



**ASSEMBLY OF FIRST NATIONS
2021 ANNUAL GENERAL ASSEMBLY
FINAL DRAFT RESOLUTIONS**

| # | Title |
|----------|--|
| 01 | Clarification of Designated Representative and Proxy |
| 02 | Composition Change Prince Edward Island |
| 03 | Delaying the Election of National Chief |
| 04 | Creation and implementation of First Nations policing as an essential service legislation |
| 05 | Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQIA People |
| 06 | Allocation of Early Learning and Child Care Investments in Budget 2021 |
| 07 | Create a National Treaty Commissioner's Office |
| 08 | Supporting First Nations Participation in the development of distinctions-based Health Legislation |
| 09 | Support for the co-development of a new distinctions-based Indigenous Languages Funding Model |
| 10 | Support for the United Nations International Decade of Indigenous Languages (2022-32) |
| 11 | Holding a Ratification Process on Bill C-15 |
| 12 | National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples |
| 13 | Funding for Post-Secondary Indigenous Institutions and Students |
| 14 | Independent Review of the McLean Federal Indian Day Schools Settlement |
| 15 | Full Involvement of First Nations in All Aspects of Specific Claims Policy Development |
| 16 | Support for Closing the Infrastructure Gap by 2030 |
| 17 | Meaningful engagement and involvement in the co-development of a Canada Water Agency |
| 18 | Support for First Nations Decentralized Infrastructure |
| 19 | Federal Government financial support for high cost of construction materials |
| 20 | First Nations Control of Federal Funding in Education |
| 21 | Community-Based Indigenous-led Midwifery Education Pathways |
| 22 | Marine Indigenous Protected and Conserved Areas |
| 23 | Yukon River Chinook Salmon of Canadian-Origin |
| 24 | Improving Assembly of First Nations Financial Procedures to reinforce transparency and accountability, and advance First Nation Jurisdiction, Priorities and Interests |
| 25 | Implementation of Online Gaming |
| 26 | Single Event Sports Betting |
| 27 | Support for Criminal Code Amendments |

DRAFT RESOLUTION # 01 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Clarification of Designated Representative and Proxy |
| SUBJECT: | AFN Charter Renewal |
| MOVED BY: | Chief Leah George-Wilson, Tsleil Waututh First Nation, BC |
| SECONDED BY: | Chief Roderick Gould, Abegweit First Nation, PEI |

WHEREAS:

- A. The Charter has inconsistencies related to the description of quorum for decision making purposes. Wording in Article 2(6) Principles and Article 8(1) creates ambiguity and amendments are necessary to avoid any misunderstandings that could lead to conflict within the AFN Assemblies.

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

1. Direct that Article 2 (6) should be amended to change the term “designated representative” to Proxy representative.
2. Be it further resolved that Article 8 (1) be amended to read, “Quorum will be established when a minimum of 51% of those Chiefs and Proxies registered for the Assembly are present in the Assembly room. Decisions of the First Nations-in-Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving a consensus have been exhausted without success, a positive vote of 60% of the Chiefs and Proxy representatives of First Nations present in the Assembly room shall be sufficient to constitute a decision.”
3. Be it further resolved that the AFN Rules and Procedures be amended to reflect the same language as the Charter and that this amendment is effective immediately.

DRAFT RESOLUTION # 0 2 / 2 0 2 1

AFN Annual General Assembly, July 6-8, 2021

TITLE: Composition Change Prince Edward Island

SUBJECT: AFN Charter Renewal

MOVED BY: Chief Darlene Bernard, Lennox Island First Nation, PEI

SECONDED BY: Chief Roderick Gould, Abegweit First Nation, PEI

WHEREAS:

- A. On July 25, 2019 at the Annual General Assembly, the Chiefs passed resolution #72/2019 that directed the Assembly of First Nations ("AFN") to work with the Chiefs of Prince Edward Island, ("PEI"), to prepare an amendment to Article 17 of the Charter to change the composition of the Executive Committee to allow for a PEI Regional Chief.
- B. The Chief's Committee on Charter Renewal has met to discuss resolution #72/2019 and the potential impacts to the AFN Composition under the Charter, including organizational structure and financial budgets.

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

- 1. Direct that Article 17 Composition and any other articles that refer to the number of Regional Chiefs, be amended to include PEI as a Region represented under the Charter.

DRAFT RESOLUTION # 03 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Delaying the Election of National Chief |
| SUBJECT: | AFN Governance |
| MOVED BY: | Khelsilem, Sḵw̱x̱wu7mesh Úxwumixw , BC |
| SECONDED BY: | Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YT |

WHEREAS:

- A.** Legitimate concerns have been expressed by Chiefs and leaders about the fairness of proceeding with an online election whilst a public health emergency continues, and Chiefs and leaders cannot gather in-person. For example:
- i.** On April 23, 2021, BC Assembly of First Nations, wrote a letter to the AFN Executive Committee, expressing concerns related to the National Chief Election;
 - ii.** On May 3, 2021, Assembly of First Nations Yukon Region, representing 14 Yukon First Nations, wrote to the AFN Executive Committee and AFN Secretariat calling for the National Chief Election to be postponed;
 - iii.** On May 4, 2021, Tseil-Waututh Nation wrote to the AFN Secretariat, calling for the National Chief Election to be postponed;
 - iv.** On May 7, 2021. BC Assembly of First Nations wrote to the AFN Executive Committee calling for the National Chief Election to be postponed;
 - v.** On May 7, 2021, Mary Ellen Turpel-Lafond wrote to the AFN Secretariat, calling for the National Chief Election to be postponed;
 - vi.** On May 14, 2021, Sḵw̱x̱wu7mesh Úxwumixw (Squamish Nation) wrote to the AFN Secretariat, calling for the National Chief Election to be postponed;
- B.** The First Nations-in-Assembly passed a Motion on December 8, 2020 at the December 2020 Special Chiefs Assembly to appoint a Chief Electoral Officer (the “December 2020 Motion”):
- i.** “That the That the First Nations-in-Assembly appoint Ron Laufer as the Chief Electoral Officer for the National Chief Election to be held in Toronto, Ontario in July 2021 and virtually.”
- C.** The December 2020 Motion called for a virtual meeting in which voting in the National Chief election would take place online and the Chief Electoral Officer review options for polling stations to be set up in each Region.
- D.** The December 2020 Motion could not forecast that the country would be experiencing a third-wave in the COVID-19 pandemic, nor did it contemplate the number of limitations, including issues with accessibility and connectivity particularly for remote and northern communities and barriers for the participation of women, that a virtual election could only entrench.

DRAFT RESOLUTION # 03 / 2021

AFN Annual General Assembly, July 6-8, 2021

- E. The AFN Charter does not provide for online elections.
- F. To date, the concerns regarding the fairness of proceeding with an election that is held entirely online and the risk of the election results being challenged have not been adequately addressed by the AFN Secretariat.
- G. It is within the power of the Chiefs-in-Assembly under the AFN Charter to postpone the National Chiefs Election to an assembly to be held at a future date.
- H. If the National Chiefs Election is postponed, Article 22(3) of the AFN Charter provides that the “rest of the Executive Committee shall assume [the National Chief]’s role and function until such time as other arrangements are made by the First Nations-in-Assembly.”

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

- 1. Direct the Assembly of First Nation (AFN) Secretariat and Chief Electoral Officer to immediately postpone the election of the National Chief that is scheduled to take place on July 7, 2021.
- 2. Direct the AFN Executive Committee, in consultation with First Nations, to determine a date and location for an assembly to be held for the purpose of electing the National Chief, provided that date will not be later than December 31, 2021 (the “Postponed Election Assembly”).
- 3. Direct the AFN Executive Committee to determine, no later than 60 days prior to the Postponed Election Assembly and having regard to public health orders and guidance, whether or not the Chiefs-in-Assembly can safely gather in-person at the Postponed Election Assembly.
- 4. If and only if the AFN Executive Committee determines that it is not safe for the Chiefs-in-Assembly to gather in-person at the Postponed Election Assembly, the Chief Electoral Officer, with the support of the AFN Secretariat and with input from the AFN Executive Committee, is authorized and directed to
 - a. conduct the National Chief election by way of online voting; and
 - b. develop a comprehensive set of rules and procedures that will govern the conduct of an online National Chiefs and to provide a copy of such rules and procedures in the formal notice of the Postponed Election Assembly.

DRAFT RESOLUTION # 04 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Creation and Implementation of Legislation for First Nations Policing as an Essential Service |
| SUBJECT: | Policing, Public Safety |
| MOVED BY: | Chief Duke Peltier, Wiikwemkoong First Nation, ON |
| SECONDED BY: | Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg, QC |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 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 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.
- B. The Assembly of First Nations (AFN) has previously been mandated to advocate for new legislation that would recognize First Nations policing services as an essential service through AFN Resolution 45/2017, *Federal Investments in First Nations Police Services*, 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*, Resolution 06/2020, *Support for Advocacy on Systemic Racism in Canada*, and Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice System*.
- C. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation will recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- D. 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.

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

AFN Annual General Assembly, July 6-8, 2021

- E. 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.

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

1. Direct the Assembly of First Nations (AFN) to continue working with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations policing services as an essential service.
2. Direct the AFN to work with AFN regional offices to carry out an engagement process on the co-development and implementation of legislation recognizing First Nations policing as an essential service.

DRAFT RESOLUTION # 05 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People |
| SUBJECT: | Safety and Security of Indigenous Women, Girls, and 2SLGBTQQIA People |
| MOVED BY: | Chief Adrienne Jerome, La Nation Anishnabe du Lac Simon, QC |
| SECONDED BY: | Chief Shelley Sabattis, Oromocto First Nation, NB |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) in August 2016. The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- C. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women, girls and 2SLGBTQQIA peoples. The Final Report also contains 4 overarching findings relating to rights recognition, justice, security, health and wellness. It also contains 231 Calls for Justice which include recommendations to governments, institutions, industries, service providers, partners and all Canadians.
- D. Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honour the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systematic change;
 - ii. Recognize that any process including roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support families and communities in their healing journeys, and honour the MMIWG; and
 - iii. Recognize that a one-day roundtable on MMIWG is not sufficient.
- E. AFN Resolution 67/2019, *Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQQIA*, mandates the AFN to:

DRAFT RESOLUTION # 05 / 2021

AFN Annual General Assembly, July 6-8, 2021

- i. Call upon the Federal government to ensure that all engagement on a National Action Plan be carried out using the “Families First” approach.
 - ii. Direct the AFN to seek out appropriate funding and resources to:
 - i. Attend and participate in all Roundtable meetings in every regions; and
 - ii. Co-ordinate its own engagement with First Nations on a National Action Plan.
 - iii. Direct the AFN to develop its own First Nations led National Action Plan with input from the regions and first Nations survivors, families and the First Nations Coalition for Grassroots Families and advocate for all governments to adopt it.
 - iv. Call upon the federal government to ensure that AFN Women’s Council participates in the selection process for any representative appointed to implement the National Inquiry’s Final Report *Calls for Justice*; including the development and implementation of a National Action Plan.
 - v. Direct the AFN to ensure the First Nations Action Plan is respective of any Nation, women, or regional-led processes in regard to their planning.
- F. In June 2021, Crown Indigenous Relations and Northern Affairs (CIRNA) released a National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQQIA people. Further work is needed to implement the National Action Plan.

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

1. Call upon the federal government to ensure that all activities with respect to the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people be carried out using a “Families First” and distinctions-based approach.
2. Direct the Assembly of First Nations (AFN) to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the Nation Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.

DRAFT RESOLUTION # 06 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Allocation of Early Learning and Child Care Investments in Budget 2021

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

MOVED BY: Chief George Ginnish, Natoaganeg First Nation, NB

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

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 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 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- iv. 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.
- v. 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.
- 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 affecting them and, as far as possible, to administer such programmes through their own institutions.

B. Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*, adopted a framework that articulates a First Nations vision towards a system of high-quality, culturally-based and holistic Early Learning and Child Care (ELCC) for all First Nations children. The Framework recognizes that First Nations are a distinct people with rights to self-determination, including the right to control the design, delivery, and administration of ELCC.

DRAFT RESOLUTION # 06 / 2021

AFN Annual General Assembly, July 6-8, 2021

- C. The National Expert Working Group (NEWG) on First Nations ELCC was mandated by AFN Resolution 39/2016, *First Nations National Working Group on Early Learning and Child Care (ELCC)*, to oversee the national engagement process to inform the Indigenous ELCC Framework and to lead the work on First Nations ELCC at the national level.
- D. In September 2018, the Indigenous ELCC Framework was released, with Canada committing up to \$1.02 billion over 10 years for First Nations ELCC service delivery, program enhancement and expansion, partnerships and governance, to be divided nationally as directed by First Nations. This investment was part of Canada's Indigenous ELCC Transformation Initiative, which enables greater Indigenous control in ELCC governance, decisions, and investments, and upholds a principle of local and regional decision-making and control.
- E. AFN Resolution 59/2018, *First Nations Early Learning and Child Care Regional Funding Allocation Approach*, directed the allocation of these funds on an interim basis based on the following formula:
 - i. Per capita funding based on the Modified Berger Formula using the Indian Registration System population counts of on and off-reserve children aged 0-6, weighted for remoteness.
- F. The current funding allocation model was provided as an interim measure to ensure that First Nations ELCC funding was distributed in a timely manner. The interim model fails to account for needs-based factors.
- G. The NEWG is expected to report back to Chiefs-in-Assembly in December 2021 with a revised, long-term First Nations-determined funding model for ELCC, as mandated by AFN Resolution 20/2020, *Extension of Interim First Nations Early Learning and Child Care Funding Allocation Approach*.
- H. In the 2020 Speech from the Throne, Canada made commitments towards a national system of childcare for all children in Canada. Budget 2021 commits to enshrining the principles of a national system in federal legislation on ELCC.
- I. Budget 2021 proposed to invest \$30 billion over five years in new funding in ELCC, of which \$2.5 billion over five years is committed to Indigenous ELCC, specifically:
 - i. Over five years, \$768.11 million is dedicated to First Nations ELCC programs and services, and \$110.4 million is dedicated to First Nations ELCC governance capacity.
 - ii. In 2021-22, \$46.46 million is available for First Nations ELCC programs and services, and \$22.08 million is available for First Nations ELCC governance capacity.
- J. Employment and Social Development Canada (ESDC) has indicated that the First Nations portion of Budget 2021 ELCC funds for governance capacity and programs and services are subject to direction by Chiefs-in-Assembly, including its allocation across regions. Without a resolution on regional allocation of Budget 2021 funds for First Nations governance capacity and programs and services, there is a risk that First Nations funding may lapse or be reprofiled.
- K. First Nations assert their rights and jurisdiction in a multitude of ways, including collectively, through Historic Treaties, Modern Treaties, Self-Government Agreement and other mechanisms. The Government of Canada has an obligation to ensure that all First Nations, regardless of the mechanisms they choose to assert their rights and jurisdiction, have equitable access to ELCC funds.

DRAFT RESOLUTION # 06 / 2021

AFN Annual General Assembly, July 6-8, 2021

- L. Canada has not funded the AFN or the NEWG in over two fiscal years for national-level work. The NEWG has consistently called for funding to support national-level work on governance capacity and has affirmed that this funding cannot come at the expense of investments in regional governance, programs or services.

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

1. Support the application 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*, to Budget 2021 investments in First Nations Early Learning and Child Care (ELCC) for governance capacity and programs and services for the current fiscal year, until March 31, 2022, based on the following formula:
 - a. Per capita funding based on the Modified Berger Formula using the Indian Registration System population counts of on and off-reserve children aged 0-6, weighted for remoteness.
2. Direct the AFN to call on Canada to adequately and immediately fund national-level ELCC work at the AFN and the National Expert Working Group (NEWG) on First Nations ELCC.
3. Direct the AFN to establish a Chiefs' Committee on Early Learning and Child Care to provide direction for the implementation of Budget 2021 investments and the ongoing implementation of the First Nations and Indigenous ELCC Frameworks.
4. Direct the Chiefs' Committee on Early Learning and Child Care to report to the Chiefs-in-Assembly in December 2021.

DRAFT RESOLUTION # 07 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Creation of a National Treaty Commissioner's Office |
| SUBJECT: | Treaties |
| MOVED BY: | Chief Matthew Todd Peigan, Pasqua First Nation, SK |
| SECONDED BY: | Chief Cadmus Delorme, Cowessess First Nation, SK |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 37 (a): Indigenous peoples have the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
 - ii. Article 37 (b): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B. The Vienna Convention on the Laws of Treaties, Article XXIV of *the American Declaration on the Rights of Indigenous Peoples* and the UN Declaration support the recognition of Indigenous Treaty Rights.
- C. The Inherent Rights and governance structures of the Original Nations and Tribes of Turtle Island have existed since time immemorial and the Inherent Right to self-determination pre-dates contact with foreign colonial governments, including existing prior to the creation of the Canadian Constitution.
- D. The international right of self-determination of all peoples is affirmed in Article 1 of both the UN Charter and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- E. Treaties are an expression and recognition of the self-determination of those Nations who entered into a Treaty relationship as equals to states.
- F. Treaties concluded with European powers or their successors are international Treaties of Peace and Friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments.
- G. The relationship between First Nations and the Crown has been and must continue to be governed by the Treaty relationship and informed by the application of the law of nations.
- H. Assembly of First Nations (AFN) Resolution 78/2015, *Establish a Treaty Commissioner's Office*, mandates the AFN to:
- i. Affirm that First Nations in Treaties 1 to 11 entered into Treaties in which the Crown promised to provide them certain agricultural benefits upon their request.

DRAFT RESOLUTION # 07 / 2021

AFN Annual General Assembly, July 6-8, 2021

- ii. Direct the Assembly of First Nations to facilitate discussions amongst Treaty areas to explore options for the establishment of a Treaty Commissioner's Office for First Nations in Treaties 1 to 11.
 - iii. Call on the Federal Government to establish a Treaty Commissioner's Office under the direction of First Nation treaty regions facilitated by the AFN that will oversee the modernization and implementation of the Crown's Treaty obligations relating to agricultural benefits for Treaties 1 to 11.
- I. Recognizing that all First Nations are sovereign and self-governing and seek a renewed nation-to-nation relationship with the Crown, there is a need for a national independent mechanism to oversee and ensure the full implementation of First Nations Inherent and Treaty Rights.

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

1. Affirm that Treaties confirm the self-determination of First Nations as nations equal to states, establish a sacred treaty relationship between First Nations and the Crown, and create obligations for First Nations and Canada.
2. Direct the Assembly of First Nations (AFN) to facilitate discussions amongst Treaty Nations across Canada to explore options for the establishment of a National Treaty Commissioner's Office (TCO) for Treaty Nations, which will complement and build upon the mandates of existing Treaty Commissioner's Offices, where they exist.
3. Call on the Government of Canada to establish a National TCO in full partnership with Treaty First Nations, facilitated by the AFN, that will oversee the modernization of Treaty relationships, the implementation of the Crown's Treaty obligations and coordination with other relevant mechanisms, such as regional Treaty Commissioners.
4. Direct the AFN to call on the Government of Canada to establish a mechanism that no legislation is passed unless it is consistent with Treaty Relationships and supports Canada's international Treaty obligations to First Nations.
5. Direct the AFN to call on federal, provincial, and territorial governments to support First Nations in developing their own nation building processes.
6. Direct the AFN to facilitate the full participation of Treaty Nations in the development of a TCO and advocate that their free, prior and informed consent is respected throughout this process.
7. Direct the AFN to call on the Government of Canada to ensure that any process relating to the establishment or implementation of a National TCO will not prejudice negotiations or implementation of related initiatives currently being undertaken by Treaty Nations or existing Treaty Commissioners.
8. Direct the AFN to immediately advocate for sufficient resources to support Treaty Nations' full and equal participation in the creation of a National TCO including in co-development and engagement processes.

DRAFT RESOLUTION # 08 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Supporting First Nations Participation in the development of distinctions-based Health Legislation

SUBJECT: Health

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

SECONDED BY: Chief George Cote, Cote First Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iv. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. Call to Action #18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
- C. The Crown holds an obligation to First Nations health as a result of Treaties, including the Medicine Chest clause in Treaty Six as well as section 35 of the *Constitution Act*, 1982.
- D. The Canadian Government has never formally acknowledged its legal and Treaty obligations to First Nations health.
- E. The lack of legislative base outlining the federal government's obligation towards First Nations health leaves health services vulnerable to the political will of the government of the day.

DRAFT RESOLUTION # 08 / 2021

AFN Annual General Assembly, July 6-8, 2021

- F. In 2015, the federal government promised a new relationship with Indigenous Peoples – one that would help deliver a better quality of life for their families and communities. In the *Walking the Road of Reconciliation* section of the Prime Minister's 2019 Speech from the Throne and the Minister of Indigenous Services' subsequent Mandate Letter it states,
- i. co-develop new legislation to ensure that Indigenous people have access to high-quality, culturally relevant health care and mental health services.
- G. The 2021 Supplementary Mandate Letter from the Minister of Indigenous Services states,
- i. expedite work to co-develop distinctions-based Indigenous health legislation with First Nations, Inuit and the Métis Nation, as well as a distinctions-based mental health and wellness strategy, and work with partners to address systemic racism in the healthcare system.
- H. In the *Supporting Canadians and Fighting COVID-19 Fall Economic Statement 2020*, the Minister of Finance Chrystia Freeland states,
- i. To move forward with this commitment, the government proposes an initial investment of \$15.6 million over 2 years, starting in 2021-22, to support the co-development of distinctions-based health legislation with First Nations, Inuit and Métis Nation partners. This will begin the process of transforming health care delivery in Indigenous communities by ensuring Indigenous control over the development and delivery of health services.
- I. The National Inquiry into the Missing and Murdered Missing Indigenous Women and Girls Calls for Justice states,
- i. 3.1: We call upon all governments to ensure that the rights to health and wellness of Indigenous Peoples, and specifically of Indigenous women and girls, and 2SLGBTQQIA people, are recognized and protected on an equitable basis.
- J. AFN Resolution 69/2017, *Exploring a Legislative Base for First Nations Health*, directs the Assembly of First Nations (AFN) to examine options related to federal First Nations health legislation that would articulate federal obligations towards First Nations' health, reflective of inherent, Treaty and international legal obligations, as well as the nation-to-nation relationship.
- K. The AFN has drafted a discussion paper examining the issues related to First Nations health legislation.
- L. The COVID-19 pandemic has shown that decisions impacting the health and well-being of First Nations are best made when First Nations are part of the decision-making processes with the federal government, provinces and territories.

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

1. Call on Canada to orient their approach to the development of distinctions-based health legislation by recognizing First Nation peoples' inherent right to self-determination over First Nations health matters.
2. Call on Canada to ensure that support will be provided to First Nations to make free and informed decisions of how best to care for and establish law, policies, and practices to support the health and well-being of First Nations.

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

AFN Annual General Assembly, July 6-8, 2021

3. Direct the Assembly of First Nations (AFN) to call upon Indigenous Services Canada (ISC) to engage in a focused dialogue with First Nations to substantively identify, recognize and engage the protocols, elements and processes under which to conduct legislative co-development.
4. Direct the AFN to call upon ISC to ensure that the timelines for engagement and co-development of health legislation are reflective of First Nations' needs and capacities and not those of the federal government.
5. Direct the AFN to call upon ISC to ensure that provincial and territorial governments are included the tri-partite discussions related to co-development.
6. Direct the AFN to call upon ISC to ensure individual First Nations are fully and sustainably funded to allow for their full, direct, and unfettered participation in all legislative co-development process and implementation.
7. Direct the AFN to support the participation of First Nations, regional organizations, and provincial/territorial organizations in their regional engagement processes and to lead national level dialogue and engagement.

DRAFT RESOLUTION # 09 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Support for the co-development of a new distinctions-based Indigenous Languages Funding Model |
| SUBJECT: | Languages |
| MOVED BY: | Ogimaa Duke Peltier, Wiikwemkoong, ON |
| SECONDED BY: | Kukpi7 Wayne Christian, Splat sin, BC |

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 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.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. Assembly of First Nations (AFN) Resolution 77/2017, *Support for continued co-development work on the Indigenous Languages Act*, adopted a set of principles to inform the framework and approach for co-developing legislation, regulations and policies regarding the protection, promotion, preservation, revitalization, recovery and maintenance of First Nations languages, including a principle about the “articulation of specific federal obligations, duties and authorities to protect and support Indigenous languages including funding”.
- C. Through AFN Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada’s Call to Action*, the Chiefs-in-Assembly fully supported the report’s 94 Calls to Action including specific calls (13, 14, 15, 16, 17, 84, and 85) about Indigenous Peoples’ languages.
- D. AFN Resolution 06/2015, *Revitalization of Indigenous Languages: Concrete Actions to Support Indigenous Languages Teachers and Cultural Centres*, calls for policy and legislative changes at the federal, provincial and territorial levels to appropriately support Indigenous language revitalization as part of the reconciliation process flowing from the Truth and Reconciliation Commission of Canada’s Final Report and Calls to Action.
- E. The *Indigenous Languages Act* (the Act) was co-developed by the Assembly of First Nations (AFN) and the Department of Canadian Heritage (DCH), along with Inuit and Métis representative organizations, and received Royal Assent in 2019.
- F. The purposes of the Act include, among other things:

DRAFT RESOLUTION # 09 / 2021

AFN Annual General Assembly, July 6-8, 2021

- i. 5(c) establishing a framework to facilitate the effective exercise of the rights of Indigenous peoples that relate to Indigenous languages, including by way of agreements or arrangements referred to in sections 8 and 9 (of the Act); and
 - ii. 5(d) establishing measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.
- G.** The Indigenous Languages Funding Model (Funding Model) would be a measure for facilitating the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance, strengthening, and normalization of First Nations languages, referred to in paragraph 5(d) of the Act.
- H.** In recent years and decades, there have been numerous consultations and engagements on a variety of topics that are relevant for a new Funding Model. The Minister of Canadian Heritage, however, has not consulted specifically about procedures for the negotiation of agreements or arrangements under sections 8 and 9 of the Act, despite contemplating section 8 or 9 agreements.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly

1. Reaffirm that jurisdiction over First Nations languages remains with individual First Nations.
2. Affirm that First Nations' jurisdictions in respect of their languages apply in connection with their citizens residing off-reserve or off settlement lands as well as with citizens residing on reserve or on settlement lands.
3. Reaffirm the principles and direction set out in the *Indigenous Languages Initiative Report* and affirmed through Assembly of First Nations (AFN) Resolution 77/2017.
4. Direct the Chiefs Committee on Languages (CCOL), the Technical Committee on Languages (TCOL), and the AFN to be guided by those principles in the work that they undertake with Canada to develop a new Funding Model for revitalizing First Nations languages.
5. Direct the CCOL, TCOL and AFN to continue collaborating with regions, First Nations, First Nations educators, First Nations language experts, the Government of Canada, other Indigenous organizations, and other organizations as required, in developing a new Funding Model, including a framework or regulations for agreements or arrangements under sections 8 or 9 of the Indigenous Languages Act (the Act).
6. Direct the CCOL, TCOL, and the AFN to ensure that any Funding Model developed further to the parties' collaborative work, including any related framework or regulations for agreements or arrangements:
 - a. does not detract or hinder First Nations from advancing their own processes towards language revitalization;

DRAFT RESOLUTION # 10 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Support for the United Nations International Decade of Indigenous Languages (2022-32)

SUBJECT: Languages

MOVED BY: Kukpi7 Wayne Christian, Splatsin, BC

SECONDED BY: Ogimaa Duke Peltier, Wiikwemkoong, ON

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 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.
 - iii. Article 16 (1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. Through Assembly of First Nations (AFN) Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Call to Action*, the Chiefs-in-Assembly fully supported the Report's 94 Calls to Action including specific Calls (13, 14, 15, 16, 17, 84, and 85) about Indigenous Peoples' languages. .
- C. AFN Resolution 46/2018, *United Nations International Decade of Indigenous Languages*, was adopted on December 4, 2018 and, among other things, it called upon the federal government to propose, advocate, and support a timely United Nations declaration of an International Decade of Indigenous Languages.
- D. The United Nations declared 2019 to be the International Year of Indigenous Languages and subsequently declared 2022 to 2032 to be the International Decade of Indigenous Languages (IDIL).
- E. The *Los Pinos Declaration* (Chapoltepek) – *Making a Decade of Action for Indigenous Languages*, which resulted from the closing event of the International Year of Indigenous Languages, took place in Mexico City in February 2020. It highlighted the importance of enabling the use of Indigenous languages in justice systems, the media, labour, and health programming and set out a vision for planning and organizing the IDIL.
- F. The United Nations is urging participating States, including Canada, to support the development of a Global Action Plan and to develop National Action Plans for the IDIL.

DRAFT RESOLUTION # 10 / 2021

AFN Annual General Assembly, July 6-8, 2021

- G. The Department of Canadian Heritage plans to develop a National Action Plan for the IDIL with Indigenous Peoples.
- H. First Nations voices and visions for the revitalization of First Nations languages must be included and recognizable in any planning regarding the IDIL, both within Turtle Island and internationally.
- I. Based on AFN Resolution 06/2015, *Revitalization of Indigenous Languages: Concrete Actions to Support Indigenous Languages Teachers and Cultural Centres*, the AFN is developing a Draft First Nations Language Revitalization Strategy for the revitalization of First Nations languages, which may be used to support future discussions regarding long-term planning for the revitalization of First Nations languages.

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

1. Acknowledge the *Los Pinos Declaration (Chapoltepek) – Making a Decade of Action for Indigenous Languages* and adopt it as a guide for the Assembly of First Nations (AFN)'s participation in the International Decade of Indigenous Languages (2022-32).
2. Direct the Chiefs Committee on Languages, the Technical Committee on Languages and the AFN to broadly support activities of the IDIL for the benefit of First Nations languages.
3. Call on the Government of Canada, the Department of Canadian Heritage, and Global Affairs Canada or other involved federal departments, to engage directly and meaningfully with First Nations about planning and implementing Canada's participation in the IDIL.

DRAFT RESOLUTION # 11 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Holding a Ratification Process on Bill C-15 |
| SUBJECT: | Rights |
| MOVED BY: | Chief Okimaw Vernon Watchmaker, Kehewin Cree Nation, AB |
| SECONDED BY: | Chief Denise Stonefish, Delaware Nation of the Thames, ON |

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 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their international and local affairs, as well as ways and means for financing their autonomous functions.
 - iii.** 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.
 - iv.** Article 7: The First Nations-In-Assembly have the power: To instruct the Executive Committee to proceed with a ratification process of its decisions regarding any subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations.
 - v.** Article 8 (1): Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. (2) States shall provide effective mechanisms for prevention of, and redress for...(b) any action which has the air or effect of dispossessing them of their lands, territories, or resources.
 - vi.** 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.
 - vii.** Article 43: The rights recognized herein constitute the minimum standards for survival, dignity and well-being of the Indigenous Peoples of the world.
- B.** The Truth and Reconciliation Commission Calls to Action state:
- i.** Call to Action 43: We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework to reconciliation.

DRAFT RESOLUTION # 11 / 2021

AFN Annual General Assembly, July 6-8, 2021

- C. The Assembly of First Nations (AFN) Charter states:
- i. FUNCTIONS AND POWERS Article 7: 2. The First Nations-in-Assembly has power:
 - a) To discuss any matter related to the conduct or operations of any organ of the Assembly of First Nations and to make binding decisions regarding such matters.
 - (d) To ensure that the positions and directions given by First Nations are implemented and to take disciplinary measures whenever the sacred trust and duty to perform and adhere to, in strict compliance with the delegation is deliberately breached.
 - (e) To instruct the Executive Committee to proceed with a ratification process of its decisions regarding any subject matter of a fundamental nature that may affect the jurisdiction, rights, and survival of First Nations.
- D. While support for the UN Declaration was passed by AFN Resolution 86/2019, *Federal Legislation to Create a Framework for Implementation of the United Nations Declaration on Rights of Indigenous Peoples*, and further support for Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, was passed by AFN Resolution 97/2017, *Support for Bill C-262 "An Act to Ensure the Laws of Canada are in Harmony with the United Nations Declaration on the Rights of Indigenous Peoples"*, there is no documented support by way of a resolution by the Chiefs-In-Assembly for Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*.
- E. At a Special Chiefs Assembly held on December 3-5, 2019, in Ottawa, Ontario, the Chiefs-In-Assembly provided support for Resolution 86/2019 that stated that the Chiefs-in-Assembly:
1. **seek a collaborative process** with the federal government consistent with the Liberal Party of Canada's commitment during the 43rd federal election....and,
 2. Call upon the Government of Canada to develop **with** First Nations a national action plan to implement the UN Declaration (emphasis added).
- F. Support by Chiefs-In-Assembly to seek a collaborative process with the federal government and to develop with First Nations a national action plan, requires at a minimum, a clearly defined and communicated consultation process with rights holders.
- G. At the AFN Annual General Assembly, held December 8-9, 2020, a draft resolution 06/2020, seeking support by the Chiefs-In-Assembly on Bill C-15 was pulled prior to a vote and therefore did not receive support. Consequently, no mandate to pursue further work on Bill C-15 exists.
- H. On May 7, 2021, National Chief Perry Bellegarde stated to the Senate Standing Committee on Aboriginal Issues that "once Bill C-15 passes [into] legislation...the positive thing is the law and policy review within C-15...the comprehensive claims policy, the specific claims policy, additions to reserves, inherent right to self- government policy and the Indian Act which is still been here since 1876 all those things will need to get fixed and brought in line with the UNDRIP," as well as the issue of the Duty to Consult.
- I. Any proposed changes to policies and legislation may negatively impact the jurisdiction of First Nations and therefore requires an explicit mandate passed by way of a resolution.

DRAFT RESOLUTION # 11 / 2021

AFN Annual General Assembly, July 6-8, 2021

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

1. Direct that the Assembly of First Nations (AFN) Executive Committee immediately hold a ratification process to continue any work, and/or advocacy with respect to Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, including any and all subsequent work on a national action plan as this work may negatively impact the jurisdiction of First Nations.
2. Direct the AFN to defer any decision-making regarding advocacy, future discussions, or meetings on Bill C-15 including a national action plan to rights holders, pending the results of a ratification process.

DRAFT RESOLUTION # 12 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples |
| SUBJECT: | UN Declaration |
| MOVED BY: | Sisi-ya-ama, Chief Leah George-Wilson, Tsleil-Waututh Nation, BC |
| SECONDED BY: | Chief Emily Whetung, Curve Lake First Nation, ON |

WHEREAS:

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

- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.
- ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- iii. 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.
- iv. 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.
- v. 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.
- vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well- being of the Indigenous Peoples of the world.

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

- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
- ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

DRAFT RESOLUTION # 12 / 2021

AFN Annual General Assembly, July 6-8, 2021

- C. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, as legal imperatives called upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (like UNDRIP and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- D. The Chiefs-in-Assembly have passed numerous Resolutions calling for implementation of the UN Declaration in Canada including:
- i. 38/2015, Canadas Obligation to Develop with Indigenous Peoples a National Action Plan for Implementation of the UN Declaration on the Rights of Indigenous Peoples;
 - ii. 28/2016, United Nations Declaration on the Rights of Indigenous Peoples 10 year Anniversary;
 - iii. 128/2016 , UN Declaration Legislative Framework and Interpretation of Canadian Laws;
 - iv. 97/2017 , Support for Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;
 - v. 14/2018, United Nations Declaration on the Rights of Indigenous Peoples-Legal Standing Implementation;
 - vi. 32/2019, Support the Declaration by Indigenous Nation and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title; and
 - vii. 86/2019, Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
- E. The Government of Canada introduced Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (Bill C-15) on December 3, 2020; Bill C-15 states that the Responsible Minister "... must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the Declaration."
- F. Further Bill C-15 commits Canada to table this Action Plan and make it public no later than two years after Bill C-15 comes into force.

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

1. Affirm that Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, does not domesticate First Nations' sacred rights affirmed and articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
2. Confirm that Canada, as a colonial Nation, does not acquire directly or indirectly any of the rights, privileges, responsibilities, or sacred relationships affirmed in the UN Declaration by virtue of Bill C-15.
3. Remind all colonial governments that the UN Declaration does not require Bill C-15 to be operationalized and applied in Canada's colonial legal systems.
4. Call on the Government of Canada to immediately support First Nations, as the rights-holders, in co-developing the National Action Plan called for within two years by Bill C-15.

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

AFN Annual General Assembly, July 6-8, 2021

5. Direct the Assembly of First Nations (AFN) to advocate for First Nations participation in the creation of the National Action Plan to implement the UN Declaration.
6. Call on the Government of Canada to immediately provide sufficient resources to support full First Nations participation in the development of the National Action Plan.
7. Direct the AFN to hold a National Chiefs Assembly to discuss Bill C-15 as soon as practicable.
8. Direct the AFN to report back to the Chiefs-in-Assembly at every national gathering on the status of the National Action Plan until that plan is tabled and made public.

DRAFT RESOLUTION # 13 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Funding for Post-Secondary Indigenous Institutions and Students

SUBJECT: Lifelong Learning

MOVED BY: Chief Leonard Standing on the Road, Montana Cree Nation, AB

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

WHEREAS:

- A. Our ancestors entered into Treaties with the Crown in right of Great Britain and Ireland to last as long as the sun shines, the grass grows and the waters flow.
- B. Our Nations consider education to be a lifelong learning experience.
- C. The Crown wanted to use some of our lands and territories to the depth of a plow for her subjects to live in peace and friendship.
- D. The Crown agreed as a Treaty commitment to provide education with the written reference to schoolhouse on each Treaty reserved lands.
- E. The successor state of Canada undertook from their beginning the promotion of educating Indians.
- F. The Indian residential school system was a failure to respect the Treaty Right to education.
- G. Since 1976, Canada ratified the *International Covenant on Economic, Social and Cultural Rights* (CESCR) which makes specific references to education, including:
 - i. Article 13 (1): The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace;
 - ii. Article 13 (2): The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - iii. Article 13 (2a): Primary education shall be compulsory and available free to all;
 - iv. Article 13 (2b): Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; and

DRAFT RESOLUTION # 13 / 2021

AFN Annual General Assembly, July 6-8, 2021

- v. Article 13 (2c): Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.
- H. Canada has failed to live up to their international commitments undertaken by the Crown in the making of Treaties and their international obligations as set out in the binding Convention.

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

1. Support the call for the Government of Canada to honour its obligations to lifelong learning by implementing the following measures:
 - a. provide First Nations post-secondary institutions core funding support;
 - b. increase monies for post-secondary students to align with the cost of living;
 - c. provide monies to be made available for the structural support of buildings and their upkeep;
 - d. provide a needs-based funding formula developed by First Nations post-secondary institutions that includes sustainable and growth-oriented funding;
 - e. provide funds to redress the historic and chronic underfunding of First Nations post-secondary institutions that will support functions these institutions are unable to offer;
 - f. provide an increment to payrolls that achieve equity and are sustained by long-term operation funding;
 - g. commit to respect First Nations leadership and authentication of programming in First Nations languages and knowledges;
 - h. recognize First Nations post-secondary institutions as a funding priority for First Nations programming, especially in languages and education; and,
 - i. provide reciprocal acknowledgement of our national and international accreditations.

DRAFT RESOLUTION # 14 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Independent Review of the McLean Federal Indian Day Schools Settlement |
| SUBJECT: | Indian Residential Schools |
| MOVED BY: | Chief Karen Bird, Peter Ballantyne Cree Nation, SK |
| SECONDED BY: | Proxy Neil Sasakamoose, Red Pheasant First Nation, SK |

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1). Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2). Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 8 (1). Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 8 (2). States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them
- B. The Government of Canada operated and funded Indian Day Schools, designed to assimilate Indigenous children and affecting up to 200,000 children, many of whom suffered physical, verbal, and sexual abuse.
- C. In August 2019, the Federal Court approved the McLean Indian Day School Settlement Agreement with five (5) levels of compensation and a deadline to file a claim by July 13, 2022.
- D. In March 2020, COVID-19 was declared a global pandemic. During this global health crisis, over 110,000 Day School Survivors filed a claim, many without legal counsel, technical resources, or mental health supports.
- E. Thousands of Survivors accepted the lowest claim level due to financial limitations, illness, onerous requirements of filing at higher levels, and barriers associated with disclosing abuse without adequate supports.

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

AFN Annual General Assembly, July 6-8, 2021

- F.** The Claims Administrator announced that claimants would not be allowed to change levels or offer additional information, known as progressive disclosure, if they filed a claim prior to June 15, 2020, thereby preventing potentially thousands of Survivors from achieving a fair and just settlement.
- G.** Day School Survivors who pursued level 2 to 5 claims without adequate supports are now receiving decisions downgrading their claims.
- H.** Due to these various problems, the July 22, 2022 deadline does not provide enough time for Survivors to file the highest claim for which they are eligible.

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

- 1.** Call on the Assembly of First Nations to seek funding to establish an independent review of the implementation and administration of the Indian Day School Settlement Agreement. Upon receipt of funding, the independent review will be conducted, and the findings will be presented to the Assembly of First Nations Chiefs-in-Assembly in December 2021.
- 2.** Call on the Parties to the Indian Day School Settlement Agreement to amend the Agreement to extend the deadline to submit a claim to July 2023 and remedy the decision to prohibit progressive disclosure by Day School Survivors.
- 3.** Call on the Parties to the Indian Day School Settlement Agreement to make adequate resources available immediately to Day School Survivors to prepare and file their claims, including funding for local mental health support, technical support, and legal support of their choice.

DRAFT RESOLUTION # 15 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Full Involvement of First Nations in All Aspects of Specific Claims Policy Development

SUBJECT: Specific Claims, Policy Development

MOVED BY: Chief Mark Point, Skowkale First Nation, BC

SECONDED BY: Chief Lisa Robinson, Wolf Lake First Nation, QC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - i. (b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 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.
- B. The AFN-CIRNAC Joint Technical Working Group (JTWG) is currently the body tasked with reforming the specific claims process. The AFN has developed a draft proposal for a fully independent specific claims process based on a shared approach to justice and founded equally on the laws of claimant Nations and of Canada. This proposal is currently under review by First Nations throughout Canada.
- C. In the interim, Canada and its representatives within Crown-Indigenous Relations and Northern Affairs particularly at the Specific Claims Branch and the Negotiation Support Directorate, continue to revise and develop policies, regulations, and guidelines unilaterally, without the full and equal participation of First Nations who are directly affected by the specific claims process.
- D. Canada's conduct in this regard contravenes principles of fairness, equality, and transparency, fails to meet the minimum standards articulated in the UN Declaration, contradicts Canada's public commitments to work in full partnership with First Nations to advance reconciliation through the resolution of Nations' historical claims, and jeopardizes First Nations' access to justice.

DRAFT RESOLUTION # 15 / 2021

AFN Annual General Assembly, July 6-8, 2021

- E. Meaningful, direct dialogue with First Nations must be a priority and all policy work, including revising administrative procedures, from inception to finalization, must be guided by transparency, due process, and full enactment of the government-to-government approaches articulated within the UN Declaration, First Nations' rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

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

1. Call on Canada to prioritize substantive, direct dialogue with First Nations on all aspects of specific claims policy and procedures, both in the development of a fully independent specific claims process and regarding any interim changes to current policy or procedures, and that it cease undertaking unilateral policy development or revision.
2. Call on Canada to ensure that all representatives of Canada – its elected representatives and members of the public service and bureaucracy – proceed in matters of policy and procedure in strict accordance with the public commitments made to First Nations by the Prime Minister and members of Cabinet, as well as the legal provisions and principles that underlie them, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, First Nations' rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

DRAFT RESOLUTION # 16 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Support for Closing the Infrastructure Gap by 2030 |
| SUBJECT: | Infrastructure |
| MOVED BY: | Ogimaa Kwe, Linda Debassige, M'Chigeeng First Nation, ON |
| SECONDED BY: | Chief Lance Haymond, Kebaowek First Nation, QC |

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 obtain and develop their own Indigenous decision-making institutions.
 - ii.** Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative 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 the most recent Speech from the Throne, Canada re-iterated its commitment to eliminating the infrastructure gap between First Nations and the rest of Canada by 2030.
- C.** The COVID-19 pandemic has highlighted the significant gaps in First Nations infrastructure, such as overcrowded housing, poor connectivity, and lack of access to safe, clean and reliable drinking water, which makes preventative measures to avoid infection impossible in some First Nations.
- D.** In Budget 2021, the federal government identified distinctions-based investments of \$6 billion over five years, starting in 2021-22, with \$388.9 million ongoing, to support infrastructure, including housing, in Indigenous communities.
- E.** The 2016 Canadian Council for Public Private Partnership report *P3's: Bridging the First Nations Infrastructure Gap*, states "The infrastructure deficit across First Nations in Canada has been estimated by some experts to be between \$25 billion and \$30 billion (with some citing even higher figures)".

DRAFT RESOLUTION # 16 / 2021

AFN Annual General Assembly, July 6-8, 2021

- F. The Assembly of First Nations (AFN) continues to advocate for urgent investments to address the backlog of infrastructure, including housing, in First Nations to ensure First Nations' overall health and wellbeing. The AFN also continues to urge the federal government to commit to sustained long-term funding over the next five to fifteen years to bring infrastructure and housing in First Nations up to the same level as the rest of Canada.
- G. Closing the housing and infrastructure gap in its entirety is essential to moving forward towards First Nations care and control of housing and infrastructure.
- H. First Nations must define their infrastructure needs and future investments must take into account all infrastructure and housing, as well as operations and maintenance costs.
- I. The AFN also continues its work on the National First Nations Infrastructure Assessment, which will gather essential data and identify current First Nations assets and prepare an analysis of current and future infrastructure needs.
- J. ISC has committed to engaging with First Nations on closing the infrastructure gap. The AFN continues to urge the federal government to ensure that all regions are given sufficient resources in order for regional First Nations organizations, Tribal Councils, and First Nations to be prepared to engage fully with the federal government on closing the infrastructure gap.

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

1. Direct the Assembly of First Nations (AFN) to support regionally-led engagement and regional priorities, working in partnership with Canada to support meaningful First Nations participation in engagement sessions.
2. Direct the AFN to advocate to Canada for adequate funds to support sustained and meaningful engagement regarding closing the infrastructure gap with all First Nations.
3. Direct the AFN to call on Canada to work in full partnership and engage meaningfully with First Nations on First Nations-defined infrastructure needs, including a dedicated investigation into true housing and infrastructure needs and the co-development of a infrastructure plan to support closing the gap.
4. Direct the AFN to urge the federal government to make long-term and sustainable funding commitments to First Nations community infrastructure and housing, including but not limited to: water, wastewater, modernized operations and maintenance funding with escalators, connectivity, roads, educational facilities, health facilities, community buildings, and asset management programs.
5. Direct the AFN to ensure that this initiative does not delay existing endeavors, including First Nations-led processes and advocacy on both the National First Nations Infrastructure Assessment and the National First Nations Housing and Related Infrastructure Strategy.

DRAFT RESOLUTION # 17 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Meaningful engagement and involvement in the co-development of a Canada Water Agency |
| SUBJECT: | Water |
| MOVED BY: | Chief Lance Haymond, Kebaowek First Nation, QC |
| SECONDED BY: | Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON |

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 obtain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generation in this regard.
 - 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.
- B. In December 2019, the federal government committed to creating a Canada Water Agency (CWA) in the Minister of Environment and Climate Change's mandate letter, which directed the Minister to work with the Minister of Agriculture and Agri-Food to "create a new Canada Water Agency to work together with the provinces, territories, Indigenous communities, local authorities, scientists and others to find the best ways to keep our water safe, clean and well-managed."
- C. The creation of a CWA has far reaching implications on First Nations water rights and governance and First Nations need to be included in any discussions regarding the management of water.

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

AFN Annual General Assembly, July 6-8, 2021

- D.** The Assembly of First Nations (AFN) has advocated for First Nations inclusion in any discussions regarding the development of the CWA, through letters sent from the AFN National Chief to the Minister of Environment and Climate Change on July 31, 2020, and on April 27, 2021 which urged the Minister to set aside dedicated funding for First Nations participation in the engagement process and sought further clarity on the implications of a CWA on First Nations inherent and Treaty rights.
- E.** To date, the federal government's outreach process has not adequately engaged with all First Nations, due to rushed timelines, inadequate pre-engagement, and a lack of understanding on the importance of co-development.
- F.** The federal government must obtain the free, prior and informed consent of First Nations, including on matters related to water management, and any water-related agencies, policies or legislation that could have implications on Treaty rights and the rights affirmed in the UN Declaration.
- G.** All regions must be given adequate resources in order for regional First Nations organizations, Tribal Councils, and First Nations to be prepared to engage fully with the federal government on discussions regarding the development of the CWA.

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

- 1.** Direct the Assembly of First Nations (AFN) to call on Canada to immediately work in full partnership and meaningfully engage with First Nations regarding the potential structure and priorities of a CWA, through a mutually collaborative process, that recognizes and affirms First Nations interests and rights to water.
- 2.** Direct the AFN to urge Environment and Climate Change Canada to ensure that any upcoming outreach with First Nations on the development of the CWA include dedicated funds and resources, in addition to timelines that respect the ability of First Nations to participate.
- 3.** Direct the AFN to work with the relevant Chiefs and technical bodies to identify priorities, issues, synergies, and concerns as they relate to the establishment and implementation of the CWA.
- 4.** Direct the AFN to urge Environment and Climate Change Canada to prioritize all water-related research and data collection that affect First Nations.

DRAFT RESOLUTION # 18 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Support for First Nations Decentralized Infrastructure |
| SUBJECT: | Water, Infrastructure, Treaty Rights |
| MOVED BY: | Chief Vernon Saddleback, Samson Cree Nation, AB |
| SECONDED BY: | Chief Leonard Standing on the Road, Montana First Nation, AB |

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 into Missing and Murdered Indigenous Women and Girls has identified the First Nations water and housing crisis as a source of violence against First Nations women, girls and 2SLGBTQQIA people, 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. AFN Resolution 53/2019, *Human Right to Clean Drinking Water*, recognizes and affirms the human right to clean drinking water. The human right to water and sanitation (HRWS) was recognized as a human right by the United Nations General Assembly on July 28, 2010.
- D. First Nations and all Canadians have the basic human right to clean drinking water. In addition, since the Walkerton Crisis of 2000, provincial governments have made clean drinking water a priority for all municipalities, while the federal government has failed to do the same for First Nations.
- E. Since the current federal government was elected in October 2015, eliminating all First Nation Long-Term Drinking Water Advisories within five years was made a top priority by the Prime Minister in his mandate letters to Cabinet. This commitment, however, only includes funded assets, and not individual systems.
- F. Closing the infrastructure gap by 2030 has been identified as a key commitment of the Federal Government to First Nations.
- G. First Nations across the country continue to face inadequate access to safe, clean water, and adequate infrastructure.

DRAFT RESOLUTION # 18 / 2021

AFN Annual General Assembly, July 6-8, 2021

- H. Many First Nations lack sufficient infrastructure; in particular, many First Nations across Canada have decentralized infrastructure systems, such as wells, cisterns and septic tanks that are not covered under the Federal Government's priorities and are not adequately funded.
- I. Samson Cree Nation has, at any given point, over 130 advisories related to its individual water wells. Many residents have been unable to drink their water for many years.

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to immediately work in full partnership with First Nations in developing a plan and approach to address all infrastructure gaps by 2030, including decentralized systems, and to establish regional working groups with rights holders on their true infrastructure needs, including decentralized systems.
2. Direct the AFN to call on Canada to resolve all drinking water advisories across First Nations, including individual systems, and to identify funding mechanisms to support First Nations in addressing these needs.
3. Direct the AFN to call on the Minister of Indigenous Services to meet with First Nations, including Samson Cree Nation, to develop a plan to address their ongoing infrastructure issues and persistent water advisories.

DRAFT RESOLUTION # 19 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Federal Government Financial Support for High Cost of Construction Materials |
| SUBJECT: | Infrastructure |
| MOVED BY: | Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON |
| SECONDED BY: | Chief Lance Haymond, Kebaowek First Nation, QC |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. 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 are faced with dramatic increases in the cost of construction materials for housing and infrastructure projects.
- C. The cost of materials has risen significantly in the past year as a result of the COVID-19 pandemic.
- D. The May 2021 Statistics Canada report *Building construction price indexes, first quarter 2021* reports the “higher construction costs overall were mostly attributable to a shortage of construction materials, which led to higher month-over-month prices for softwood lumber (+11.9%) and veneer and plywood (+20.1%) in March. Softwood lumber (+118.9%) prices rose at their fastest year-over-year pace on record in March, partially because of low stocks following the temporary shutdown of sawmills during the first wave of the COVID-19 pandemic. The demand for materials continued to be high as building materials and supplies sold by wholesalers were up 19.1% year over year in February.”
- E. These statistics reflect the cost increases in 11 Census Metropolitan Areas (CMA) where competitive pricing exists. It does not represent the reality First Nations face when purchasing materials away from these CMAs where First Nations have to source construction materials at an increased cost, from limited suppliers, and with inadequate delivery options for remote First Nations.
- F. The high costs of materials increase the costs of home construction and infrastructure projects, thereby jeopardizing and delaying vital development.
- G. Allocation of the \$6 billion in Federal Budget 2021 for distinctions-based investments must consider robust financial support and provide emergency infrastructure funding to offset price increases to ensure planned or in-progress construction remain viable.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for robust financial support for First Nations housing and infrastructure projects.

DRAFT RESOLUTION # 19 / 2021

AFN Annual General Assembly, July 6-8, 2021

2. Direct the AFN to urge Indigenous Services Canada (ISC) to acknowledge the impacts on First Nations due to the increased cost of construction materials resulting in significant impacts on the delivery of housing and infrastructure projects.
3. Direct the AFN to urge ISC to provide emergency funding to offset the financial burden placed on First Nations.

DRAFT RESOLUTION # 20 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | First Nations Control of Federal Funding in Education |
| SUBJECT: | Education |
| MOVED BY: | Proxy Tribal Chief Tyrone McNeil, Kwaw Kwaw Apilt First Nation, BC |
| SECONDED BY: | Chief George Ginnish, Eel Ground First Nation, NB |

WHEREAS:

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

- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- iii. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- vi. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- vii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

DRAFT RESOLUTION # 20/2021

AFN Annual General Assembly, July 6-8, 2021

- B. First Nations have inherent and Treaty rights in regard to education and the Government of Canada must uphold and honour the inherent authority and jurisdiction of First Nations to exercise control over their education.
- C. Education is a fundamental human right and for First Nations, this right is uniquely situated within a framework of inherent rights that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- D. In accordance with Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, and the Policy Proposal (v15), action is required to ensure First Nations education funding methodologies are less reliant on short-term proposal-based programming, are allocated in a manner that ensures substantive equality and are equitable between regions and their respective First Nations.
- E. Self-government agreements recognize the inherent right to self-government for First Nations and any new commitments or improvements made to First Nations education will recognize the entitlements to additional benefits as identified in each self-government agreement.
- F. The supplementary and targeted education programs funded by Indigenous Services Canada for First Nations currently include the Education Partnership Program (EPP), the High Cost Special Education Program (HCSEP), the Innovation in Education Program and the Research and Learning Program.
- G. The EPP and the HCSEP are proposal-based education programs that require reform to improve funding, equity, and First Nations control.
- H. In accordance with Policy Proposal (v15), investments and commitments for First Nations special education would remain unchanged until a First Nations review of the federal program was complete.
- I. The *High Cost Special Education Program Review 2021* was completed by engaging First Nations education staff and leadership in all regions through discussion groups, surveys, data analysis, provincial scans and case studies.
- J. Results of this review call for additional major investments and First Nations led regional approaches to costing and funding for special education service delivery.
- K. The EPP is currently undergoing a review to better support First Nations in establishing their education service delivery systems that support their student needs and community education priorities; address and increase the program budget; and, support the service transfer of the program as determined by First Nations.
- L. Budget 2021 announced \$350 million over five years, starting in 2021-22, to expand access to adult education by supporting First Nations people who wish to return to high school in their communities and complete their high school education.
- M. The targeted First Nations adult education funding must be a program that supports equitable and consistent access for lifelong learners in all First Nations schools.

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

1. Reaffirm First Nations inherent and Treaty rights to education.

DRAFT RESOLUTION # 20/2021

AFN Annual General Assembly, July 6-8, 2021

2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call on the Government of Canada to improve and strengthen partnerships with First Nations that respects First Nations control of First Nations education and First Nations decision-making in all processes concerning education.
4. Call on the Government of Canada to fund First Nations education based on real needs and First Nations priorities rather than provincial comparability.
5. Support the Chiefs' Committee on Education, the National Indian Education Council and the Assembly of First Nations (AFN) to engage and lead the reform of supplementary and targeted education programs.
6. Support the recognition of First Nations' expertise and knowledge regarding First Nation education.
7. Support policy changes and program development through various processes such as a Memorandum to Cabinet or Treasury Board Submission, to the supplementary and targeted education programs that:
 - a. Exercise First Nations' Treaty and inherent and rights to education, honours and advances First Nations control of First Nations education, and conforms to and upholds Canada's Treaty and legal obligations to First Nations;
 - b. Align with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, and the Policy Proposal (v15);
 - c. Ensures equitable, predictable and sustainable funding for longstanding successful programming that addresses the real needs and priorities of First Nations;
 - d. Ensures funding is based on substantive equality and an equitable methodology;
 - e. Provide and commit to clear, agreed-upon processes and timelines; and
 - f. Do not detract or hinder First Nations from advancing their own processes towards First Nations control of First Nations education.
8. Support First Nations, regions or Treaty territories who may want to independently engage on any processes relating to improving supplementary and targeted education programs.

DRAFT RESOLUTION # 21 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Community-based Indigenous-led Midwifery Education Pathways

SUBJECT: Midwifery, Health

MOVED BY: Chief David Nakogee, Attawapiskat First Nation, ON

SECONDED BY: Chief Scott McLeod, Nipissing First Nation, ON

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. Section 3.2 in the Calls for Justice issued by the National Inquiry into Missing and Murdered Indigenous Women and Girls calls upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, 2-Spirit, Lesbian, Gay, Bisexual, Transgendered, Queer, Questioning, Intersex, and Asexual (2SLGBTQQIA) people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
- C. Assembly of First Nations (AFN) Resolution 21/2019, *Support for a Greater Investment into the Reclamation into Childbirth* called for the federal government to increase funding, training opportunities, and replace the outdated mandatory evacuation policy to help empower Indigenous women to reclaim the ceremony of childbirth closer to home.
- D. The National Aboriginal Council of Midwives (NACM), a national voice for Indigenous midwifery, has published a Core Competencies Framework, which provides a competency framework of Indigenous midwifery knowledges and skills to start growing and teaching Indigenous midwifery and revitalize and bring the practice of midwifery back to First Nations.

DRAFT RESOLUTION # 21 / 2021

AFN Annual General Assembly, July 6-8, 2021

- E. The NACM is working to expand opportunities for community-based Indigenous midwifery education. This would bring Indigenous-led midwifery education apprenticeships as close to home as possible for aspiring Indigenous students and is modelled on the successes of the Tsi Non:we lonnakeratstha Ona: grahsta' Aboriginal Midwifery Training Program (Ontario) and the Innulitsivik Midwife Training Program (Nunavik).
- F. The current university-based midwifery education system is failing prospective Indigenous midwives and urgently needs to be reformed so that midwifery training is more accessible and prospective students can remain close to home, connected with their families and communities.
- G. Revitalizing Indigenous-led, apprenticeship-based midwifery education in First Nations is essential to re-establishing, growing and sustaining Indigenous midwifery in First Nations. This improves perinatal outcomes and access to comprehensive sexual and reproductive health services in community, reducing the need for medical evacuations, and contributing to First Nations abilities to reclaim the childbirth ceremony.
- H. Strong, sustainable Indigenous midwifery in First Nations communities can address anti-Indigenous racism in health care and education services where primary care and health care provider training would be provided by First Nations midwives within their communities.

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

1. Direct the Assembly of First Nations (AFN) to call on the federal government to immediately and formally recognize midwives as essential primary health care providers.
2. Direct the AFN to call on the federal government to commit to sustained and comprehensive investments in midwifery as part of addressing anti-Indigenous racism in Canada.
3. Direct the AFN to call on the Federal government to commit to investments in Indigenous-led, community-based midwifery education pathways in First Nations.
4. Direct the AFN to support opportunities for community-based Indigenous midwifery education in partnership with the National Aboriginal Council of Midwives (NACM) and First Nations, in order to restore, grow and sustain Indigenous-led sexual and reproductive health care within First Nations.
5. Direct the AFN to work with NACM in the mobilization of an Indigenous midwifery-led health human resource strategy in order to recruit prospective midwives; particularly Indigenous youth who may want to explore the profession of midwifery within their First Nations.

DRAFT RESOLUTION # 22 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Marine Indigenous Protected and Conserved Areas

SUBJECT: Fisheries, Environment, Water

MOVED BY: Judith Sayers, Proxy, Toquaht First Nation, BC

SECONDED BY: Chief Terry Richardson, Pabineau First Nation, NB

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 use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.
 - iii. Article 32 (2): States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Indigenous-led governance and approaches to conservation such as Indigenous Protected and Conserved Areas (IPCAs) are increasingly recognized as effective and socially-just mechanisms to addressing the growing global biodiversity crisis.
- C. Assembly of First Nations (AFN) Resolution 64/2018, *Indigenous Protected and Conserved Areas – Pathway to Canada Target 1: Conservation 2020 Initiative*, mandates AFN's involvement in the Pathway Initiative and to support the ongoing establishment and implementation of Indigenous Protected and Conserved Areas.
- D. The marine component of Canada's Pathway to Canada Target 1: Conservation 2020 Initiative was led by the Department of Fisheries and Oceans Canada. A 2018 National Advisory Panel on marine protected areas adopted the report of the Indigenous Circle of Experts (ICE) in its recommendations to recognize and support the implementation of marine IPCAs as a means to further Indigenous reconciliation in Canada while contributing to Canada's marine conservation targets.

DRAFT RESOLUTION # 22 / 2021

AFN Annual General Assembly, July 6-8, 2021

- E. While the work of the ICE was focused on terrestrial protected areas, ICE recognized that the separation of the terrestrial and marine environments did not align with Indigenous worldviews and stewardship responsibilities and that IPCAs apply to both lands and waters.
- F. Environment and Climate Change Canada has taken significant steps since the 2018 ICE report to facilitate and support the implementation of IPCAs in the terrestrial environment through the Pathway to Canada Target 1: Conservation 2020 initiative.
- G. The December 2019 Prime Minister's mandate letter to the Minister of Fisheries and Oceans Canada directed the Minister to "work with the Minister of Environment and Climate Change to introduce a new ambitious plan to conserve 25 per cent of Canada's land and 25 per cent of Canada's oceans by 2025, working toward 30 per cent by 2030", which "should be grounded in science, Indigenous knowledge and local perspectives".
- H. The Department of Fisheries and Oceans Canada has yet to collaborate with Environment and Climate Change Canada or address the recommendations of the National Advisory Panel to enable IPCAs in the marine and coastal environment.
- I. This inconsistent approach towards support for IPCAs by the Crown, rooted in a colonial worldview, continues to create confusion and uncertainty for coastal First Nations' stewardship of their marine and coastal territories.
- J. First Nations are uniquely positioned through their intimate relationship with their lands and waters, and their traditional ways of knowing and management practices to lead efforts to protect, conserve and sustainably manage the environment and biodiversity contained within.
- K. The AFN is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection and conservation of the lands and waters of First Nations.

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

1. Support the Assembly of First Nations' (AFN) continued advocacy for the establishment of Indigenous Protected and Conserved Areas (IPCAs) as one mechanism to support First Nations' leadership in the conservation, protection, and management of their lands and waters.
2. Direct the AFN to urge the Minister of Environment and Climate Change Canada to ensure a whole-of-government approach for recognizing and supporting the establishment of IPCAs in terrestrial and marine environments, in collaboration with the Minister of Fisheries and Oceans Canada and in partnership with First Nations.
3. Direct the AFN to call upon the Ministers of Environment and Climate Change Canada and Fisheries and Oceans Canada to ensure the full and effective participation of First Nations in all aspects of environmental and marine conservation and protection by dedicating resources to enhance capacity and leadership in governance and management processes including through policy, program, and regulatory decision-making processes related to Canada's 2025 and 2030 conservation targets.

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

AFN Annual General Assembly, July 6-8, 2021

4. Direct the AFN to engage with the Minister of Fisheries and Oceans Canada to implement the 2018 recommendations of the National Advisory Panel for the government of Canada to recognize and support the establishment of IPCAs in the marine and coastal environment.
5. Direct the AFN to work with the relevant Chiefs' and technical bodies, such as the National Fisheries Committee (NFC) and the Advisory Committee on Climate Action and the Environment ('ACE'), to identify priorities, issues, synergies, and concerns as they relate to the establishment and implementation of IPCAs in marine and coastal areas.

DRAFT RESOLUTION # 23 / 2021

AFN Annual General Assembly, July 6 – 8, 2021

| | |
|---------------------|--|
| TITLE: | Yukon River Chinook Salmon of Canadian-Origin |
| SUBJECT: | Fisheries |
| MOVED BY: | Dan Yetthi Hede, Nicole Tom, Little Salmon Carmacks First Nation, YK |
| SECONDED BY: | Chief Byron Louis, Okanagan Indian Band, BC |

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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands and territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. Since time immemorial, wild Yukon River Chinook salmon are among the most important food sources for First Nations along the Yukon River.
- C. Each First Nation manages their respective fisheries according to their traditional laws, values, and principles, and works to ensure sustainability of those fisheries for their current and future generations.
- D. Yukon River Chinook salmon are deeply embedded in the identity, culture, society, spirituality, and ancient way of life of First Nations along the Yukon River. Yukon River Chinook salmon are featured heavily in Indigenous languages, songs, legends, stories, traditional ecological knowledge, traditional phenological knowledge, traditional teachings for preparation and preservations, and demonstrate the intrinsic connection between the people, land and resources.
- E. The Yukon River Chinook salmon stocks of Canadian origin have been in a long-term state of decline since the late 1990s. Stocks are now currently less than half of historical abundance levels and are experiencing low productivity levels. The 2021 pre-season information forecasts yet another low return, which are cumulatively unsustainable over the long-term.

DRAFT RESOLUTION # 23 / 2021

AFN Annual General Assembly, July 6 – 8, 2021

- F. In 2019 and 2020, Canada and the US have failed to meet spawning escapement goals for Canadian-origin Chinook that both parties have agreed to under the 2001 *Yukon River Salmon Agreement* of the Canada-US *Pacific Salmon Treaty*. These conservation concerns have led to a restriction on the constitutionally protected right of Yukon First Nations to harvest Chinook salmon for food, social, and ceremonial purposes.
- G. Yukon First Nations are concerned about the declining abundance in stocks, coupled with the growing uncertainty in environmental conditions, and the inability of the US to manage Alaskan fisheries to Treaty-established escapement and harvest sharing goals.
- H. Yukon First Nations have witnessed the collapse of salmon fisheries elsewhere along the Pacific Coast, such as the Fraser River sockeye, and wish to act now before such a biological disaster occurs to Yukon River Chinook salmon.

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

1. Direct the Assembly of First Nations (AFN) to urge the Prime Minister and the Minister of Fisheries and Oceans to initiate a federal inquiry, in partnership with Yukon First Nations, to investigate the decline of Yukon River Chinook salmon of Canadian-origin and provide recommendations to address that decline.
2. Direct the AFN to advocate to the Minister of Fisheries and Oceans Canada to establish additional oversight and supports for the proper implementation of the *Yukon River Salmon Agreement* to ensure that Canada-US Treaty obligations are met on an annual basis.
3. Direct the AFN to work with Yukon River First Nations to engage with the Minister of Fisheries and Oceans to immediately prioritize and dedicate resources to reverse the long-term decline of Yukon River Chinook Salmon of Canadian-origin, ensuring direct funding towards Yukon First Nations to lead conservation efforts. .

DRAFT RESOLUTION # 24 / 2021

AFN Annual General Assembly, July 6-8, 2021

TITLE: Improving Assembly of First Nations Financial Procedures to reinforce transparency and accountability and advance First Nations jurisdiction, priorities and interests

SUBJECT: Assembly of First Nations Internal Governance: Financial Management

MOVED BY: Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK

SECONDED BY: Khelsilem, Skwxwu7mesh Úxwumixw, BC

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.
- B. The Assembly of First Nations ("AFN") is a national organization established to advance the collective interests and priorities of its membership, as represented by those First Nations in Canada that are recognized in accordance with Article 4 of the Assembly of First Nations Charter ("Charter").
- C. The Executive Committee, inclusive of the National Chief and the 10 Regional Chiefs, established in accordance with Article 17 of the Charter receives its mandates and takes direction from the First Nations-in-Assembly by way of Assembly Resolutions ("AFN mandates").
- D. The Executive Committee is responsible to monitor and set policy for the internal operations of the Secretariat (Article 18.3); develop budget requirements of the AFN (Article 18.6); secure, monitor and control the financial resources of the AFN (Article 18.7); and authorized to deploy resources to fulfil its duties or responsibilities (Article 18.9); and is accountable to the First Nations-in-Assembly (Article 19).
- E. The subject matters of AFN mandates and internal operations of the Secretariat correspond and directly impact the jurisdictions, rights and priorities of the First Nation members of the AFN.
- F. The efforts and success of the Executive Committee and Secretariat to secure federal resources and inform federal policies can create unintended barriers for First Nations to access similar federal monies to support distinctive regional approaches to realize the common objectives of the AFN mandates.

DRAFT RESOLUTION # 24 / 2021

AFN Annual General Assembly, July 6-8, 2021

- G. First Nations seek to strengthen public confidence in the internal management of the AFN National office and that financial decisions are made objectively, fairly and in strict compliance with financial safeguards, such as conflict of interest guidelines.
- H. First Nations seek to ensure that their regional priorities and interests continue to inform and complement the realization of the AFN mandates while also ensuring that the implementation of the AFN mandates do not impede First Nations access to federal resources, or hinder distinctive regional approaches, but rather support and strengthen the exercise of First Nations' jurisdictions, rights and priorities.
- I. AFN National office in securing federal resources to advance AFN mandates (such as Bill C15: UN Declaration , MMIWG, Bill C91: Indigenous Languages, Bill C-92: First Nations, Inuit, Métis children, youth and families) has impacted First Nations rights holders (such as Yukon First Nations) who in turn are having to seek regional monies to inform these national processes, established through the AFN National office and Canada. The effect of this approach exhausts limited regional resources in order to inform and influence these national discussions that have direct impacts on First Nations' jurisdictions, rights and priorities.
- J. The Chiefs-in-Assembly have an interest to inform the AFN annual budget process and spending considerations to correspond with regional priorities, where possible, and ensure that when AFN secures federal resources that regional access to these monies is considered as part of the AFN budgeting and spending approach.
- K. The Chiefs-in-Assembly have an interest to ensure, when realizing the AFN mandate objectives, that AFN management uphold the principles of transparency, accountability and ensure that in the distribution of AFN resources that there are strict applications of conflict of interest guidelines while also seeking to achieve regional parity in the award of AFN contracts.

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

1. Direct the AFN Executive Committee to provide to the Chiefs-in-Assembly, each year and prior to the commencement of a new fiscal period, budget projections for those funding proposals that have been submitted for the upcoming fiscal year. This projection will outline the proposed annual operating budget and spending priorities of the AFN in order that the First Nation members can provide recommendations to inform the resulting AFN annual operational and spending priorities.
2. Direct the AFN Executive Committee, as part of their responsibility to monitor and control the financial resources of AFN and in accordance with the principles of accountability and transparency, to review the financial reports (monthly or quarterly) with a purpose to ensure regional parity in the distribution of AFN resources (to financially support the regional and national implementation of AFN mandates) and compliance with the AFN financial policies, procedures and conflict of interest requirements.
3. Direct the AFN Executive Committee to strike an external review committee, comprised of one Chief or expert from each respective region, to conduct a review of AFN financial policies and practices (the "Review") and provide a report with recommendations to the AFN Executive Committee with the intent of implementing the recommendations in the 2022/2023 fiscal year. This Review will have, at minimum, the following scope:

DRAFT RESOLUTION # 24 / 2021

AFN Annual General Assembly, July 6-8, 2021

- a. identify how the current practice and process of awarding contracts is exercised;
- b. review any concerns, past or present, with conflicts of interest with respect to AFN Executive Committee members and AFN management;
- c. make recommendations to strengthen financial policies and procedures with respect to conflict of interest;
- d. review policies and processes with respect to transparency, accountability and reporting to the AFN Executive Committee on contracts awarded, regardless of value; and
- e. make recommendations on potential amendments to the financial policies and procedures on how to ensure greater transparency and accountability and consistency with other governance tools and processes.

DRAFT RESOLUTION # 25 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Implementation of Online Gaming |
| SUBJECT: | Inherent Right and Treaty Rights to Gaming |
| MOVED BY: | Chief Reginald Bellerose, Muskowekwan First Nation, SK |
| SECONDED BY: | Chief Marcel Head, Shoal Lake Cree Nation, SK |

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” and “By virtue of that right 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 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. First Nations in Saskatchewan assert a right to a Treaty Economy and an Inherent and Treaty Right to gaming.
- C. The Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly passed Resolution #2153 and Resolution #2190 directing the FSIN and the Saskatchewan Indian Gaming Authority (SIGA) to implement online gaming.
- D. SIGA has negotiated a draft Letter of Intent (LOI) with the Saskatchewan Gaming Corporation to operate an online gaming platform with SIGA as the lead proponent/operator of the online platform.
- E. The Government of Saskatchewan has approved the LOI and the implementation of online gaming with a revenue share between the Government of Saskatchewan and First Nations in Saskatchewan.
- F. SIGA is prepared to approve the LOI and Online Gaming Operating Agreement and implement online gaming as quickly as possible.
- G. First Nations in Saskatchewan want to implement online gaming as soon as possible.

DRAFT RESOLUTION # 25 / 2021

AFN Annual General Assembly, July 6-8, 2021

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

1. Support the Federation of Sovereign Indigenous Nations and the Saskatchewan Indian Gaming Authority in implementing online gaming as an assertion of First Nations Inherent and Treaty rights.

DRAFT RESOLUTION # 26 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|---|
| TITLE: | Single Event Sports Betting |
| SUBJECT: | Gaming |
| MOVED BY: | Chief Wally Burns, James Smith Cree Nation, SK |
| SECONDED BY: | Proxy Neil Sasakamoose, Red Pheasant First Nation, SK |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. Bill C-218, *the Safe and Regulated Sports Betting Act* is a private member's Bill presented to the Parliament of Canada that proposes amendments to the Criminal Code of Canada that would allow Single Event Sports betting in Canada.
- C. The Saskatchewan Indian Gaming Authority (SIGA) supports the implementation of Single Event Sports Betting and made presentations to the Justice and Human Rights Committee of the Parliament of Canada.
- D. Bill C-218, *the Safe and Regulated Sports Betting Act* continues through the parliamentary process required to become law in Canada, which requires First Nations and First Nations-operated casinos like SIGA casinos, to obtain a licence from a province of Canada in order to offer Single Event Sports Betting.
- E. The most effective way to implement Single Event Sports betting is through an Online Gaming platform.
- F. First Nations in Saskatchewan assert a right to a Treaty Economy and an Inherent and Treaty Right to gaming and that the Criminal Code provisions on gaming infringe on those rights.

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

1. Support the implementation of Single Event Sports Betting and calls for the amendment of Bill C-218, *the Safe and Regulated Sports Betting Act* and the Criminal Code of Canada to allow First Nations to implement Single Event Sports Betting, without the requirement of a licence or permission from a province or territory of Canada.

DRAFT RESOLUTION # 26 / 2021

AFN Annual General Assembly, July 6-8, 2021

2. Direct the AFN Executive Committee Portfolio Holder to work with First Nations across Canada to secure the right for respective First Nations to implement Single Event Sports Betting within their Treaty and traditional territories.

DRAFT RESOLUTION # 27 / 2021

AFN Annual General Assembly, July 6-8, 2021

| | |
|---------------------|--|
| TITLE: | Support for Criminal Code Amendments |
| SUBJECT: | Gaming |
| MOVED BY: | Chief Lorie Whitecalf, Sweetgrass First Nation, SK |
| SECONDED BY: | Chief Nathan Pasap, White Bear First Nation, SK |

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. First Nations in Saskatchewan assert the right to a Treaty economy and the Inherent and Treaty Right to gaming is an important source of own-source revenue in the economy.
- C. White Bear First Nation exercised these Rights by establishing the first owned and operated First Nation casino in these Treaty areas.
- D. The Criminal Code of Canada restricts First Nations from participating in gaming unless they have a licence from a province in Canada.
- E. The Minister of Justice and Attorney General of Canada is seeking the views of First Nations and First Nations organizations on the participation of Indigenous peoples in the gaming industry and the regulation of that industry across Canada.
- F. First Nations in Saskatchewan have long sought recognition of First Nations jurisdiction over gaming, and First Nations are actively practicing our Inherent Right and Jurisdiction.

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

1. Support amendments to the Criminal Code of Canada and any other laws of Canada that recognize the full jurisdiction of First Nations over gaming.
2. Direct that any amendments to the Criminal Code of Canada require a full in-depth consultation process with First Nations impacted.
3. Direct the AFN Executive Committee Gaming Portfolio Holder to engage with the Minister of Justice and Attorney General to secure full recognition of First Nations jurisdiction over gaming.