- I. This concern was initially flagged by the Cohen Commission through Recommendation #3, that the Government of Canada remove DFO's mandate of promoting salmon farming as an industry, which is largely foreign-owned, as it is in direct conflict with its other mandate to protect wild Pacific salmon.
- J. With the collapse of the Fraser River sockeye, a significant part of the cultures of First Nations along the Fraser River, Thompson River, and Pacific Coast in turn will also collapse, including an important food staple and entire ecosystems that depend on wild Pacific salmon.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for the implementation of Recommendation #3 of the Cohen Commission that states "The Government of Canada should remove from the Department of Fisheries and Oceans' mandate the promotion of salmon farming as an industry and farmed salmon as a product" so as to remove the conflict of interest of the Department of Fisheries and Oceans' mandate – promoting fish farms while protecting wild Pacific salmon.
- 2. Direct the AFN to work with the Fraser River, Thompson River, and Pacific Coastal First Nations to engage with the Ministry of Fisheries and Oceans to immediately begin process of removing open-net fish farms in the Discovery Island, as recommended by #18 and #19 of the Cohen Commission.

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TITLE: Support for First Nations Climate Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation

SUBJECT: Environment, Food security, Climate Action, Stewardship, Conservation

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

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

DECISION: Carried; 1 abstention

WHEREAS:

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

- i. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- 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 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.
- iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- 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.
- C.** The Assembly of First Nations (AFN) Chiefs-in-Assembly declared a First Nations Climate Emergency (Resolution 05/2019), recognizing “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.”
- D.** In March 2020, the AFN held its first National Climate Gathering (the Gathering), in Whitehorse, Yukon, on the traditional territory of the Ta'an Kwächän and the Kwanlin Dün. It offered unique First Nations-perspectives on climate impacts, risks and opportunities at local, regional, national, and international levels.
- E.** The Gathering demonstrated the interconnectivity across a broad spectrum of environmental issues and linkages between sectors, shining light on the multi-dimensional, interconnected and interrelated nature of the climate crisis and the necessary associated actions. This included the connection between conservation, biodiversity, species at risk, health and well-being, language and culture, water, food sovereignty, clean energy, education, economy, and infrastructure.
- F.** As part of the Gathering, the Prairie Climate Center (PCC) worked with the AFN Environment Sector to develop high impact overview videos of the Gathering. These videos provide a window into the important dialogues taking place at the Gathering, while specifically introducing the “First Nation Climate Lens” as an emerging and critical concept in climate discourse and the development of a Climate Atlas of Canada. The Climate Atlas (www.climateatlas.ca) is one of Canada's leading climate information websites – as a tool used for applied planning and education across the country.
- G.** The Government of Canada, through its most recent ministerial mandate letters and the speech from the throne, has expressed a commitment to work with First Nations to, among other things:
- i.** bring forward a plan to exceed Canada's 2030 climate goal and legislate the goal of net-zero emissions by 2050;
 - ii.** work to conserve 25% of Canada's land and oceans by 2025 and 30% by 2030;
 - iii.** protect biodiversity and species at risk by evaluating and enhancing the Species at Risk Act (SARA);
 - iv.** better protect people and the environment by strengthening the Canadian Environmental Protection Act (CEPA) and;
 - v.** address food insecurity through the introduction of a new food policy in Canada.

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- H. First Nations are rightful leaders in environmental and climate action and whose leadership is necessary at all levels - local, regional, national and international - to achieve positive outcomes for Mother Earth, human and non-human beings alike, and future generations.

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

1. Direct the Assembly of First Nations (AFN) to continue to engage with the appropriate ministers, such as the Minister of Agriculture and Agri-Food, the Minister of Environment and Climate Change and the Minister of Indigenous Services, to work in full partnership with First Nations to address food insecurity, advance food sovereignty, and support First Nations' full participation in all related dialogues, including efforts to identify solutions and operationalize the findings of the First Nations Food, Nutrition, and Environment Study (FNFNES).
2. Direct the AFN to urge all ministers involved in climate change, environmental protection, stewardship, conservation and food sovereignty to recognize the multi-dimensional, interconnected and interrelated nature of these critical issues and work in partnership with First Nations to develop comprehensive approaches to address each issue.
3. Direct the AFN to work with the Minister of Environment and Climate Change Canada to support First Nations-led conservation efforts and to ensure the full and effective participation of First Nations in achieving Canada's ambitious conservation agenda, including the identification of dedicated resources to enhance capacity and leadership in the establishment, governance and management of Indigenous Protected and Conserved Areas (IPCAs), First Nations Guardians programs, and species at risk protection, conservation, management and recovery.
4. Direct the AFN to call on the Prime Minister of Canada and the Minister of Environment and Climate Change Canada to work publicly to protect the sacred calving grounds of the Porcupine Caribou Herd by prohibiting oil and gas exploration and development within the Arctic National Wildlife Refuge (ANWR), in Alaska and immediately address the crisis facing caribou populations across Canada in full consultation and partnership with First Nations.
5. Direct the AFN, with the leadership of the Advisory Committee on Climate Action and the Environment ('ACE'), to continue to work with the Prairie Climate Centre to expand the climate change research and communication efforts from the National Climate Gathering, including exploring appropriate opportunities for First Nations perspectives, concerns and knowledge systems to inform the on-going development of the Climate Atlas of Canada.

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TITLE: Support for First Nations Clean Drinking Water Class Actions

SUBJECT: Water, Treaty Rights

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

SECONDED BY: Chief Emily Whetung, Curve Lake First Nation, ON

DECISION: Carried; 1 objection

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.
- B. The Final Report of the National Inquiry of the Missing and Murdered Indigenous Women and Girls identifies First Nations water and housing crises as sources of violence against First Nations women and girls, responding with Call for Justice 4.1 that states:
- 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.
- C. The Assembly of First Nations (AFN) Resolution 53/2019, *Human Right to Drinking Water*, recognizes and affirms the human right to clean drinking water, earlier affirmed as a human right by the United Nations General Assembly on July 28, 2010.

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- D. First Nations and all Canadians have the basic human right to clean drinking water. Provincial governments have labeled this a priority for all municipalities since the Walkerton Crisis of 2000. The federal government has failed to do the same for First Nations, many of which continue to face inadequate access to safe and clean water across the country.
- E. The Prime Minister has made the elimination of all First Nation Long-Term Drinking Water Advisories by March 2021 a priority of his government. Recently, the Government acknowledged they would not meet this deadline, as there still remain over 60 long-term water advisories to be eliminated.
- F. On October 20, 2020, Neskantaga First Nation declared a state of emergency over drinking water containing evidence of hydrocarbons, resulting in the evacuation of community members to Thunder Bay. Neskantaga First Nation has been under a boil water advisory since 1995 and was evacuated in September 2019 due to similar water concerns.
- G. Curve Lake First Nation, Neskantaga First Nation, and Tataskweyak Cree Nation have commenced class actions against Canada in the Federal Court and the Manitoba Court of Queen's Bench. These actions seek immediate help for First Nations across Canada to address deficiencies in water infrastructure and obtain compensation for suffered harms.
- H. The Federal Court and the Manitoba Court of Queen's Bench have certified both class actions and are proceeding jointly to determination on the merits.
- I. The class actions allege that Canada has been negligent in its actions, breached its fiduciary duties, the honour of the Crown, and various rights under the Charter of Rights and Freedoms.
- J. The class actions include First Nations that were subject to a drinking water advisory lasting at minimum one year from November 20, 1995 to present. These First Nations must choose to join the class actions by opting into proceedings.
- K. The class actions also include individual members of any First Nation who were impacted by a drinking water advisory lasting at minimum one year from November 20, 1995 to present.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to immediately work in full partnership with First Nations in order to advance the meaningful implementation of Indigenous social and economic water rights across Canada.
2. Direct the AFN to encourage First Nations in their autonomy to enter into class action lawsuits should they believe it will benefit their First Nation.

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3. Direct the AFN to ensure its support does not derogate or negatively impact other ongoing negotiations between First Nations and Canada.
4. Direct the AFN to continue to urge the federal government to reaffirm its commitment to eliminate drinking water advisories across First Nations.

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TITLE: Supporting First Nations with connecting to the Internet

SUBJECT: Infrastructure, Economic Development, Education, Health

MOVED BY: Chief James Hobart, Spuzzum Nation, BC

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

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 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 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 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.
 - vii.** 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.
 - 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 affecting them and, as far as possible, to administer such programmes through their own institutions.
 - ix.** Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** 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 UN Declaration.
 - 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.** First Nations face a national connectivity gap, experience slower, and less reliable internet access and have identified challenges accessing affordable, high-speed internet as the number one issue impeding their education and economic growth.
 - G.** The United Nations 2030 Agenda for Sustainable Development's Goals (SDGs) are a set of 17 Global Goals measured by progress against 169 targets covering social issues like poverty, hunger, health, education, climate change, gender equality, and social justice. The SDGs core objective is to "Leave no one behind" as articulated in Goal 1: End poverty in all its forms everywhere.

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- H. There are internet solutions available, such as Advintive (Advanced Interactive Canada Inc.), that deliver full service to those who would have limited or no access to reliable digital communication services in rural and digitally emerging communities.
- I. Budget 2019 committed to connect all Canadians to reliable high-speed internet through programs such as the Connect to Innovate (CTI) and the Universal Broadband Fund (UBF) including 190 Indigenous communities.
- J. High-speed internet is required to support First Nations participation in the digital economy, e-learning, employment opportunities, e-health services, and e-governance as well as access to essential services.

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

1. Direct the Assembly of First Nations (AFN) to call on Indigenous Services Canada to support high-speed internet solutions for First Nations using technologies such as Advintive (Advanced Interactive Canada Inc.) and First Nations-led and identified solutions.
2. Direct the AFN to call on the Government of Canada for First Nations specific funding and criteria as part of the Universal Broadband Fund program, and for investments into connectivity initiatives and training that will increase First Nations Information Communications Technology (ICT) capacities.
3. Direct the AFN to call on Indigenous Services Canada and Innovation, Science and Economic Development to support and work with First Nations to establish service-provider capacities, data and market information, spectrum access, a network of professionals and policy to enable affordable access to the internet.

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TITLE: Extension of Interim First Nations Early Learning and Child Care Regional Funding Allocation Approach

SUBJECT: Early Learning and Child Care (Health, Social, Education)

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

SECONDED BY: Chief Rebecca Knockwood, Fort Folly First Nation, NB

DECISION: Carried; 1 objection

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 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 and partnerships and governance, to be divided nationally according to First Nations' direction.

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- C. The National Expert Working Group (NEWG) on First Nations ELCC was mandated by the First Nations-in-Assembly by Assembly of First Nations (AFN) Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care (ELCC)*, to oversee the national engagement process that informed the Indigenous ELCC Framework and to lead the work on First Nations ELCC at the national level.
- D. In 2018, the NEWG made a recommendation to the First Nations-in-Assembly on an interim funding allocation approach which was endorsed by AFN Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, and extended by AFN Resolution 64/2019, *Extension of Interim Funding Model for First Nations Early Learning and Child Care*. Both resolutions mandated a sub-working group of the NEWG to examine options for a new funding model.
- E. The recommended approach was a per capita funding approach based on the Modified Berger Formula, using the Indian Registration System population counts of First Nations children aged 0-6 on and off reserve, weighted for remoteness and community size.
- F. Despite direction given in the previous resolutions, Canada has not provided funding to support the work of developing a new First Nations-determined funding model or the broader work of national-level coordination for First Nations ELCC.
- G. Due to challenges caused by the COVID-19 pandemic preventing leadership from gathering to discuss the First Nations ELCC funding model and a lack of funding to support this work, the NEWG and its sub-working group have recommended that the existing formula be extended for one fiscal year to allow for further discussion on a revised funding model.

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

- 1. Support the extension of the interim funding model from Assembly of First Nations (AFN) Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, until March 31, 2022, as recommended by the National Expert Working Group (NEWG) on First Nations Early Learning and Child Care (ELCC) and its sub-working group, to allow adequate time for the NEWG and its sub-working group to have discussions on and develop a new funding formula.
- 2. Direct the AFN to immediately notify the Minister of Families, Children and Social Development of this resolution.
- 3. Direct the AFN to call upon the Minister of Families, Children and Social Development to immediately and properly fund the AFN, the NEWG, and its sub-working group to undertake national-level coordination for First Nations ELCC.

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4. Mandate the NEWG and its sub-working group to report back to the First Nations-in-Assembly by December 2021 with a revised funding model.

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TITLE:	First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models
SUBJECT:	Post-Secondary Education
MOVED BY:	Tyrone McNeil, proxy, Kwaw Kwaw Apilt First Nation, BC
SECONDED BY:	Chief Leroy Denny, Eskasoni, NS
DECISION:	Carried; 1 objection

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.

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- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
 - vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing and other economic and social programmes through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
 - C. Strong, effective and inclusive First Nations-led local, regional and Treaty-based post-secondary education (PSE) models provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the UN Declaration.
 - D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education.
 - E. Assembly of First Nations (AFN) Resolution 14/2017, *Post-Secondary Education Federal Review*, mandated the Chiefs Committee on Education (CCOE), National Indian Education Council (NIEC), regionally representative PSE technicians and First Nations established institutions to produce the *First Nations Post-Secondary Education Review 2018 Interim Report*.
 - F. First Nations-in-Assembly supported AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, which accepted the *First Nations Post-Secondary Education Review 2018 Interim Report* and provided direction for co-development of a policy proposal.
 - G. In response to the direction given in AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, the AFN, CCOE and NIEC worked in partnership with Indigenous Services Canada (ISC) to develop the *First Nations Post-Secondary Education Policy Proposal*.
 - H. First Nations-in-Assembly passed AFN Resolution 48/2018, *First Nations Post-Secondary Education Policy Proposal*, which supported the development of First Nations-led local, regional and Treaty-based PSE models and the right to self-determination approaches.
 - I. On June 18, 2019, the *First Nations Post-Secondary Education Policy Proposal* was approved by the Cabinet of Canada.

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- J. Budget 2019 provided \$7.5 million over three years to support First Nations in exploratory discussions, engagement, partnership tables and First Nations-led local, regional and Treaty-based PSE model design with their citizens.
- K. First Nations are in year two of three on developing First Nations-led local, regional and Treaty-based PSE models that are reflective and are responsive to First Nations' priorities.
- L. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by ISC or other federal departments or agencies.
- M. ISC must maintain a collaborative and strategic relationship with the AFN, the CCOE and the NIEC in designing and implementing policy and program reforms with the intent that all First Nations students receive a holistic, culturally-responsive and high-quality education.

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

1. Reaffirm First Nations inherent and Treaty right to post-secondary education (PSE).
2. Reaffirm that jurisdiction over First Nations PSE remains with each First Nation.
3. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to work in partnership with Indigenous Services Canada to co-develop a policy proposal which will supplement a Memorandum to Cabinet (MC) to obtain authority for First Nations to negotiate and conclude First Nations-led, local, regional and Treaty-based PSE models. The policy proposal, MC and subsequent Treasury Board of Canada submission may include and identify:
 - a. the policy authority for First Nations-led local, regional and Treaty-based PSE models to be implemented, negotiated and concluded with an open, transparent and accountable process between First Nations and the Government of Canada;
 - b. the funding required to implement First Nations-led local, regional and Treaty-based PSE models; and,
 - c. reaffirmation for First Nations control of First Nations education.
4. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to ensure co-development will align with the *First Nations Post-Secondary Education Policy Proposal* which recognizes student supports; First Nations PSE community support services; First Nations established institutes; community-based programming; and governance and leadership capacity in local, regional and Treaty-based PSE models.

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5. Affirm that this co-development and process concerning First Nations PSE is not intended to detract or hinder First Nations from advancing their current and future PSE processes.

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TITLE: Infrastructure Stimulus Funding for First Nations

SUBJECT: Infrastructure

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

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

DECISION: Carried; 1 objection

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 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. In September 2020, the federal government announced \$10 billion in infrastructure initiatives to advance economic recovery during the COVID-19 pandemic, which must include all First Nations.

C. The Assembly of First Nations (AFN) continues to support First Nations in advancing their asset management goals through capacity development in Asset Management Planning (AMP).

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- D.** The AFN works with Indigenous Services Canada (ISC) and the Canadian Network of Asset Managers (CNAM) and collaborates with the Federation of Canadian Municipalities (FCM) to facilitate technical support in First Nation Asset Management Planning.
- E.** The federal government's infrastructure stimulus funding is currently released through the Canada Infrastructure Bank (CIB).
- F.** The Assembly of First Nations (AFN) supports full First Nation participation in the co-development of a new Operations & Maintenance Policy and a new Indigenous Infrastructure Bank with Indigenous Services Canada's (ISC) Community Infrastructure Branch.
- G.** The AFN supports the closure of the infrastructure gap on First Nations by 2030.
- H.** The AFN supports First Nation requests to replace current bi-lateral funding agreements with a direct funding institution. The federal government's infrastructure stimulus funding is currently released through the Canada Infrastructure Bank (CIB).

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

- 1.** Direct the Assembly of First Nations (AFN) to urge the federal government to actively partner with First Nations in order to share in decision-making processes and the financial information relevant to closing the First Nations infrastructure gap.
- 2.** Direct the AFN to support the closure of the infrastructure gap between First Nations and the rest of Canada.
- 3.** Direct the AFN to support First Nation requests to replace current bi-lateral funding agreements with a direct funding institution.
- 4.** Direct the AFN to urge the federal government to make long-term funding commitments to First Nations community infrastructure, including but not limited to: housing, water, wastewater, operations and maintenance, education, health facilities, and emergency services.
- 5.** Direct the AFN to urge the federal government to co-develop with First Nations, the Chiefs' Committee on Housing and Infrastructure, and the AFN a new institution known as the Indigenous Infrastructure Bank that delivers the federal government's infrastructure stimulus funding directly to First Nations in a Nation-to-Nation relationship.

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TITLE:	AFN Knowledge Keepers Council
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Dean Sayers, Batchewana First Nation, ON
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION:	Carried; 1 objection; 2 abstentions

WHEREAS:

- A. The Knowledge Keepers Terms of Reference was adopted by the Assembly of First Nations (AFN) Elders Council on September 13, 2019 and was accepted by the AFN Executive Committee on September 25, 2019.
- B. The Chiefs' Committee on Charter Renewal has reviewed the Knowledge Keepers Council Terms of Reference and proposes amendments to the Charter of the AFN that will reflect the intentions of the Knowledge Keepers Council.
- C. The Chiefs' Committee on Charter Renewal recommends that amendments in the Charter be made to Article 5, *Organs*; Article 17, *The Executive Committee Composition*; Article 23, *Council of Elders Composition*; and Article 24, *Role and Function*.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended at Article 5, *Organs*, to delete "The Council of Elders" and replace it with "Knowledge Keepers Council."
- 2. Direct that the AFN Charter be amended at Article 17, *The Executive Committee Composition*, to delete "Chairman of the Council of Elders" and replace it with "Chairperson of the Knowledge Keepers Council."

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3. Direct that the AFN Charter be amended at Article 23, *Council of Elders Composition*, to delete reference to the Council of Elders and replace it with the following:

“Knowledge Keepers Council Composition:

1. The Council shall consist of three Knowledge Keepers, inclusive of male, female, and 2SLGBTQQIA peoples, from each of AFN’s affiliated regions across Canada. Each Region shall appoint and can remove a Knowledge Keeper to serve on the Council in accordance with the process and procedures governing that Region.
2. Two Resident Knowledge Keepers, who represent the genders/sexes equally, inclusive of 2SLGBTQQIA people, shall be appointed to and can be removed from the Council by the National Chief, on advice from the AFN Executive Committee.
3. Knowledge Keepers shall elect a Chairperson and an alternate Chairperson to preside over Council meetings.”

4. Direct that the AFN Charter be amended at Article 24, *Role and Function*, to delete reference to the Council of Elders and replace it with the following:

a. “Role and Function:

- i. The role of the Knowledge Keepers Council is to provide assistance, guidance and support to the National Chief, Executive Committee and First Nations-in-Assembly.
- ii. The Knowledge Keepers Council will meet bi-annually in conjunction with the AFN Annual General Assembly and Special Assembly. The Council Chairperson may call additional Council meetings where, in the view of the Chairperson, such meetings are necessary.
- iii. The Knowledge Keepers Council may provide oral and/or written reports to the First Nations-in-Assembly, Executive Committee and National Chief on issues that the Council deems of national or international concern.
- iv. The Chairperson or the alternate shall participate in Executive Committee meetings in an advisory capacity.
- v. The role of the Resident Knowledge Keepers is to provide assistance, guidance and support to the National Chief and the Executive Committee.”

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TITLE:	AFN First Nations Veterans Council
SUBJECT:	AFN Charter Renewal
MOVED BY:	Chief Leah George-Wilson, Tsleil-Waututh Nation, BC
SECONDED BY:	Chief Karen Batson, Pine Creek First Nation, MB
DECISION	Carried; 1 objection; 2 abstentions

WHEREAS:

- A. The Assembly of First Nations (AFN) Charter is being reviewed for the purposes of updating and amending it so that it continues to be a relevant and current guiding document for the First Nations-in-Assembly.
- B. There is no organ currently within the Charter that recognizes First Nation veterans.
- C. First Nations veterans played an important role in the establishment of the National Indian Brotherhood.

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

- 1. Direct that the Assembly of First Nations (AFN) Charter be amended to include a new organ - a First Nations Veterans Council.
- 2. Direct that the First Nations Veteran's Council shall be composed of veterans, representative of all First Nations veterans within Canada and the United States of America, as well as First Nations within the Royal Canadian Mounted Police (RCMP), the Canadian Department of National Defense, First Nation Peacekeeper societies, First Nations police forces and First Nations who have served in other law enforcement agencies.
- 3. Direct that the role and function of the First Nations Veterans Council shall be to promote the recognition of contributions of First Nation veterans in Canada made in all conflicts as allies to Canada, to educate First Nations about the history of First Nation veterans, develop and maintain a database recognizing First Nation veterans and to engage with Veterans Affairs Canada in efforts to advance reconciliation and healing.

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4. Ensure the First Nations Veterans Council is inclusive of male, female, and 2SLGBTQQIA peoples.

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TITLE: Addressing Priority Concerns and Needs of First Nations Around COVID-19

SUBJECT: Health

MOVED BY: Chief Andrea Paul, Pictou Landing First Nation, NS

SECONDED BY: Chief Karen Batson, Pine Creek First Nation, MB

DECISION: Carried; 1 abstention

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 restraining, 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 social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities; and,
- iv. 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.

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- B.** The COVID-19 pandemic has exacerbated pre-existing systemic barriers to Indigenous wellbeing, while continuing to create new challenges to the rights and safety of First Nations in Canada.
- C.** The Assembly of First Nations (AFN) COVID-19 National Task Force (C-19 Task Force) was established by the AFN Executive Committee to ensure that First Nations' unique needs were addressed during the pandemic through engaging in dialogue with experts, leadership and First Nations to develop advocacy tools and to provide recommended actions.
- D.** Rural and remote First Nations face additional barriers due to isolation, limitations on modes of transportation, challenges with access to food and supplies, digital connectivity and their capacity to respond to an outbreak.
- E.** Indigenous Peoples are facing increased human rights challenges that have been exacerbated by the pandemic, including increased rates of domestic and gender-based violence and reduced or halted support from in-person resources such as shelters and safe-injection sites. Mental health and addictions/substance use issues have risen since the start of the pandemic. Beyond that, the unintended consequences of lockdowns and community security, as well as public health measures and isolation protocols, have yet to be fully understood.
- F.** First Nations, particularly those that are remote, are challenged to obtain Personal Protective Equipment (PPE), adequate COVID-19 case information, widespread rapid-testing kits, culturally safe contact tracing, and proper screening methods to prevent travelers from compromising the health of their Elders and community members.
- G.** First Nations residing in urban areas and away from their First Nations must be supported throughout the pandemic and post-pandemic stages. Support must be extended to address the systemic issues faced by First Nations who must be not left behind simply through the act of leaving their nations as they face their own challenges accessing appropriate services and care. First Nations make up a disproportionate amount of Canada's homeless populations.
- H.** While First Nations have requested government action and progress on their priority needs and concerns, including requests for improved government communications, data access, funding increases, respect for Aboriginal Title and Rights, addressing racial discrimination, and administrative and/or service support, they have received inconsistent and uneven aid, resources, and funding from Canada.

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

- 1.** Direct the Assembly of First Nations (AFN) to urge the Government of Canada to rectify any inequities in their efforts to aid and support First Nations during the pandemic and to address the social injustice, economic insecurity and priority issues continuing to confront and challenge First Nations, including, but not limited to:

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funding to support safe and high-quality education; mental wellness and addictions services and supports; gender-based violence supports; shelters; healthcare resources and infrastructure.

2. Direct the AFN to urge the Government of Canada to create effective mechanisms to hear from and respond to First Nation communities and organizations about their recommendations and most pressing concerns and ensure their involvement in pandemic related decisions, including future vaccine prioritization.
3. Direct the AFN call upon Canada and the provinces and territories to respect the jurisdiction and autonomy of First Nations in their responses to the pandemic and to take immediate action to implement effective mechanisms for information sharing and data dissemination that will ensure Nations are informed of the number COVID-19 cases in their proximate communities and can respond appropriately and effectively.
4. Direct the AFN to support building First Nations' capacities to serve their citizens, regardless of residency, by working with like-minded organizations, including urban Indigenous organizations that have a mandate from First Nations to provide services, to continue advancing the needs and requests of First Nations to the Government of Canada and calling for informed and organized support, funding, and resources.
5. Direct Indigenous Services Canada (ISC) and other federal departments to ensure that First Nations residing in urban areas and away from their First Nations are provided supports during the COVID-19 pandemic and beyond and to build capacity for First Nations to meet the needs of all their citizens, including persons with disabilities.
6. Direct the AFN COVID-19 National Task Force to provide on-going support to the AFN Executive Committee for the duration of the pandemic to support the mitigation of impacts of COVID-19 on First Nations.
7. Ensure that all federal and provincial responses respect First Nations inherent and Treaty rights, such as the 'famine and pestilence' and 'medicine chest' clauses included in many of the Numbered Treaties.

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TITLE: Call for a Moratorium of the research study titled: *The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*

SUBJECT: Health

MOVED BY: Chief Sheldon Kent, Black River First Nation, MB

SECONDED BY: Chief Wilbert Marshall, Potlotek First Nation, NS

DECISION: Carried; 4 abstentions

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.

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- iii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
- i. Call to Action (19): We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends.
- C.** As Indigenous Peoples of Turtle Island we have our own sciences, research and laws that are passed down since time immemorial. Our laws are guided and aligned with the lunar cycles and ancestral star knowledge, which signal us when to plant, hunt, fish, and how to relate to one another. These laws and ways of knowing allow us to sustain ourselves.
- D.** In the Tri-Council Policy Statement *Ethical Conduct for Research Involving Humans*, First Nations OCAP® is defined. Within this policy, Chapter 9's preamble states,
- i. "This chapter is designed to serve as a framework for the ethical conduct of research involving Indigenous peoples. It is offered in the spirit of respect. It is not intended to override or replace ethical guidance offered by Indigenous peoples themselves. Its purpose is to ensure, to the extent possible, that research involving Indigenous peoples is premised on respectful relationships. It also encourages collaboration and engagement between researchers and participants."
- E.** Since 1998, the Assembly of Manitoba Chiefs (AMC) Chiefs-in-Assembly supported the mandate for the Health Information Research Governance Committee (HIRGC), as a First Nations research ethics board. In 2019, the Manitoba Chiefs-in-Assembly revised the mandate for HIRGC to authorize HIRGC to act as:
- i. the gatekeeper of First Nations data at a regional level;
 - ii. the advisory body to offer guidance to research carried out on a regional basis, including reviewing applications from First Nations or academic researchers or consultants; and,
 - iii. the body to ensure that respectful research for and by First Nations is carried out according to these principles: (a) free, prior, informed consent on a collective and individual basis; (b) First Nations OCAP® principles so that First Nations have Ownership, Control, Access, and Possession of their own data and information; (c) First Nations ethical standards, whether Cree, Dakota, Dene, Anishininiwak (Oji-Cree) or Anishinaabe (Ojibway); and (d) Benefits to First Nations.

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- F. The First Nations Information Governance Centre (FNIGC) is an incorporated non-profit operating with a mandate from the Assembly of First Nations Chiefs-in-Assembly (Resolution 48/2009, *First Nations Information Governance Stand Alone Centre*). FNIGC envisions that every First Nation will achieve data sovereignty in alignment with its distinct world view. FNIGC's mission is; "with First Nations, we assert data sovereignty and support the development of information governance and management at the community level through regional and national partnerships. We adhere to free, prior and informed consent, respect nation-to-nation relationships, and recognize the distinct customs of nations." FNIGC promotes, protects, and advances OCAP®, and is charged with protecting the integrity on behalf of all First Nations people.
- G. The Public Health Agency of Canada (PHAC) is funding a research study called, "*The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*." It is understood that a contract was awarded in the amount of **\$9,246,325.00**, with additional funds to be provided at a later date. The institution holding these funds is Simon Fraser University, with lead Principle Investigator identified as Dr. Jeff Reading. The proposed baseline study is a national cross-sectional cohort which will be established by sampling blood spot tests from ~6,000 household sites, resulting in a total sample size of ~18,000 across 9 regional sites across Canada. Within each household, three samples will be used to represent a child/youth, an adult, and an Elder.
- H. The lack of transparency and accountability that the research team demonstrated in the initial stages of the large research study through proposing to collect multiple biological samples from individuals over a two year period has undermined and violated regional ethical processes that have been put in place to protect Manitoba First Nations since the 1990's.
- I. Zero funding for adequate engagement will be allocated to First Nations to properly engage with their leadership and First Nation communities on participation within this research study, which is unethical with respect to free, prior, and informed consent.
- J. Careful review of the funding agreement between Simon Fraser University and Canada indicates that terms have already negotiated. As 16.1 states,
- i. "Any intellectual property that arises out of or under this Agreement shall be owned by the Recipient or by a third party, as set out in an agreement between the Recipient and such third party."
 - ii. Article 16.2 states, "The Recipient shall report to Canada what Materials, if any, have been created or developed under this Agreement. Canada will review the list of Materials provided by the Recipient pursuant to section 16.1 for the purpose of determining if Canada wishes to negotiate a license agreement, separate from this Agreement, for the rights to have and to use any such Materials."

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- K.** HIRGC is concerned on the risk of the misuse of First Nations biological samples without proper First Nations governance, as the lead Principal Investigator or third party would be responsible for negotiating with Canada on how the samples are interacted with, analyzed, stored and accessed. Without strict First Nations governance, which is aligned with our distinct culturally-based protocols, samples become subject to use without consent. Without oversight or governance by First Nations, the biological samples will be placed with institutions and governments to decide how samples are utilized without requirement to adhere to the principles of transparency and accountability to First Nations.
- L.** Since FNIGC withdrew their support in July 2020, the Network Environments for Indigenous Health Research (NEIHRs) were approached in August 2020 and named in the submission without proper engagement or consent from the governing circles of all NEIHRs. Each of the Principle Investigators of the 9 sites of the NEIHRs, which included the Manitoba NEIHR, have been implicated without proper engagement.
- M.** The Government of Canada, the Tri-agencies, the Government's granting councils, the Public Health Agency of Canada and academic institutions, need to abide by First Nations operated regional oversight bodies, such as HIRGC to ensure that respectful research for and by First Nations is carried out according to these oversight bodies' principles and mandates.
- N.** Any study that is national in scope and pertaining to First Nations must respect and adhere to each of the regional processes that have been determined by and for respective First Nations research ethics bodies in Canada.
- O.** The AFN was a member of the Indigenous Advisory Circle (IAC) and was aware of this study in its early stages, however, since learning of the concerns related to the ethical and engagement processes by research leads, the AFN removed itself as a member from the IAC.

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

- 1.** Call on the Assembly of First Nations (AFN) to work with the Government of Canada to call for a moratorium of the research study titled *The Indigenous Journeys through COVID-19: A National Indigenous Seroprevalence Cross-Sectional and Community Sentinel Cohort Study*.
- 2.** Call on the AFN to work with the Public Health Agency of Canada to ensure it is more transparent regarding the funding allocations for this study, address concerns of accountability to First Nations related to the OCAP® Principles and any possible conflicts of interest with the research study and the principle investigators.

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3. Call on the AFN to ensure that any research that involves First Nations in Canada has support for regional processes and engagement embedded in their research protocols and that the AFN support Manitoba in ensuring its principles are adhered to for any research impacting Manitoba First Nations, whether it be research that is regional or national.

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TITLE: Principle for the elimination of racism and discrimination in the services provided to First Nations

SUBJECT: Health and Social Sciences

MOVED BY: Chief Harvey McLeod, Upper Nicola Indian Band, BC

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 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 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

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- B.** The Truth and Reconciliation Commission of Canada Calls to Action state:
- i.** Call to Action #57: We call upon federal, provincial, territorial and municipal governments to provide education to public servants on the history of Aboriginal Peoples, [...]. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.
- C.** The report *First Peoples, Second Class Treatment* (Smylie, 2015) states:
- i.** At the individual, family and community levels, Indigenous people have been managing racism and its impacts on health and wellbeing for hundreds of years, demonstrating resilience in the face of violence, cultural genocide, legislated segregation, appropriation of lands and social and economic oppression.
- D.** The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) states:
- i.** Call to Justice 7.6: We call upon institutions and health service providers to ensure that all persons involved in the provision of health services to Indigenous Peoples receive ongoing training, education, and awareness in areas including, but not limited to:[...] anti-bias and anti-racism; and local language and culture; and local health and healing practices.
- E.** In Quebec, the Commission d'enquête sur les relations entre les Autochtones et certains services publics : écoute, réconciliation, et progrès (Inquiry Committee on the Relations between Indigenous People and some Public Services: Listening, Reconciliation and Progress) ("Viens" Commission) recommends in its Calls to Action #24, 25 and 26 to make professional bodies aware of the importance of including content on Aboriginal Peoples and to make ongoing training available to promote sensitivity, competence and cultural safety to all managers, professionals and employees likely to be in contact with Aboriginal Peoples and working in public services.
- F.** With the inaction of some governments regarding the realization of repeated Calls to Action and Calls for Justice, the Assembly of First Nations Quebec-Labrador (AFNQL) launched its own Action Plan on racism and discrimination in October 2020.
- G.** Following the avoidable death of Ms. Joyce Echaquan, the Honourable Marc Miller, Minister of Indigenous Service Canada (ISC) and the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, convened the Urgent Meeting to Address Racism Experienced by Indigenous Peoples in Canada's Health Care Systems during which "all participants recognized the need to take concrete steps to fight unacceptable racism and discrimination in all of our institutions" and committed to a follow-up meeting in January 2021.
- H.** The federal government has recognized Jordan's Principle as a response to the systemic racism that prevails in the health care systems for First Nations children.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to support the development and implementation of 'Joyce's Principle' which intends to guarantee the safety of First Nations when accessing health and social services with the right to enjoy the highest attainable standard of physical and mental health services without discrimination.
2. Call on the Government of Canada and the provinces and territories to provide and grant the necessary funding to First Nations for the development of regional strategies, including an awareness campaign and training in health and social services institutions across Canada.
3. Call upon the AFN to establish a table of experts to address systemic racism toward First Nations, with specific tasks to include:
 - a. working directly with First Nations and First Nations experts in healthcare to develop anti-racism strategies;
 - b. calling on Canada to conduct an immediate review of the *Canada Health Transfers* and the *Canada Health Act*, to ensure quality health care is being provided to First Nations;
 - c. exploring the feasibility of a First Nations Health Care Ombudsperson that would work with federal, provincial, and territorial governments to implement the recommended actions developed by First Nations; and
 - d. exploring systemic conditions that enable and encourage discrimination by non-Indigenous and Indigenous service providers in their dealings with First Nations citizens away from home and on reserve.

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TITLE:	Support for Advocacy on Systemic Racism in Canada
SUBJECT:	Police Reform
MOVED BY:	Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), 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 they freely determine their political status and freely pursue their economic, social, and cultural development.
 - ii. 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.
 - iii. 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
 - iv. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Nations have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them, as far as possible, to administer such programs through their own institutions.
 - vi. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. First Nation peoples continue to face systemic racism across many institutions in Canada from police services, health care, child welfare system, and education.
 - C. The recent death of Joyce Echaquan in the Quebec hospital system and the Government of Quebec's denial of systemic racism continue to express Canada's failure and unwillingness to address systemic racism. These matters, along with the increasing incarceration rates of First Nation peoples, have illustrated that systemic racism remains a critical issue in this country.
 - D. The Royal Canadian Mounted Police (RCMP) have recently been criticized for inaction following violent attacks on Mi'kmaq lobster facilities in Nova Scotia. This, along with the use of tasers and rubber bullets by the Ontario Provincial Police on Haudenosaunee land defenders in Six Nations is indicative of the systemic racism prevalent in Canadian policing.
 - E. The Assembly of First Nations (AFN) estimated the total cost of transitioning child-welfare services to First Nations could reach \$3.5 billion. However, Bill C-92 came into force January 1, 2020 without stable funding to assist in the transition, reinforcing structural inequity within the child welfare system.
 - F. The Alberta government has proposed to delay the integration of lessons on the Indian Residential School System within its educational curriculum and remove references to equity, alleging that these are "politically biased". This runs counter to the Truth and Reconciliation Commission's Calls to Action to redress the legacy of Residential Schools and promote reconciliation.
 - G. Institutions across Canada do not have adequate mechanisms in place to address systemic racism, such as oversight committees and culturally appropriate training. These mechanisms must be in place and include First Nations as partners in their development.
 - H. There have been generations of distrust between the RCMP, provincial and municipal police forces and Indigenous Peoples. The history of the RCMP is a colonial institution which has entrenched systemic racism woven through its infrastructure. Indigenous Peoples have faced unfair, unequal, and discriminatory treatment by the RCMP.

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- I. The current action of the federal government to address police reforms across the country has been inadequate.
- J. Prime Minister Trudeau has recently recommitted to addressing systemic racism in Canada including policing and the justice system.
- K. Prime Minister Trudeau has committed to developing strong policies that will eliminate barriers facing Indigenous Peoples, racialized people, and persons with disabilities.
- L. In their public communications, the RCMP has committed to being a modern organization equipped to serve Canada and Canadians now and into the future.

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

- 1. Urge the federal and provincial governments to take concrete steps to prevent, combat and eradicate systemic racism, racial discrimination, and intolerance within the criminal justice system, the public service, health care, education, and the private sector.
- 2. Direct the Assembly of First Nations (AFN) to advocate for legislative and other reforms, including the development and mandates of oversight committees, to address systemic racism in institutions such as policing and justice, health care, education and child welfare. These committees must include First Nations as partners in their development and operations.
- 3. Urge the AFN to work in partnership with First Nations organizations involved in police and justice reform to develop a platform of recommendations to guide and inform the change in the RCMP with recommendations including:
 - a. the need for First Nations Policing to be considered an essential service;
 - b. sufficient, predictable and sustainable funding to the same level as all other police services;
 - c. a zero tolerance policy for excessive use of force;
 - d. increased restorative, trauma informed and culturally sensitive practices; and,
 - e. updating RCMP protocols and practices to include harm reduction and mental health supports.
- 4. Call on the federal government to amend the Criminal Code of Canada to create new offenses related to hate crimes, including the use, or threat to use force to willfully interfere with any person because of race, color, religion, or national origin.
- 5. Urge the AFN to lobby for the modernization of policing legislation across Canada and the RCMP Act to include extensive input from First Nations organizations involved in policing and justice.

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6. Call on Canadian leaders to take decisive action to protect Indigenous Peoples within Canada's institutions.
7. Direct the AFN to ensure police are held accountable to the highest standards for fair and unbiased conduct, which is crucial to maintaining trust.
8. Direct the AFN to report back on its progress to Chiefs-in-Assembly at the December 2021 Special Chiefs' meeting.

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CTITLE: Call for Reform to Address Institutional Racism in the Justice System

SUBJECT: Justice, Policing

MOVED BY: Judith Sayers, proxy, Toquaht First Nation, B.C.

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

DECISION: Carried by Consensus

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.
- ii. 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.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

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- B.** Countless independent reports outlining the nature of systemic racism in institutions at all scales across Canada have demonstrated the devastating and sometimes fatal use of force exercised disproportionately against Indigenous Peoples in Canada by colonial police authorities, including the Royal Canadian Mounted Police (RCMP).
- C.** The RCMP have been a critical colonial tool used to assimilate, displace, and enforce racist, anti-Indigenous genocidal policies and legislation.
- D.** In 2020, numerous documented instances of police-involved fatalities of and excessive use of force against racialized people in Canada, including many Indigenous Peoples, have sparked national discourse regarding legislation on policing and demands from Indigenous Peoples for policing reform.
- E.** The recent policing shootings of First Nation peoples like Rodney Levi and Chantel Moore, as well as the inaction of the RCMP to maintain the rule of law during the dispute between Mi'kmaq and Nova Scotia fishermen have shown a discrepancy in the way First Nations are treated by law enforcement agencies compared to other Canadians.
- F.** Dismantling systemic racism in police services across Canada includes providing First Nations the opportunity to fund their own policing services that are comparable to those provided to other communities in Canada. The current footprint of the First Nations Policing Program (FNPP) must be expanded, as it is grossly underfunded and impedes those nations that wish to exercise their right to self-determination by providing police services for their nation.
- G.** First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" creates systemic barriers to the long term creation and sustainability of quality First Nations services.
- H.** Thirty percent of inmates in Canadian prisons are Indigenous, despite comprising 5% of the country's population. Since April 2010, the number of incarcerated Indigenous Peoples in Canada has grown by 44%, while non-Indigenous prison populations have decreased by 13.7%. Indigenous women are even more overrepresented at 42% of female prison populations.
- I.** Commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) were delayed by the Minister of Crown-Indigenous Relations and Northern Affairs in June 2020, further exemplifying the racist societal acceptance that missing and murdered Indigenous women, girls and 2 Spirit people are not a national priority and that the lives affected by this crisis are less worthy of intervention. By extension, this delay implicates the Crown as complicit in violence against Indigenous women, girls and 2-Spirit peoples.

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- J. The Minister of Public Safety and Emergency Preparedness, on June 23, 2020, testified to the Public Safety Committee that he has committed “to co-develop a legislative framework that recognizes First Nations policing as an essential service.”
- K. Gladue reports are not easily accessible for Indigenous Peoples. The 2019 *Viens Report* recommended that there be an increased number of Gladue writers with more funding, improved training and standardization and measures to evaluate and monitor their work.
- L. Restorative justice principles and practices and culturally attuned programming in the justice system reduce recidivism amongst Indigenous Peoples.

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

1. Direct the Assembly of First Nations (AFN) to work with the relevant ministries to co-develop a legislative framework to designate First Nations Policing as an essential service with adequate funding to support community-based, self-determined holistic approaches that are grounded in First Nations principles, laws, and traditions, including but not limited to the United Nations Declaration on the Rights of Indigenous Peoples.
2. Direct the AFN to engage with the Minister of Public Safety and Emergency Preparedness on funding increases for First Nations police services, which includes infrastructure, First Nations development of police services, adequate equipment supplies and salaries.
3. Direct the AFN to urge the federal and provincial governments to address systemic racism in the Royal Canadian Mounted Police and other police services, which includes the need for adequate and appropriate oversight mechanisms and legislative reforms to eradicate racism from police agencies.
4. Direct the AFN to advocate for broader funding for Gladue reports, enhanced training of Gladue writers and implementation of Gladue principles across the justice system.
5. Direct the AFN to advocate for sustained and increased funding for restorative and culturally informed justice programming in Canada.
6. Direct the AFN to advocate that all legislative and programmatic reforms in every system be made in congruency with the Calls to Justice outlined in the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry in order to reduce the harm faced by Indigenous women, girls and 2-Spirit peoples.

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TITLE: Systemic Racism in all federal agencies including Fisheries and Oceans Canada's Response to Sipekne'katik First Nation's Inherent Rights-based Fishery

SUBJECT: Fisheries

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

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

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 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 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iv. 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.
- v. 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.

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- vi. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.
- B. The Assembly of First Nations (AFN) passed Resolution 115/2019, *Full Implementation of the Supreme Court of Canada Marshall Decision*, Resolution 65/2019, *Recognition of the Marshall Decision*, Resolution 107/2017, *Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service*, and Resolution 76/2017, *Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions Regarding Fisheries*.
- C. On September 17, 2020, exactly 21 years after the Supreme Court of Canada's Marshall Decision, Sipekne'katik First Nation launched its treaty-protected inherent rights-based fishery.
- D. Non-Indigenous fishers violently retaliated over the following weeks against Mi'kmaw fishers and individuals, which included physical assault, arson, theft and destruction of fishing gear, lobster catches, vehicles, and property. Sipekne'katik has estimated a total financial loss will exceed over three million dollars as a result.
- E. Law enforcement has been heavily criticized for inaction in this ongoing dispute. On October 23, 2020 AFN National Chief Perry Bellegarde called on the Royal Canadian Mounted Police (RCMP) Commissioner Brenda Lucki to resign after she defended the RCMP's response to the ongoing violence.
- F. Despite public statements by the Minister of Fisheries and Oceans Canada (DFO) about affirming Sipekne'katik's treaty-protected inherent rights to fish, DFO Conservation and Protection Officers have not charged non-Indigenous fishers for interfering with the activities of the Sipekne'katik's rights-based fishery, as prohibited by s. 22(7) of the Fishery General Regulations, through s. 43 of the *Fisheries Act*.
- G. Instead, RCMP and the DFO's Conservation and Protection Officers stood idle while non-Indigenous fishers continued to seize, damage and tamper with lobster traps belonging to Sipekne'katik fishers, assaulting Sipekne'katik members and harassing fishers, perpetuating the systemic infringement of the Mi'kmaw peoples' rights to access the lobster resource under their treaty-protected inherent rights-based fishing plan.
- H. First Nations law enforcement services, including fisheries enforcement services, are essential services necessary for the safety and security of First Nations citizens.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Minister of Fisheries and Oceans and the Canadian Coast Guard to address systemic racism within the Department of Fisheries and Oceans (DFO) by:

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- a. calling for a national reform on DFO's Conservation and Protection sector to ensure that their operational policies duly recognize and respect First Nations' treaty-protected inherent right to harvest and sell fish;
 - b. committing to work with First Nations, provinces or territories as appropriate, and with the guidance of the AFN's National Fisheries Committee, to review, revise, and develop regulations, policies, and programs that recognize and respect First Nations' treaty-protected inherent rights, as well as the inherent authority of First Nations to empower First Nation enforcement and protection authorities;
 - c. undertaking necessary investigations and charging appropriate individuals under the powers of s. 43 of the *Fisheries Act*, s. 22(7) of the Fishery General Regulations and fishing license conditions, which prohibit individuals from tampering or interfering with fishing activities of another person, and demand that these non-Indigenous fishers licenses be revoked; and,
 - d. holding any persons that have tampered or interfered with the Sipekne'katik inherent rights-based fisheries accountable and liable for costs related to damages, replacement of gear, and resultant loss of revenue, and that the Department direct recovered costs to the Sipekne'katik First Nation.
2. Direct the AFN and the National Fisheries Committee to advocate that DFO support and prioritize the development of joint protocols between First Nations and DFO, or provinces and territories as appropriate to identify:
- a. procedures in advance for dealing with possible emergencies concerning public safety and security of the First Nation; and,
 - b. appropriate responses to infractions under the *Fisheries Act*, relevant provincial or territorial legislation, or the authority of the First Nation.
3. Direct the AFN and National Fisheries Committee to advocate that DFO and provinces or territories, adequately fund programs as well as any necessary capacity and training to enable the recognition of First Nations' authority and the ability for First Nation enforcement and protection authorities for their respective fisheries.

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TITLE: Jointly Develop a Fully Independent Specific Claims Process

SUBJECT: Specific Claims

MOVED BY: Kukpi7 Judy Wilson, Stat'skin te Secwépemc Neskonlith, BC

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

DECISION: Carried; 3 objections; 3 abstentions

WHEREAS:

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

- i. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- ii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied, used or damaged without their free, prior and informed consent.
- iii. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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- iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Assembly of First Nations (AFN) Resolution 91/2017, *Support for a Fully Independent Specific Claims Process*, support(s) the work of the Assembly of First Nations – Canada Joint Technical Working Group and call(s) on Canada to commit to jointly develop a fully independent specific claims process with the goals of eliminating Canada's conflict of interest and achieving the just resolution of Canada's outstanding lawful obligations through good faith negotiations.
- C. Resolution 91/2017 mandates the AFN to advocate for a more transformative approach to specific claims reform and resulted in a 2017 federal Memorandum to Cabinet (MC) and funding to support engagement with First Nations.
- D. In 2019, the AFN carried out a national dialogue process with First Nations on what a fully independent specific claims process should look like, resulting in a draft Summary Report outlining First Nations input.
- E. Based on the dialogue process and the Summary Report, the AFN is developing a draft proposal for a new independent body to facilitate the resolution of specific claims through negotiation or adjudication.

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

- 1. Call on Canada to work directly with the Assembly of First Nations (AFN) and the Chiefs Committee on Lands, Territories and Resources (CCoLTR) to develop a fully independent specific claims process consistent with the United Nations Declaration on the Rights of Indigenous Peoples and based on the following principles identified by First Nations during the 2019 AFN dialogue process:
 - a. The Honour of the Crown: the specific claims process must be consistent with the Honour of the Crown;
 - b. Independence of all Aspects of Claims Resolution: specifically including funding and oversight of claims and their resolution that must be handled independent of Canada;
 - c. Recognition of Indigenous Laws: Support the recognition of the laws, legal orders, and dispute resolution mechanisms as articulated by participating First Nations. The recognition of First Nations' laws may impact the conduct of adjudication, dispute resolution and negotiation; and,

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- d. No Arbitrary Limits on Compensation: there will be no financial constraints, such as the 150 million dollar cap on the jurisdiction of the Tribunal or the Commission. First Nations should have access to a fair process of redress that fits their needs and priorities.
2. Call on Canada to compel the provinces to participate actively in the specific claims processes.
3. Declare that efforts to reform the specific claims process will not prejudice claims currently under negotiation or at the specific claims tribunal.

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TITLE:	Support for First Nations to Administer Justice
SUBJECT:	Self-Governance & Justice Transformation for First Nations
MOVED BY:	John Bilton, proxy, Naothkamegwanning First Nation, ON
SECONDED BY:	Chief Ronald Ignace, Skeetchestn Indian Band, BC
DECISION:	Carried; 2 objections; 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.
 - ii. 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.
 - iii. 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.
 - iv. Article 37: 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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- v. Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - vi. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** The *Truth and Reconciliation Commission of Canada: Calls to Action* states:
- i. 42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.
 - ii. 45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal Peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara 1764, and reaffirm the nation-to-nation relationship between Aboriginal Peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:
 - i. (iv.) 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 negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
- C.** The Assembly of First Nations (AFN) Resolution 87/2019, *Support a Process for Implementation of International Treaties*, reaffirms that Treaty and Non-Treaty First Nations in Canada have never renounced their sovereign attributes, including the inherent right to self-determination and related governance structures.
- D.** The Ontario Court of Justice decision of Mr. Justice David M. Gibson in Kenora on October 2, 2020, in *R. v. Sherry Turtle, Audrey Turtle, Loretta Turtle, Rocelyn Moose, Cherilee Turtle, Tracy Strang (R. v. Turtle et al.)*, exposed the Crown's failure to honour the sacred Treaty relationship and its obligations with Treaty No. 5 signatory Pikangikum First Nation, the related corrosive effects of colonization, and the historical and ongoing harms perpetuated by the non-Indigenous justice systems on the First Nation. The Court concluded that it is also in the best interests of the Crown to consult meaningfully with the First Nation in respect of repairing the Treaty relationship in the domain of justice administration.

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- E.** In reference to the decision in *R. v. Turtle et al.*, a letter was sent by Chief Dean Owen of Pikangikum First Nation on October 20, 2020, to the Attorneys General of Canada and Ontario, the Federal Minister of Crown-Indigenous Relations, and the member of the Provincial Legislature for the District of Kenora, Ontario calling on the Crown to act immediately to repair the sacred Treaty relationship and to consult deeply with the First Nation on a nation-to-nation basis about exercising its right to administer justice in accordance with its laws and traditions.
- F.** Referring to the decision in *R. v. Turtle et al.*, the Grand Council Treaty #3 (GCT#3) Resolution (dated October 15, 2020), *Support for the GCT #3 Initiative to Have First Nations of Treaty #3 Administer Their Rights on Their Treaty Lands*, directs the Ogichidaa (Grand Chief) to meet with the federal and provincial governments to address the treaty right to self-determination and the legitimacy of Indigenous jurisdiction to administer Anishinaabe laws on Treaty land.
- G.** In reference to the decision in *R. v. Turtle et al.*, the Nishnawbe-Aski Nation (NAN) Resolution 20/14 (dated October 21, 2020), *Justice and Law Transformation in NAN Territory* indicates: the Chiefs-in-Assembly collectively and individually assert the right to self-determination, call for the implementation of a justice system in NAN First Nations territory inclusive of Indigenous history, culture, values and traditions; and in support of this mandate direct the NAN Executive Council to begin work immediately in respect of transforming the system of justice in NAN First Nations territory, including maintaining channels of communication with the federal and provincial governments in furtherance of the sacred Treaty relationship.
- H.** The non-Indigenous justice systems in Canada continue to have devastating and long-lasting impacts on First Nations peoples, including but not limited to the staggering overrepresentation of Indigenous men, women and youth in Canadian jails, the grossly disproportionate numbers of Indigenous child apprehension and related family fragmentation, the high rates of Indigenous female victimization, the shocking Indigenous youth suicide rate as well as related substance addiction and mental health issues. There is an urgent need to end the perpetuation of these appalling and disturbing outcomes and any solution must substantially involve transforming systems of justice for Indigenous Peoples in Canada to those demonstrative of First Nations self-governance.

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

- 1.** Declare support for all First Nations, such as Pikangikum First Nation, Grand Council Treaty #3 First Nations and Nishnawbe Aski Nation First Nations to administer justice in relation to their respective peoples and territories in accordance with their Inherent Title and Rights and Treaty Rights and Relationships; ensuring overlapping rights, claims and territory are taken in to account.

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2. Declare support for all First Nations in exercising their sovereign rights to self- determination, including the implementation, enforcement and direction of culturally relevant justice systems in relation to their respective peoples.
3. Urge the Government of Canada to acknowledge that the imposed application of non- Indigenous justice systems on First Nations is an extension of colonization that has been and continues to be an evident catastrophe.
4. Urge the Government of Canada to honour the sacred relationships with First Nations, recognize the legitimacy of the sovereignty of First Nations to administer justice in respect of their peoples, and consult deeply with them.
5. Urge the Government of Canada to establish and maintain channels of communication with First Nations in furtherance of recognizing the sovereign Indigenous jurisdiction to administer justice in respect of their peoples.
6. Urge the Government of Canada, in accordance with Articles 4 and 39 of the United Nations Declaration on the Rights of Indigenous Peoples, to provide financial and technical assistance to all First Nations in support of their respective administrations of justice.
7. Declare that self-government or modern treaty agreements do not supersede the inherent, rights, title and jurisdiction of any other First Nation.

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TITLE:	Implementation of the National Indigenous Justice Summit's Immediate Action Points
SUBJECT:	Justice
MOVED BY:	Chief Rosanne Casimir, Tk'emlúps te Secwépemc (Kamloops Indian Band), BC
SECONDED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
DECISION:	Carried; 7 abstentions

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 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.
 - 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 other programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Several Indigenous and human rights organizations organized a virtual National Indigenous Justice Summit from July 7-8, 2020 that brought together a number of participants, moderators, and key panelists from across Canada who shared the overarching perspective that immediate action is needed to eliminate current and intensifying practices of oppression at all levels of Canadian policing and justice systems.

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- C.** Those who supported this event included the Indigenous Bar Association, Nuu-chah-nulth Tribal Council, BC First Nations Justice Council, Membertou First Nation, the Union of BC Indian Chiefs, the Indigenous Community Legal Clinic (UBC), Testify: Indigenous Laws + the Arts, and other groups and organizations.
- D.** The National Indigenous Justice Summit was guided by ten “Immediate Action Points,” a list of key recommendations that provided a starting point for discussion on widespread reform in areas related to policing, human rights protections, and the broader justice system.
- E.** The Immediate Action Points outline how Canada can end the unjust criminalization of Indigenous Peoples for substance use, mental illness, impoverishment, and intergenerational trauma by re-directing funds from the police into community safety supports and crisis intervention programs that are low-cost, effective, and allow medics and crisis workers to de-escalate situations and help people access medical, housing, and mental health supports in lieu of armed police.
- F.** During 2020, the Black Lives Matter movement has highlighted the disproportionate number of Black and Indigenous lives lost to police brutality and negligence, and mobilized Black, Indigenous, and minority communities at local and international levels to advocate for greater police accountability and to protest the policing and justice systems that enable hate and colonial violence.
- G.** Historical and ongoing systemic inequities found in Canada’s justice system target and disproportionately impact Indigenous Peoples, including Canada’s failure to uphold the principles of the *Gladio* decision, the over criminalization of Indigenous women and girls, and the over incarceration of Indigenous Peoples in federal prisons.

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

- 1.** Fully support and endorse the Immediate Action Points from the National Indigenous Justice Summit held virtually on July 7-8, 2020 as a strong framework of reform that complements and strengthens the ongoing work by First Nation communities and organizations to repair the relationship between Indigenous Peoples and the criminal justice system. These Immediate Action Points are as follows:
 - a.** Create a national Indigenous-led police oversight body;
 - b.** Establish a national protocol for police investigations;
 - c.** Redirect “Public Safety” funding to services that increase community safety;
 - d.** Implement a multi-pronged Indigenous de-escalation strategy;
 - e.** Establish a national protocol for police engagement with Indigenous Peoples;

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- f. Amend Canadian and provincial/territorial human rights codes to include “Indigenous identity” as a protected ground against discrimination;
 - g. Create Indigenous courts;
 - h. Increase Indigenous representation across all levels of the criminal justice system;
 - i. Require judges to give written reasons in all Indigenous sentencing cases;
 - j. Require judges to give written reasons in all Indigenous child apprehension cases where a child is placed outside of their Indigenous community.
2. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to work collaboratively with provincial governments and First Nations to implement the Indigenous Justice Summit’s Immediate Action Points, including the transformative redistribution of justice service funding toward community-based safety practices, programs, and initiatives that are culturally appropriate, reflective of Indigenous Peoples’ needs, and non-reliant on the institution of policing.
3. Direct the AFN to work with like-minded organizations to continue advancing the Immediate Action Points and other advocacy related to addressing the vast inequities in Canada’s human rights, and policing and justice systems that lead to the over-incarceration and criminalization of Indigenous Peoples.

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TITLE: First Nations Representation in Cannabis Legislation

SUBJECT: Cannabis

MOVED BY: Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Chief Ron Ignace, Skeetchestn Indian Band, BC

DECISION: Carried; 7 abstentions

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 they freely determine their political status and freely pursue their economic, social, and cultural development.
- ii. 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.
- iii. 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.
- iv. 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.

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- B. Resolution 123/2016, *First Nation Inclusion in the Emerging Cannabis Economy*, mandated the Assembly of First Nations (AFN) to call on the Canadian government to ensure any legislation regarding the production of cannabis included provisions that allow First Nations to participate and benefit from the emerging cannabis sector.
- C. Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (the Cannabis Act)* received Royal Assent on June 21, 2018 without the consideration of First Nations jurisdiction, tax-revenue sharing opportunities, health and safety and security concerns.
- D. As a result of the passing of the Cannabis Act without the proper consultation of First Nations, many First Nation cannabis operations are in a jurisdictional 'grey-zone', precluding them from full participation in the market.
- E. Prior to receiving Royal Assent, Senator Lillian Eva Dyck, Chair of the Senate Committee on Aboriginal Peoples, was promised that these issues would soon be resolved.
- F. Over two years have passed and these areas of concern have yet to be addressed.
- G. Resolution 36/2019, *Chiefs Committee on Cannabis*, established a committee to inter alia, recognize and support First Nations' assertion of inherent jurisdiction over cannabis licensing, taxation, regulation, and revenue sharing throughout First Nations territories.
- H. The Chiefs Committee on Cannabis is currently developing a national advocacy plan to include First Nation participation in the cannabis industry with respect to First Nation jurisdiction, tax-revenue sharing, health and safety, and security of property.
- I. As a result of the federal government's commitment to reconciliation and respect of First Nations through their adoption of the UN Declaration, reconciliation must include the meaningful recognition of First Nation jurisdiction in federal laws- including Bill C-45. Reconciliation without acknowledgment in legislation is meaningless.

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

- 1. Recommit to supporting the Chiefs Committee on Cannabis (CCC) on its mandates and objectives to create a legislative framework that amends the Cannabis Act and other relevant legislation for the inclusion of First Nations' participation in the cannabis industry. Further, that the CCC amend its mandate to include:
 - a. the inclusion and recognition of First Nations' laws, bylaws, regulatory frameworks and policies;
 - b. the recognition of how First Nations' policing intersects with the Community Tri-partite Agreement; and

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- c. providing opportunity for First Nations to enter into revenue sharing agreements regarding revenues from the cannabis industry and make amendments to the Excise Tax and the First Nations Fiscal Management Act to provide those First Nations choosing to exercise law making power to levy cannabis excise tax on reserve.
2. Direct the Assembly of First Nations to call upon Canada to establish the cannabis legislative framework as part of the advocacy efforts to include First Nations in the COVID-19 economic stimulus and recovery plan.
3. Call on Canada to provide funding to the CCC and First Nations' organizations at the national, regional, and local levels to address the interests of First Nations in asserting jurisdiction and their inherent right to self-determination in regards to cannabis.
4. Direct the AFN to report back to the Chiefs in Assembly at the December 2021 Special Chiefs Assembly.

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TITLE:	Becoming A Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations
SUBJECT:	Gender equity, sexual orientation and gender-based discrimination
MOVED BY:	Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Doris Bill, Kwanlin Dün First Nation, YK
DECISION:	Carried; 12 objections; 4 abstentions

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind;
 - ii. 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;
 - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;
 - iv. Article 15: 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;
 - v. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

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- vi. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary;
 - vii. 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;
 - viii. 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.** The Assembly of First Nations (AFN) is an organization established to advocate and support its First Nation members' interests.
- C.** The AFN seeks to be a proactive, progressive and responsive organization that upholds its First Nation members' values and interests at all levels of leadership and within and throughout every branch of the organization and administration.
- D.** AFN members look to the AFN to set minimum standards for organizational conduct and accountability.
- E.** The AFN can and should be a role model in best practices for ethical conduct and accountability on ending sexual orientation and gender-based discrimination in the organization.
- F.** First Nations Women, Elders, Youth and the 2SLGBTQQIA represent vulnerable sectors within society.
- G.** AFN leadership has a responsibility to ensure that the governance of the organization does no harm, and that the AFN organization and administration:
- i. supports the most vulnerable members within our societies;
 - ii. takes action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the AFN organization or administration; and
 - iii. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment and violence and achieve gender equity.
- H.** Discrimination happens when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression.
- I.** AFN activities requires participation by different groups of individuals, both internal and external to the AFN, as follows:

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- i. Political - elected officials: the National Chief, Regional Chiefs, the Knowledge Keepers Council, Women's Council and Youth Council;
 - ii. Secretariat AFN employees;
 - iii. Chiefs' Committees (elected First Nation leadership); and
 - iv. First Nations-In-Assembly: First Nation leaders, technicians, advisors, guests.
- J. At the AFN Special Chiefs' Assembly on May 23, 2007, the Chiefs-in-Assembly passed Resolution 02/2007 endorsing the AFN Women's Council Gender Balanced Analysis Framework to be used as a policy teaching tool to restore traditional egalitarian partnerships and relationships among men and women.
- K. In October 2014, the AFN Executive Committee received the AFN Women Council's Strategy titled "Promoting Empowerment, Equity and Leadership" which endorsed a Gender-Based Analysis of the AFN leadership and committees, overall organization and administration with the intent to provide recommendations to Chiefs-in-Assembly at the AFN Annual Assembly (2021).

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

1. Order an independent, fair, and impartial investigative review of the Assembly of First Nations (AFN) ("investigative review") to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "*The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination*".
2. Establish that the objective of the investigative review is to examine specific incidents to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN.
3. Order an independent three-member panel of external experts to oversee the Investigative Review with:
 - i. an independent appointee chosen by the Women's Council;
 - ii. an independent appointee chosen by the Knowledge Keepers Council; and,
 - iii. an independent appointee chosen by the Youth Council.
4. Direct the Women's Council, the Knowledge Keepers Council and the Youth Council to meet within 30 days of the passing of this resolution to appoint the independent three-member panel of external experts.
5. Direct the AFN to ensure the independent investigative review is financially resourced and supported by, and given unfettered access to the AFN Executive Committee and AFN administration to carry out the review's objective.

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6. Direct that this investigative review includes, at a minimum:
- i. codes of conduct for all aspects of the AFN organization;
 - ii. investigators with experience and knowledge of First Nations organizations and expertise in conducting complex investigations;
 - iii. provide an outline regarding processes for those involved with the AFN to report allegations and how these incidents are addressed;
 - iv. a staged review beginning with specific allegations and then moving to a broader look at of systemic sexual orientation and gender-based discrimination in the organization and a plan moving forward to address these matters;
 - v. conforms to employment law legislation in effect;
 - vi. provide various means for current or past First Nations leaders, AFN members, and others to confidentially share experiences of sexual orientation and gender-based discrimination in the AFN; and,
 - vii. presentation of the findings of this review and investigation in a report with recommendations to the Chiefs-in-Assembly that includes:
 - a. reviewing and recommending changes to the codes of conduct, policies, bylaws and practices with the aim of eliminating sexual orientation and gender-based discrimination in the AFN, improving gender parity on all committees, and improving the ethics, conduct, and accountability systems in the AFN;
 - b. recommendations regarding the advisability of an independent ethics officer in the AFN to receive, review, and address complaints, including what new roles and resources are needed to support this office;
 - c. recommendations for a fair, ethical and independent system to address complaints and violations;
 - d. recommendations for fair ethical and independent appeal and dispute resolution processes;
 - e. recommendations for annual reporting to Chiefs-in-Assembly on ethics complaints and violations;
 - f. recommendations for amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the organization;

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- g.** recommendations for mandatory training to be attended by the AFN Executive Council, senior management and staff at the AFN; and,
 - h.** any additional recommendations needed to address sexual orientation and gender-based discrimination within the AFN.
- 7.** Direct the three-member panel to report to the Chiefs-in-Assembly within six months, with an interim report followed by a final report within nine months of this resolution's passing.
- 8.** Call for the AFN to renew itself as a role model organization to end sexual orientation and gender-based discrimination including harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny within the organization.
- 9.** Call for the AFN to include harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation and gender-based discrimination.

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TITLE: Issues with ability to register lands under 53/60

SUBJECT: Land Registry

MOVED BY: Chief Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Chief Cliff Arnouse, Adams Lake Indian Band, BC

DECISION: Carried; 7 abstentions

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 they freely determine their political status and freely pursue their economic, social, and cultural development.
- ii. 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.
- iii. 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.
- iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Nations have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them, as far as possible, to administer such programs through their own institutions.

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- v. 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.
 - vi. 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.
 - vii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B.** Tk'emlúps te Secwépemc (TteS) has section 53/60 Delegated Land Management Authority under the *First Nations Land Management Act (FNMLA)*. Section 53 of the Indian Act authorizes the Minister to delegate his/her authority to administer reserve lands to First Nations. Section 60 allows Cabinet to authorize First Nations to administer their lands. The FNMLA is a sectoral self-government initiative that allows First Nations to sign a Framework Agreement with Canada delegating section 53/60 Delegated Land Management Authority.
- C.** In 2008, the federal department now known as Indigenous Services Canada (ISC), selected TteS for a pilot project for E-submission of documents into the Indian Land Registry System (ILRS) to assist with expediting the registration of documents. This process was successful with registration taking from 24 hours to a maximum 72 hours.
- D.** In 2012 ISC branched out into provinces. The Vancouver, BC regional federal office was delegated authority to process and register all 53/60 documents, including TteS documents. With this change, TteS's ability to register documents increased from 24 to 72-hour registration, to months.
- E.** It takes far too long for ISC to register documents submitted by First Nations, including TteS. For most other governments, such as the City of Kamloops, the process for registration is no more than one (1) day. By comparison, TteS submitted a Band member to Band member transfer January 9, 2019. ISC received the document on February 13, 2019. To date, the document has not been registered. These types of delays make it nearly impossible to run our land management efficiently and professionally.
- F.** Some law offices refuse to deal with TteS because of the registration timeline. TteS has been threatened with legal action over the registration of documents, which is a result of ISC delays.
- G.** A cyber-attack on ISC in September 2020 completely halted the registration of documents. TteS was not able access or e-submit any documents.
- H.** TteS contacted both the BC regional federal office and ISC requesting information or how to proceed with our continuing day to day transactions. ISC provided TteS with direction on how to proceed with registration transactions.

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

1. Call on the Assembly of First Nations (AFN) to advocate to Indigenous Services Canada to ensure that:
 - a. Appropriate communication is occurring between 53/60 Delegation of Authority Land Management on Reserve communities on issues associated with Land Registry.
 - b. The land registration timeline is back to 24 to 72 hours to ensure that 53/60 communities can efficiently and effectively address their document registration (mortgages, discharges) in an appropriate time frame.

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TITLE: Support of the Algonquin Nation's Moose Moratorium

SUBJECT: Treaties, Claims

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

SECONDED BY: Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg First Nation, QC

DECISION: Carried; 1 abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 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.
- B. The Algonquin Nation and the communities within, actively practice traditional and cultural activities related to subsistence hunting on their territory. The main source of this subsistence hunting is moose, an animal considered sacred by the Algonquin people.

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- C. The right to harvest moose is protected by the Canadian Constitution, in particular Section 35.
- D. Algonquin hunters have observed in recent years a drastic drop in the number of moose in La Vérendrye Wildlife Reserve and the surrounding areas and have informed provincial authorities on several occasions of the challenges facing local moose populations.
- E. An inventory of moose carried out by the Government of Quebec in January 2020 confirmed the fears and observations of the Algonquin Nation, demonstrating that the moose have decreased by a third in this sector.
- F. The Government of Quebec has continued to issue sports hunting licenses for moose in 2020, despite the warnings of the Algonquin communities and its own studies, and plans to continue issuing additional permits for 2021.
- G. The Algonquin Nation was not consulted on this matter in accordance with the Crown's duty to consult, as per Supreme Court decisions (*Haida Nation, Taku River, and Mikisew*). These decisions by Quebec have immediate effects on the way of life of the Algonquin people and endanger the resources of their territory.
- H. The Algonquin Nation fears that this vitally important species will disappear from their territory as a result of misinformed decisions by the Government of Quebec, as it was the case recently for the woodland caribou in the same sector.
- I. The Algonquin Nation has requested the establishment of a moratorium on sport hunting for a period of five years in order to allow for the regeneration of moose in this area.
- J. Quebec rejected this request and plans to issue sport hunting permits in the territory in 2021.

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

1. Support the Algonquin Nation's proposal to declare a Moratorium on sport hunting for a period of five years in their territory.
2. Direct the Assembly of First Nations (AFN) to call on Canada and the province of Quebec to respect this Moratorium and ensure that the Algonquin Nation is fully involved in its management moving forward.
3. Denounce the Government of Quebec's disrespect of the rights of Indigenous Peoples, in particular those of the Algonquin Nation, through decision-making processes that directly threaten their traditional practices and right to hunt/harvest guaranteed by the Constitution.
4. Direct the AFN to call on the Government of Quebec and those responsible management organizations, to address their lack of meaningful consultation with the Algonquin Nation before adopting measures that affect the way of life of the Algonquins and call for immediate action to address the absence of accommodation in full consultation with the Algonquin Nation.

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TITLE:	Support for Survival of Fraser River, Thompson River and Pacific Coastal First Nations' Culture, Way-of-Life, and Food Security: Removal of Open-Net Fish Farms Off the Pacific Coast
SUBJECT:	Fisheries
MOVED BY:	Chief Courteney Adolph-Jones, T'it'q'et, BC
SECONDED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
DECISION:	Carried; 1 abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2) (b): States shall provide effective mechanisms for prevention of, and redress for: Any action which has the aim or effect of dispossessing them of their lands, territories or resources.
 - iii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - iv. Article 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.

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- v. 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.
 - vi. 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. Since time immemorial, wild Pacific salmon has been and still is one of the most important food staples for First Nations along the Fraser River, Thompson River, as well as for Pacific Coastal First Nations.
 - C. Since time immemorial, each First Nation who depended on wild Pacific salmon managed their fisheries according to their traditional laws, values and principles, ensuring sustainability of the fishery for their current and future generations.
 - D. Wild Pacific salmon is deeply embedded in the identity, culture, society, spirituality and way of life of First Nations along the Fraser River, Thompson River, and Pacific coast, which are embodied by our Indigenous languages, songs, legends, stories, traditional ecological knowledge, traditional phenological knowledge, traditional teachings for preparation and preservations and the intrinsic connection between the people, land and resources.
 - E. After decades of precipitous decline of Fraser River sockeye salmon, a collapse of the fish population in 2009 prompted a federal inquiry, the Cohen Commission, to investigate the decline of the Fraser River sockeye salmon and provide recommendations.
 - F. The Cohen Commission concluded after three years at a cost of \$26 million and provided 75 recommendations to the Government of Canada to improve the sustainability of the Fraser River sockeye. This included Recommendation #18 and #19, stating that open-net pen fish farms must cease to exist in Discovery Island by September 30, 2020 if they cause greater than minimal risk to migrating Fraser River sockeye salmon.
 - G. On September 28, 2020, the Department of Fisheries and Oceans Canada (DFO) held a press conference to release a summary of nine risk assessments, determining that the fish farms posed minimal risk to migrating Fraser River sockeye, despite substantial scientific evidence to the contrary. DFO concluded that they will not close the fish farms in the Discovery Islands as a result.
 - H. Federal scientist Dr. Kristi Miller-Saunders, who has worked for DFO for more than 25 years, criticized the scientific inadequacy and bias of the risk assessments, which were conducted in collaboration with the fish farming industry, and accused DFO of downplaying the threat of open-net fish farms to wild Pacific salmon. She warned about the Department's reliance on industry-funded research that too often worked in the interest of

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British Columbia's fish farming industry - collusion that allows for massive epidemic of sea lice that is linked to the decline of wild Pacific salmon.

- I. This concern was initially flagged by the Cohen Commission through Recommendation #3, that the Government of Canada remove DFO's mandate of promoting salmon farming as an industry, which is largely foreign-owned, as it is in direct conflict with its other mandate to protect wild Pacific salmon.
- J. With the collapse of the Fraser River sockeye, a significant part of the cultures of First Nations along the Fraser River, Thompson River, and Pacific Coast in turn will also collapse, including an important food staple and entire ecosystems that depend on wild Pacific salmon.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for the implementation of Recommendation #3 of the Cohen Commission that states "The Government of Canada should remove from the Department of Fisheries and Oceans' mandate the promotion of salmon farming as an industry and farmed salmon as a product" so as to remove the conflict of interest of the Department of Fisheries and Oceans' mandate – promoting fish farms while protecting wild Pacific salmon.
- 2. Direct the AFN to work with the Fraser River, Thompson River, and Pacific Coastal First Nations to engage with the Ministry of Fisheries and Oceans to immediately begin process of removing open-net fish farms in the Discovery Island, as recommended by #18 and #19 of the Cohen Commission.

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TITLE: Support for First Nations Climate Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation

SUBJECT: Environment, Food security, Climate Action, Stewardship, Conservation

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

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

DECISION: Carried; 1 abstention

WHEREAS:

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

- i. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- 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 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.
- iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- 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.
- C.** The Assembly of First Nations (AFN) Chiefs-in-Assembly declared a First Nations Climate Emergency (Resolution 05/2019), recognizing “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.”
- D.** In March 2020, the AFN held its first National Climate Gathering (the Gathering), in Whitehorse, Yukon, on the traditional territory of the Ta'an Kwächän and the Kwanlin Dün. It offered unique First Nations-perspectives on climate impacts, risks and opportunities at local, regional, national, and international levels.
- E.** The Gathering demonstrated the interconnectivity across a broad spectrum of environmental issues and linkages between sectors, shining light on the multi-dimensional, interconnected and interrelated nature of the climate crisis and the necessary associated actions. This included the connection between conservation, biodiversity, species at risk, health and well-being, language and culture, water, food sovereignty, clean energy, education, economy, and infrastructure.
- F.** As part of the Gathering, the Prairie Climate Center (PCC) worked with the AFN Environment Sector to develop high impact overview videos of the Gathering. These videos provide a window into the important dialogues taking place at the Gathering, while specifically introducing the “First Nation Climate Lens” as an emerging and critical concept in climate discourse and the development of a Climate Atlas of Canada. The Climate Atlas (www.climateatlas.ca) is one of Canada's leading climate information websites – as a tool used for applied planning and education across the country.
- G.** The Government of Canada, through its most recent ministerial mandate letters and the speech from the throne, has expressed a commitment to work with First Nations to, among other things:
- i.** bring forward a plan to exceed Canada's 2030 climate goal and legislate the goal of net-zero emissions by 2050;
 - ii.** work to conserve 25% of Canada's land and oceans by 2025 and 30% by 2030;
 - iii.** protect biodiversity and species at risk by evaluating and enhancing the Species at Risk Act (SARA);
 - iv.** better protect people and the environment by strengthening the Canadian Environmental Protection Act (CEPA) and;
 - v.** address food insecurity through the introduction of a new food policy in Canada.

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- H. First Nations are rightful leaders in environmental and climate action and whose leadership is necessary at all levels - local, regional, national and international - to achieve positive outcomes for Mother Earth, human and non-human beings alike, and future generations.

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

1. Direct the Assembly of First Nations (AFN) to continue to engage with the appropriate ministers, such as the Minister of Agriculture and Agri-Food, the Minister of Environment and Climate Change and the Minister of Indigenous Services, to work in full partnership with First Nations to address food insecurity, advance food sovereignty, and support First Nations' full participation in all related dialogues, including efforts to identify solutions and operationalize the findings of the First Nations Food, Nutrition, and Environment Study (FNFNES).
2. Direct the AFN to urge all ministers involved in climate change, environmental protection, stewardship, conservation and food sovereignty to recognize the multi-dimensional, interconnected and interrelated nature of these critical issues and work in partnership with First Nations to develop comprehensive approaches to address each issue.
3. Direct the AFN to work with the Minister of Environment and Climate Change Canada to support First Nations-led conservation efforts and to ensure the full and effective participation of First Nations in achieving Canada's ambitious conservation agenda, including the identification of dedicated resources to enhance capacity and leadership in the establishment, governance and management of Indigenous Protected and Conserved Areas (IPCAs), First Nations Guardians programs, and species at risk protection, conservation, management and recovery.
4. Direct the AFN to call on the Prime Minister of Canada and the Minister of Environment and Climate Change Canada to work publicly to protect the sacred calving grounds of the Porcupine Caribou Herd by prohibiting oil and gas exploration and development within the Arctic National Wildlife Refuge (ANWR), in Alaska and immediately address the crisis facing caribou populations across Canada in full consultation and partnership with First Nations.
5. Direct the AFN, with the leadership of the Advisory Committee on Climate Action and the Environment ('ACE'), to continue to work with the Prairie Climate Centre to expand the climate change research and communication efforts from the National Climate Gathering, including exploring appropriate opportunities for First Nations perspectives, concerns and knowledge systems to inform the on-going development of the Climate Atlas of Canada.

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TITLE: Support for First Nations Clean Drinking Water Class Actions

SUBJECT: Water, Treaty Rights

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

SECONDED BY: Chief Emily Whetung, Curve Lake First Nation, ON

DECISION: Carried; 1 objection

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.
- B. The Final Report of the National Inquiry of the Missing and Murdered Indigenous Women and Girls identifies First Nations water and housing crises as sources of violence against First Nations women and girls, responding with Call for Justice 4.1 that states:
- 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.
- C. The Assembly of First Nations (AFN) Resolution 53/2019, *Human Right to Drinking Water*, recognizes and affirms the human right to clean drinking water, earlier affirmed as a human right by the United Nations General Assembly on July 28, 2010.

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- D. First Nations and all Canadians have the basic human right to clean drinking water. Provincial governments have labeled this a priority for all municipalities since the Walkerton Crisis of 2000. The federal government has failed to do the same for First Nations, many of which continue to face inadequate access to safe and clean water across the country.
- E. The Prime Minister has made the elimination of all First Nation Long-Term Drinking Water Advisories by March 2021 a priority of his government. Recently, the Government acknowledged they would not meet this deadline, as there still remain over 60 long-term water advisories to be eliminated.
- F. On October 20, 2020, Neskantaga First Nation declared a state of emergency over drinking water containing evidence of hydrocarbons, resulting in the evacuation of community members to Thunder Bay. Neskantaga First Nation has been under a boil water advisory since 1995 and was evacuated in September 2019 due to similar water concerns.
- G. Curve Lake First Nation, Neskantaga First Nation, and Tataskweyak Cree Nation have commenced class actions against Canada in the Federal Court and the Manitoba Court of Queen's Bench. These actions seek immediate help for First Nations across Canada to address deficiencies in water infrastructure and obtain compensation for suffered harms.
- H. The Federal Court and the Manitoba Court of Queen's Bench have certified both class actions and are proceeding jointly to determination on the merits.
- I. The class actions allege that Canada has been negligent in its actions, breached its fiduciary duties, the honour of the Crown, and various rights under the Charter of Rights and Freedoms.
- J. The class actions include First Nations that were subject to a drinking water advisory lasting at minimum one year from November 20, 1995 to present. These First Nations must choose to join the class actions by opting into proceedings.
- K. The class actions also include individual members of any First Nation who were impacted by a drinking water advisory lasting at minimum one year from November 20, 1995 to present.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government to immediately work in full partnership with First Nations in order to advance the meaningful implementation of Indigenous social and economic water rights across Canada.
2. Direct the AFN to encourage First Nations in their autonomy to enter into class action lawsuits should they believe it will benefit their First Nation.

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3. Direct the AFN to ensure its support does not derogate or negatively impact other ongoing negotiations between First Nations and Canada.
4. Direct the AFN to continue to urge the federal government to reaffirm its commitment to eliminate drinking water advisories across First Nations.

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TITLE: Supporting First Nations with connecting to the Internet

SUBJECT: Infrastructure, Economic Development, Education, Health

MOVED BY: Chief James Hobart, Spuzzum Nation, BC

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

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 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 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 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.
 - vii.** 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.
 - 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 affecting them and, as far as possible, to administer such programmes through their own institutions.
 - ix.** Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B.** 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 UN Declaration.
 - 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.** First Nations face a national connectivity gap, experience slower, and less reliable internet access and have identified challenges accessing affordable, high-speed internet as the number one issue impeding their education and economic growth.
 - G.** The United Nations 2030 Agenda for Sustainable Development's Goals (SDGs) are a set of 17 Global Goals measured by progress against 169 targets covering social issues like poverty, hunger, health, education, climate change, gender equality, and social justice. The SDGs core objective is to "Leave no one behind" as articulated in Goal 1: End poverty in all its forms everywhere.

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- H. There are internet solutions available, such as Advintive (Advanced Interactive Canada Inc.), that deliver full service to those who would have limited or no access to reliable digital communication services in rural and digitally emerging communities.
- I. Budget 2019 committed to connect all Canadians to reliable high-speed internet through programs such as the Connect to Innovate (CTI) and the Universal Broadband Fund (UBF) including 190 Indigenous communities.
- J. High-speed internet is required to support First Nations participation in the digital economy, e-learning, employment opportunities, e-health services, and e-governance as well as access to essential services.

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

1. Direct the Assembly of First Nations (AFN) to call on Indigenous Services Canada to support high-speed internet solutions for First Nations using technologies such as Advintive (Advanced Interactive Canada Inc.) and First Nations-led and identified solutions.
2. Direct the AFN to call on the Government of Canada for First Nations specific funding and criteria as part of the Universal Broadband Fund program, and for investments into connectivity initiatives and training that will increase First Nations Information Communications Technology (ICT) capacities.
3. Direct the AFN to call on Indigenous Services Canada and Innovation, Science and Economic Development to support and work with First Nations to establish service-provider capacities, data and market information, spectrum access, a network of professionals and policy to enable affordable access to the internet.

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TITLE: Extension of Interim First Nations Early Learning and Child Care Regional Funding Allocation Approach

SUBJECT: Early Learning and Child Care (Health, Social, Education)

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

SECONDED BY: Chief Rebecca Knockwood, Fort Folly First Nation, NB

DECISION: Carried; 1 objection

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 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 and partnerships and governance, to be divided nationally according to First Nations' direction.

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- C.** The National Expert Working Group (NEWG) on First Nations ELCC was mandated by the First Nations-in-Assembly by Assembly of First Nations (AFN) Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care (ELCC)*, to oversee the national engagement process that informed the Indigenous ELCC Framework and to lead the work on First Nations ELCC at the national level.
- D.** In 2018, the NEWG made a recommendation to the First Nations-in-Assembly on an interim funding allocation approach which was endorsed by AFN Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, and extended by AFN Resolution 64/2019, *Extension of Interim Funding Model for First Nations Early Learning and Child Care*. Both resolutions mandated a sub-working group of the NEWG to examine options for a new funding model.
- E.** The recommended approach was a per capita funding approach based on the Modified Berger Formula, using the Indian Registration System population counts of First Nations children aged 0-6 on and off reserve, weighted for remoteness and community size.
- F.** Despite direction given in the previous resolutions, Canada has not provided funding to support the work of developing a new First Nations-determined funding model or the broader work of national-level coordination for First Nations ELCC.
- G.** Due to challenges caused by the COVID-19 pandemic preventing leadership from gathering to discuss the First Nations ELCC funding model and a lack of funding to support this work, the NEWG and its sub-working group have recommended that the existing formula be extended for one fiscal year to allow for further discussion on a revised funding model.

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

- 1.** Support the extension of the interim funding model from Assembly of First Nations (AFN) Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, until March 31, 2022, as recommended by the National Expert Working Group (NEWG) on First Nations Early Learning and Child Care (ELCC) and its sub-working group, to allow adequate time for the NEWG and its sub-working group to have discussions on and develop a new funding formula.
- 2.** Direct the AFN to immediately notify the Minister of Families, Children and Social Development of this resolution.
- 3.** Direct the AFN to call upon the Minister of Families, Children and Social Development to immediately and properly fund the AFN, the NEWG, and its sub-working group to undertake national-level coordination for First Nations ELCC.

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4. Mandate the NEWG and its sub-working group to report back to the First Nations-in-Assembly by December 2021 with a revised funding model.

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TITLE:	First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models
SUBJECT:	Post-Secondary Education
MOVED BY:	Tyrone McNeil, proxy, Kwaw Kwaw Apilt First Nation, BC
SECONDED BY:	Chief Leroy Denny, Eskasoni, NS
DECISION:	Carried; 1 objection

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.

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- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
 - vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing and other economic and social programmes through their own institutions.
- B. First Nations have an inherent and Treaty right to education, including post-secondary education as part of a lifelong learning process.
 - C. Strong, effective and inclusive First Nations-led local, regional and Treaty-based post-secondary education (PSE) models provide a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the UN Declaration.
 - D. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education.
 - E. Assembly of First Nations (AFN) Resolution 14/2017, *Post-Secondary Education Federal Review*, mandated the Chiefs Committee on Education (CCOE), National Indian Education Council (NIEC), regionally representative PSE technicians and First Nations established institutions to produce the *First Nations Post-Secondary Education Review 2018 Interim Report*.
 - F. First Nations-in-Assembly supported AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, which accepted the *First Nations Post-Secondary Education Review 2018 Interim Report* and provided direction for co-development of a policy proposal.
 - G. In response to the direction given in AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations*, the AFN, CCOE and NIEC worked in partnership with Indigenous Services Canada (ISC) to develop the *First Nations Post-Secondary Education Policy Proposal*.
 - H. First Nations-in-Assembly passed AFN Resolution 48/2018, *First Nations Post-Secondary Education Policy Proposal*, which supported the development of First Nations-led local, regional and Treaty-based PSE models and the right to self-determination approaches.
 - I. On June 18, 2019, the *First Nations Post-Secondary Education Policy Proposal* was approved by the Cabinet of Canada.

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- J. Budget 2019 provided \$7.5 million over three years to support First Nations in exploratory discussions, engagement, partnership tables and First Nations-led local, regional and Treaty-based PSE model design with their citizens.
- K. First Nations are in year two of three on developing First Nations-led local, regional and Treaty-based PSE models that are reflective and are responsive to First Nations' priorities.
- L. The federal government must obtain the free, prior and informed consent of First Nations on any proposed changes to post-secondary education programs and/or policies relating to First Nations education administered by ISC or other federal departments or agencies.
- M. ISC must maintain a collaborative and strategic relationship with the AFN, the CCOE and the NIEC in designing and implementing policy and program reforms with the intent that all First Nations students receive a holistic, culturally-responsive and high-quality education.

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

1. Reaffirm First Nations inherent and Treaty right to post-secondary education (PSE).
2. Reaffirm that jurisdiction over First Nations PSE remains with each First Nation.
3. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to work in partnership with Indigenous Services Canada to co-develop a policy proposal which will supplement a Memorandum to Cabinet (MC) to obtain authority for First Nations to negotiate and conclude First Nations-led, local, regional and Treaty-based PSE models. The policy proposal, MC and subsequent Treasury Board of Canada submission may include and identify:
 - a. the policy authority for First Nations-led local, regional and Treaty-based PSE models to be implemented, negotiated and concluded with an open, transparent and accountable process between First Nations and the Government of Canada;
 - b. the funding required to implement First Nations-led local, regional and Treaty-based PSE models; and,
 - c. reaffirmation for First Nations control of First Nations education.
4. Direct the Chiefs Committee on Education, National Indian Education Council and the Assembly of First Nations to ensure co-development will align with the *First Nations Post-Secondary Education Policy Proposal* which recognizes student supports; First Nations PSE community support services; First Nations established institutes; community-based programming; and governance and leadership capacity in local, regional and Treaty-based PSE models.

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5. Affirm that this co-development and process concerning First Nations PSE is not intended to detract or hinder First Nations from advancing their current and future PSE processes.

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TITLE: Infrastructure Stimulus Funding for First Nations

SUBJECT: Infrastructure

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

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

DECISION: Carried; 1 objection

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 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. In September 2020, the federal government announced \$10 billion in infrastructure initiatives to advance economic recovery during the COVID-19 pandemic, which must include all First Nations.
- C. The Assembly of First Nations (AFN) continues to support First Nations in advancing their asset management goals through capacity development in Asset Management Planning (AMP).

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- D.** The AFN works with Indigenous Services Canada (ISC) and the Canadian Network of Asset Managers (CNAM) and collaborates with the Federation of Canadian Municipalities (FCM) to facilitate technical support in First Nation Asset Management Planning.
- E.** The federal government's infrastructure stimulus funding is currently released through the Canada Infrastructure Bank (CIB).
- F.** The Assembly of First Nations (AFN) supports full First Nation participation in the co-development of a new Operations & Maintenance Policy and a new Indigenous Infrastructure Bank with Indigenous Services Canada's (ISC) Community Infrastructure Branch.
- G.** The AFN supports the closure of the infrastructure gap on First Nations by 2030.
- H.** The AFN supports First Nation requests to replace current bi-lateral funding agreements with a direct funding institution. The federal government's infrastructure stimulus funding is currently released through the Canada Infrastructure Bank (CIB).

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

- 1.** Direct the Assembly of First Nations (AFN) to urge the federal government to actively partner with First Nations in order to share in decision-making processes and the financial information relevant to closing the First Nations infrastructure gap.
- 2.** Direct the AFN to support the closure of the infrastructure gap between First Nations and the rest of Canada.
- 3.** Direct the AFN to support First Nation requests to replace current bi-lateral funding agreements with a direct funding institution.
- 4.** Direct the AFN to urge the federal government to make long-term funding commitments to First Nations community infrastructure, including but not limited to: housing, water, wastewater, operations and maintenance, education, health facilities, and emergency services.
- 5.** Direct the AFN to urge the federal government to co-develop with First Nations, the Chiefs' Committee on Housing and Infrastructure, and the AFN a new institution known as the Indigenous Infrastructure Bank that delivers the federal government's infrastructure stimulus funding directly to First Nations in a Nation-to-Nation relationship.

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