



## ASSEMBLY OF FIRST NATIONS SPECIAL CHIEFS ASSEMBLY

APRIL 3-6, 2023, OTTAWA, ON

### DRAFT ON-TIME RESOLUTIONS

#	TITLE
DR-01	Implementation of Treaty Funding for Early Childhood Support
DR-02	Support for the National Assembly of Remote Communities
DR-03	Repatriation of First Nations Children
DR-04	Support for the Orange Standard: An Initiative for Child and Family Wellbeing Redesign and Service Delivery Excellence
DR-05	Long-Term Strategy on Financial Services for First Nations
DR-06	Support for Small Modular Reactors in New Brunswick
DR-07	Supporting Indigenous Tourism in Canada
DR-08	Support for Neestanan Port and Corridor
DR-09	Government Support for First Nations Digital Connectivity and Spectrum Sovereignty
DR-10	Upgrades to Airport Runways and Infrastructure in Remote First Nations
DR-11	Support for the First Nations National Action Plan for the United Nations International Decade of Indigenous Languages (2022-32)
DR-12	Right to Education
DR-13	Dene Funding
DR-14	First Nations Alternative Approaches to Justice
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DR-16	Support for Canada to Announce a New Self-Administered Police Service for Northern Manitoba First Nations
DR-17	Support for Advocacy and the Establishment of a Working Group to Address Missing and Murdered Indigenous Men and Boys
DR-18	Support for Indian Residential School Survivors Organization
DR-19	Prioritize Land Back Through All Federal Laws Policies and Programs
DR-20	Replacing First Nations Lands Lost Due to Climate Disasters
DR-21	Protection and Restoration of the Eastern Slopes of the Rocky Mountains
DR-22	Support for Treaty 9 Legal Action on Cumulative Impacts
DR-23	First Nations Engagement on Canadas 2030 Emissions Reduction Plan
DR-24	Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd
DR-25	Support for an Equitable Carbon Tax on Industrial Fossil Fuel Protection
DR-26	Call for an Exemption to the Federal Carbon Levy for First Nation Governments in Rural and Remote Communities
DR-27	Co-development of a Distinctions-Based Indigenous Health Legislation
DR-28	British Columbia Cultural Safety and Humility Standard
DR-29	Support to Advocate for the Induction of Reggie Leach into the Hockey Hall of Fame
DR-30	Modify CMHC Tender Security Bond Requirements
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DR-33	Repatriation of Gravesites

# DRAFT RESOLUTION # 01 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Implementation of Treaty Funding for Early Childhood Support

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**SUBJECT:** Children

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**MOVED BY:** Chief Randy Ermineskin, Ermineskin Cree Nation, AB

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**SECONDED BY:** Chief Margaret Bear, Ochapowace First Nation, SK

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### WHEREAS:

- A. Our ancestors entered into treaties with the Crown in the right of Great Britain and Ireland to last as long as the sun shines, the grass grows, and the waters flow.
- B. 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.
- C. The successor state of Canada undertook from its beginning to use our children as a means of assimilation.
- D. Canada continues to use our children as a means of assimilation with the lack of proper funding to our nations for their care and protection.
- E. Canada is bound by the provisions of the United Nations Convention on the Rights of the Child (CRC) adopted by General Assembly Resolution 44/25 on 20 November 1989.
- F. CRC makes specific references to care of children in Article 18:
  - i. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
  - ii. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
- G. Canada has failed to live up to their international commitments undertaken by the Crown in the making of treaties and its international obligations as set out in the binding Convention.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Support the call for the federal government to honour its obligations to Treaty children by implementing the following measures:
  - i. Call on the federal government to provide First Nations core funding support for First Nations to care for our children.
  - ii. More specifically, the Chiefs support the requirement for:

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- iii. Monies to be made available for structural support by way of buildings and their upkeep;
- iv. A needs-based funding formula developed by First Nations to provide sustainable, growth-oriented funding, as well as funds to redress the historic chronic underfunding in Child Care. These funds will support functions that we currently are unable to offer.
- v. An increment to achieve payroll equity sustained by long-term operating funding.
- vi. A commitment to respect our leadership and authentication of programming in Indigenous languages and ways of knowing,
- vii. Reciprocal acknowledgement of our national and international accreditation for the care of our children as envisioned by our ancestors at the time of the treaty making.

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## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for the National Assembly of Remote Communities</b>
<b>SUBJECT:</b>	Child and Family Services
<b>MOVED BY:</b>	Chief Lynn Acoose, Zagime First Nation, SK
<b>SECONDED BY:</b>	Chief George Cote, Cote First Nation, SK

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### 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 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 20 (1): Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- B. The First Nations Child & Family Caring Society (FNCFCFS) and the Assembly of First Nations (AFN) filed a human rights complaint under the Canadian Human Rights Act (CHRA) alleging that the Government of Canada's flawed and inequitable provision of First Nations Child and Family Services (FNCFS) failed to properly implement Jordan's Principle.
- C. On January 26, 2016, the CHRT issued its order on the merits of the case, substantiating the discrimination and ordering Canada to immediately cease its discriminatory conduct. Canada did not contest this order but failed to comply.
- D. On September 29, 2021, the Federal Court decision did not support Canada and as a result, the CHRT decision stands.
- E. Canada waited till the last day, October 29, 2021, to appeal the Federal Court's September decision and filed a 'protective appeal' of the Federal Court decision of September 29, 2021. The parties agreed to the protective appeal, but if there is no agreement, the court proceedings will be expedited. Canada wants a global settlement to settle.
- F. The Nishnawbe Aski Nation (NAN) has standing in the tribunal case due to "remoteness issues" including a variety of access issues with 34 fly-in communities in the north such as limited travel access, lack of housing, mental health and addictions, inadequate resourcing, etc.

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- G.** The federal government when speaking about remoteness alluded only to “geography and top-up (of funding)” which is not an accurate picture of what issues the Northern or remote communities continue to experience.
- H.** The National Assembly of Remote Communities (NARC) was formed in 2021 through the Global Resolution Negotiations in respect of the settlement of outstanding claims against the Government of Canada in the context of child welfare.
- I.** The mandate of NARC is to ensure that a strong and united voice is heard at the national level in respect of the grossly inadequate factoring for remoteness in the delivery of federal services, and to ensure that appropriate governance around issues of common concern to remote communities takes place.
- J.** The intent of NARC is to represent an advocacy voice across sectors, including child welfare, health, education, and community safety.
- K.** NARC charter members include Nishnawbe Aski Nation, the Federation of Sovereign Indigenous Nations, Manitoba Keewatinowi Okimakanak, and the Alberta and Northwest Territories regions of the Assembly of First Nations.

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

- 1.** Direct that the Assembly of First Nations support the efforts of the National Assembly of Remote Communities and their efforts to advocate and assist First Nations in remote communities.

# DRAFT RESOLUTION # 03 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	Repatriation of First Nations Children
<b>SUBJECT:</b>	Child and Family Services
<b>MOVED BY:</b>	Chief David Monias, Pimicikamak Cree Nation, MB
<b>SECONDED BY:</b>	Chief Gordon Bluesky, Brokenhead Ojibway Nation, MB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) should be the framework for improvement to address the harmful legacy of Residential Schools, Sixties Scoop and the Child Welfare system that forced the removal of children, the disproportionate number of First Nations children in care, the consequences of involvement in child welfare systems, and the related loss of language and denial of culture and human rights.
- B. The UN Declaration states that:
  - 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 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.
  - 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.
- C. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action # 1 to # 5 call on federal, provincial, and territorial governments to take actions to improve First Nations child and family services.
- D. The Sixties Scoop was an ongoing practice in the 1960s and '70s that saw the removal of large numbers of First Nations children from their families and communities and placed them in the care of Canadian and International foster or adoptive homes.
- E. First Nations children continue to lose their identity, culture and kinship links as they continue to be removed from their homes, families, and Nations by the federal, provincial, and territorial child welfare systems.

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**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Call on Canada to acknowledge there is a generation of lost First Nations children who were placed outside of their communities, both within Canada and internationally, who have never been reunified with their families.
2. Direct Canada to fund the Assembly of First Nations (AFN) to engage with First Nations to develop a Repatriation Strategy to identify First Nations children who are domestically and internationally displaced and have not reconnected with their families and/or Nations.
3. Call on Canada to meaningfully engage and collaborate with First Nations to address the impacts of First Nations children who were removed from their families and Nations, both within Canada and Internationally.

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## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Support for the Orange Standard: An Initiative for Child and Family Wellbeing Redesign and Service Delivery Excellence.

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**SUBJECT:** Social, Child and Family Wellbeing

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**MOVED BY:** Chief Gerry Duquette Jr, Dokis First Nation, ON

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**SECONDED BY:** Chief Warren Tabobondung, Wasauksing First Nation, ON

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### WHEREAS:

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

- i. Article 6: Every indigenous individual has the right to a nationality.
- ii. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

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.

B. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae represent Anishinaabe collectives and individuals that have for thousands of years, lived and thrived in their territories in accordance with Anishinaabe laws, customs, traditions, practices and ceremonies;

C. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae have Treaty and inherent rights, which include jurisdiction and legislative authority with respect to children and families. These rights are recognized internationally in the *UN Declaration A/RES/61/295*; and in Canada in the *Constitution Act, 1982 c. 11*; *An Act respecting First Nation, Inuit and Metis children, youth and families S.C. 2019, c. 24 ("C-92")* and the *United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14*;

D. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae have the responsibility to protect, uphold and advance the inherent and treaty rights of their collectives and citizens;

E. First Nations across Turtle Island are asserting and exercising jurisdiction with respect to the well-being of children and families. As shared with most First Nations across Turtle Island, to the First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae, children are sacred gifts from the Creator. Children and families thrive when their connection to Creator; their relations; their



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customs, traditions, ceremonies, teachings, laws, ways of life; language; land, resources, territory; nation and people; are nurtured and supported.

- F. The First Nations of Wasauksing, Shawanaga, Magnetawan, Henvey Inlet, Dokis, and Wahnapiatae (the “Niijaansinaanik Governing First Nations”) formed and are the governing members of Niijaansinaanik Child and Family Services (“Niijaansinaanik”), a fully designated child and family caring agency in Ontario, mandated to provide full-range child and family services inclusive of early intervention, prevention and protection services to their nations’ children and families within their nations’ territories. As it is currently mandated under Ontario law, Niijaansinaanik is required to follow Ontario provincial standards and the national standards under C-92.
- G. Niijaansinaanik provides Niijaansinaanik Governing First Nations with services in a manner that recognizes and respects their Treaty and inherent rights and adheres to the Niijaansinaanik Governing First Nations’ vision for the well-being of their children and families.
- H. While Niijaansinaanik is required to follow provincial and national standards, it must also follow standards set by the Niijaansinaanik Governing First Nations. Working collaboratively, the Niijaansinaanik Governing First Nations and Niijaansinaanik have adopted an approach to child and family well-being wherein the exercise and assertion of jurisdiction is in balance with and furthering the mandate to achieve the highest level of service standard for children and families.
- I. Together, the Niijaansinaanik Governing First Nations and Niijaansinaanik are working to standardize a level of service that is focused on the laws, customs, values, and practices of the Niijaansinaanik Governing First Nations. Development of a standardized level of service will ensure the Niijaansinaanik Governing First Nations and their children and families receive services that strengthen and enhance the well-being of children and families, including equitable services regardless of location, fair and just funding and governance authorities that are recognized and respected by all levels of government, other institutions and service providers.
- J. The standards initiative is grounded in the principle that First Nations children and families deserve the highest degree of service excellence and should be supported within a standardized framework that is founded in the Niijaansinaanik laws, customs, values and practices. Colonial value systems, laws, or regulatory models that impose unnecessary red tape and government control have no place in the Niijaansinaanik service delivery model.
- K. The Niijaansinaanik Governing First Nations recognize the “Every Child Matters” movement, and the monumental contributions of Phyllis (Jack) Webstad, the founder of the Orange Shirt Society.
- L. To best meet the needs of their children and families, the Niijaansinaanik Governing First Nations and Niijaansinaanik are developing the “Orange Standard Initiative”, as a standardized level of service grounded in the principle that First Nations children and families deserve the highest degree of service excellence.

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- M.** The Orange Standard lays the foundation to promote leading and innovative practices in child and family well-being, guided by the four pillars: the Rights of the Child and Family; First Nation Child and Family Funding Equity; Niijaansinaanik History, Heritage and Culture; and an Every Child Matters Framework of Operational Excellence.
- N.** The Niijaansinaanik Governing First Nations recognize that all First Nations across Turtle Island benefit when there is collaboration on initiatives that strengthen and enhance the well-being of First Nation children and families. To honour the spirit of the Every Child Matters movement, the Niijaansinaanik Governing First Nations and Niijaansinaanik will share developments, participate in other shared tables, and offer support to other nationhood and child and family well-being discussions in sister nations across Turtle Island.

### **THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

- 1.** Support the Niijaansinaanik Governing First Nations and Niijaansinaanik in the development of the Orange Standard Initiative and their developments in approaches and promising practices in strengthening and enhancing the well-being of First Nations children and families and encouraging opportunities for collaboration among interested First Nations.

# DRAFT RESOLUTION # 05 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Long-Term Strategy on Financial Services for First Nations</b>
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Mark Hill, Six Nations of the Grand River, ON
<b>SECONDED BY:</b>	Grand Chief Abram Benedict, Mohawk Council of Akwesasne, QC

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### WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. Mainstream banking institutions have unjustly targeted First Nations businesses as potential sources of money laundering due to the cash-based nature of First Nations economies, discriminatory assumptions about First Nations-led enterprises, and lack of recognition of First Nations regulatory regimes.
- C. Attempts to negotiate directly with mainstream banking and financial institutions have not resulted in any long-term solutions for First Nations to securely and reliably access banking services, which significantly undermines the ability for First Nations to safely and securely build their economic development capacity in a wide range of potentially lucrative industries.
- D. Reliable banking and financial products, especially for businesses in the tobacco, cannabis, and gaming industries, remain inaccessible, due to the lack of recognition of First Nations laws, economic rights, and the inherent right to self-determination by the federal government and associated agencies.
- E. *The Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and associated regulations is designed to help detect and deter money laundering and the financing of terrorist activities, including reporting and other requirements for financial service providers that have effectively barred First Nations from using a wide-range of financial services in several key sectors necessary for the sustainable development of First Nations economies.

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- F. The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) is the federal agency responsible for the collection, analysis, and disclosure of information to assist in the detection, prevention and deterrence of money laundering and terrorist financing and has not been able to resolve this issue, refused to meet with First Nations, and undermined First Nations economic rights and inherent jurisdiction by terminating legitimate financial transactions.

### **THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) and the Chiefs' Committee on Economic Development (CCED) to develop a long-term strategy to ensure reliable access to financial services for First Nations, particularly those involved in the gaming, cannabis, and tobacco industries that includes:
  - a. Comprehensive research and reporting to determine the exact policies, legislation, and government agencies responsible for undermining and discriminating against First Nations access to reliable financial services;
  - b. Collation of information and research from First Nations on relevant international, domestic and First Nations laws which support reliable access to financial services for First Nations;
  - c. Development of a strategy to secure resources for continued work, including, but not limited to, consultants, professional fees and legal counsel;
  - d. Development of an advocacy strategy to Parliament, regulatory bodies and agencies, Ministers, federal departments and others; and
  - e. Development of an implementation plan that includes, but is not limited to, deadlines and outcomes.
2. Direct the AFN, pending the securing of resources, to coordinate advocacy efforts to Canada and associated agencies, to meet with First Nations to ensure anti-money laundering and anti-terrorism policy and legislation does not violate Treaty and inherent rights, First Nations jurisdiction, or impede the economic development goals of First Nations.
3. Direct the AFN and the CCED to incorporate the need for a long-term strategy on financial services for First Nations as part of ongoing advocacy for First Nations economic capacity and growth.

# DRAFT RESOLUTION # 06 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for Small Modular Reactors in New Brunswick</b>
<b>SUBJECT:</b>	Economic Development, Environment
<b>MOVED BY:</b>	Chief Gabriel Atwin, Kingsclear First Nation, NB
<b>SECONDED BY:</b>	Jim Ward, Proxy, Esgenoôpetitj First Nation, NB

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### 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 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 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - iv. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Economic development is a priority for First Nations in all regions.
- C. Improving access to renewable energy is imperative to reducing reliance on diesel fuel and promoting the potential for own source revenue generation, equity ownership, procurement opportunities, and employment and skills training opportunities.
- D. First Nations in New Brunswick have entered in a Memorandum of Understanding (MOU) to partner in the deployment of Small Modular Reactors (SMRs). SMRs in these First Nations represent significant economic development opportunities in renewable energy and power generation and nuclear waste recycling.

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- E. NB Power and the New Brunswick government are leading an Advanced SMR program in the next generation of small modular reactor technology. The mission is to produce carbon-free energy that is flexible, reliable and cost-effective.
- F. The advantages of SMRs are non-greenhouse gas emitting, a cost-effective way to reduce greenhouse gas from the transportation industry, and reliable non-emitting power and heat to First Nations. Other distinct potential applications for SMRs in Canada include a competitive option for the replacement of coal-fired generation, SMRs can reduce mine energy costs by 20-60% and provide long-term benefits for remote communities.
- G. Natural Resources Canada is moving to advance a number of high-level activities to engage with First Nations on Canada's initiatives, including the Canada Critical Minerals Strategy, Clean Energy, the National Benefit Sharing Framework, the Regional Energy and Resources Tables, and SMRs.
- H. Canada's agenda for greening the economy offers unique economic opportunities for First Nations and First Nations businesses. The SMRs initiative provides First Nations in New Brunswick the opportunity for employment, an equity stake in the business, and involvement in future reactors sales.

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

1. Recognize Assembly of First Nations Resolution 62/2018, *Small Modular Nuclear Reactors*, and continue to support the Ontario Chiefs in their decisions regarding Small Modular Nuclear Reactors (SMRs) in Ontario.
2. Support the right of First Nations in New Brunswick to explore the deployment of SMRs in their region in support of greater economic development.
3. Call on Natural Resources Canada to ensure that First Nations are supported and included in engagement related to SMR development in New Brunswick and in other regions who have expressed interest.

# DRAFT RESOLUTION # 07 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Supporting Indigenous Tourism in Canada</b>
<b>SUBJECT:</b>	Tourism, Economic Development
<b>MOVED BY:</b>	Chief James Marlowe, Lutsel K'e Dene First Nation, Denendeh, NWT
<b>SECONDED BY:</b>	Chief Kenneth Cayen, West Point Dene First Nation, Denendeh, NWT

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 11(1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
- B. New research by the Indigenous Tourism Association of Canada and the Conference Board of Canada shows that the Indigenous tourism sector in Canada continues to grow at a rapid rate.
- C. Indicators show that First Nations tourism sector growth is outpacing Canadian tourism activity overall.
- D. First Nations and Indigenous tourism with both local and foreign markets is growing, however, First Nations and Indigenous business owners continue to identify access to financing and marketing support and training as their main barriers to growth.
- E. As a result of the COVID-19 global pandemic, research shows that First Nations and Indigenous tourism has dropped to 10.6K employees and contributed only \$580 million in direct Gross Domestic Product (GDP).
- F. Efforts to support the development of authentic cultural experiences where First Nations benefit directly in terms of economic development, employment and investment are important to First Nations.
- G. Engaging cooperatively to develop a strategy that recognizes the inherent and Treaty rights of First Nations to develop economic, social and cultural tourism that is respectful of our land bases, protocols and processes can only be achieved by engaging in our practices in a good way.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly

1. Direct the AFN Economic Development Sector to seek resources to coordinate discussions with regions regarding a First Nations and Indigenous tourism strategy that includes relevant government and non-profit partners such as the Indigenous Tourism Association of Canada (ITAC) to identify opportunities for growth and economic development within First Nations and Indigenous tourism in Canada.

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2. Direct the AFN, with the guidance of the Chiefs Committee on Economic Development, to work with ITAC to complete a full review of the ITAC Building Back Better strategy 2022-2025 and the ITAC recommendations for the updated Federal Tourism Growth Strategy to ensure that all Regional Indigenous Tourism concerns are validated and reflected. Further, ensure that this work is acknowledged by the Government of Canada as it moves toward implementing the appropriate actions identified.
  
3. Direct the AFN to include Indigenous Tourism British Columbia (ITBC), Indigenous Tourism Alberta (ITA), Indigenous Destinations Saskatchewan (IDSK), Indigenous Tourism Manitoba (ITM), Indigenous Tourism Ontario (ITO), Indigenous Tourism Quebec (ITQ), Indigenous Tourism Association of New Brunswick (ITANB), Nova Scotia Indigenous Tourism Enterprise Network (NSITEN), Newfoundland and Labrador Indigenous Tourism Association (NLITA), Indigenous Tourism Association of PEI (ITAPEI), Yukon First Nations Culture and Tourism (YFNCT) as well as the NWT Indigenous Tourism Association to be a part of the review of the ITAC Building Back Better Strategy and in a coordinated discussions regarding a First Nation Tourism/Indigenous tourism strategy to identify opportunity for growth and economic development across Canada.



# DRAFT RESOLUTION # 08 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for the NeeStaNan Port and Corridor</b>
<b>SUBJECT:</b>	Economic Development
<b>MOVED BY:</b>	Chief Morris Beardy, Fox Lake First Nation, MB
<b>SECONDED BY:</b>	Chief Darryl Wastesicoot, York Factory First Nation, MB

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### WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i.** Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - ii.** Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii.** Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B.** The NeeStaNan Utility Corridor Project (“the Corridor”) will be led and owned by First Nations and a consortium of Indigenous groups. First Nations along the Corridor will own rights-of-way and be in control of relevant environmental studies.
- C.** Existing trade routes used to export commodities from Western Canada are costly, inefficient, and overcrowded and burdened by shipping delays.
- D.** Prairie commodities such as potash, natural gas, wheat, and bitumen are landlocked in Western Canada.
- E.** There is a need to develop a utility and transport corridor through the Prairies and the North through Hudson Bay to efficiently ship commodities to international markets.
- F.** The Corridor is a proposed transportation corridor that will ship commodities to international markets through Port Nelson, Manitoba.
- G.** NeeStaNan Projects Inc. is being established to complete the necessary feasibility, environmental, and engineering studies for the Corridor.

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- H. The Corridor will be designed to deliver economic, environmental, and social benefits to First Nations' communities and Canada by diversifying how we transport natural resources to national and international markets, safely and responsibly.

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

1. Direct the Assembly of First Nations (AFN) to support the establishment of the NeeStaNan Utility Corridor Project ("the Corridor").
2. Direct the AFN to urge the federal government to support the establishment of the Corridor.

# DRAFT RESOLUTION # 09 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Government Support for First Nations Digital Connectivity and Spectrum Sovereignty</b>
<b>SUBJECT:</b>	Social, Infrastructure, Economic Development, Health.
<b>MOVED BY:</b>	Chief Dylan Whiteduck, Kitigan Zibi Anishinaabeg, QC
<b>SECONDED BY:</b>	Chief Bruce Acheepineskum, Marten Falls First Nation, ON

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### WHEREAS:

#### A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) 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 11: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
- iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- vi. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

#### B. Innovation, Science and Economic Development (ISED) has just completed its consultation process on the wireless Spectrum Outlook 2022 to 2026 on November 21, 2022. First Nations connectivity experts and providers are working to advocate to government to support spectrum sovereignty ownership

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through the First Mile Connectivity Consortium and have submitted its detailed report and recommendations to ISED.

- C. The natural resource known as electromagnetic spectrum in Indigenous territories is currently governed and administered by the Ministry of Innovation, Science and Economic Development through spectrum license auctions or other assignments that provide few benefits or revenues to First Nations, and which uses processes that require more transparency and proactive articulation in all official languages.
- D. For-profit commercial telecommunications service providers that own spectrum licenses have not deployed affordable, adequate, reliable mobile and fixed wireless broadband infrastructures and services in many First Nations communities and territories given the lack of a profitable business case resulting in lengthened emergency response times and detrimental health outcomes in our communities.
- E. First Nations require adequate, accessible, and affordable access to the fixed and mobile wireless connectivity to support services that include but are not limited to Internet, video conferencing, eHealth, online learning, government services, economic development, access to financial services, water treatment, climate change monitoring and modeling, cultural and language activities, protection and mental health services, food sovereignty and security, communication and other community owned facilities and residences to reduce inequalities as part of Canada's commitment to the UN's Sustainable Development Goals and to health and safety, particularly pertaining to missing and murdered Indigenous people.

### **THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

1. Call upon the Government of Canada to immediately stop all sales and renewals of spectrum licenses and permits on Indigenous traditional territories until consultations on the issue of spectrum have been completed with First Nations governments and mandated organizations in both official languages.
2. Call upon the Government of Canada to revisit, review and redefine decision-making processes related to spectrum licensing in a way that upholds First Nations' rights, title and Treaty rights and Canada's obligation to bring federal ways, policies and other collaborative initiatives and action into alignment with the UN Declaration, the Crown's legal duty to consult and collaborate with Indigenous Peoples, and free, prior and informed consent;
3. Call upon the Government of Canada to initiate a forum to review the broad issue of Indigenous spectrum sovereignty and related matters involving government departments and agencies as well as First Nations governments and mandated organizations;
4. Call upon the federal government to contribute capital and operational investments to support First Nation management of spectrum resources and eliminate fees to access currently unused spectrum in Indigenous territories and communities, which will reduce costs of connecting remote and rural areas;
5. Call upon the Government of Canada, Provincial, and Territorial governments to support First Nations in undertaking business ventures and partnerships in the area of mobile and fixed wireless connectivity, enabling First Nations to be able to deliver services on their own or with a provider of their choice.

# DRAFT RESOLUTION # 10 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Upgrades to Airport Runways and Infrastructure in Remote First Nations

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**SUBJECT:** Transportation, Health and Safety

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

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**SECONDED BY:** Chief Jordna Hill, Shamattawa First Nation, MB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Section 6(1) of *The United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14. requires that the 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 UN Declaration.
- C. Section 3(2) of *The Path to Reconciliation Act*, C.C.S.M. c. R30.5, requires that each member of the Manitoba Executive Council is to promote measures to advance reconciliation through the work of the member's department and across government.
- D. The airports serving remote First Nations in northern Manitoba are regulated by Transport Canada, which is responsible for setting and enforcing all airport safety and security standards, and certifying and regulating all airports across the country, while the operations and maintenance of the airports serving remote First Nations in northern Manitoba falls under the responsibility of the Northern Airports and Marine Operations branch of the Manitoba Department of Transportation and Infrastructure.
- E. The airports serving remote First Nations in northern Manitoba and across the country are regulated, constructed, and maintained in a manner which is wholly inadequate for the basic air transportation requirements and needs of First Nations communities, and also fails to address the increasingly critical role of air transportation services as a method of climate change adaptation in response to the progressive shortening of the duration of the seasonal winter road networks due to climate change.
- F. The regulation, construction, operation and maintenance of airports serving remote First Nations in northern Manitoba is not reasonably comparable to the manner in which airports serving similar non-First Nations communities in similar locations are regulated, constructed, operated and maintained.

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**THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to call on the federal Minister of Transport and the Manitoba Minister of Infrastructure and Transportation to immediately work in full partnership and cooperation with northern Manitoba First Nations to identify the requirements, priorities, strategies, costs and programs that will ensure that the regulation, construction, capacities, maintenance and operation of airports serving remote First Nations in northern Manitoba include up to date guidance systems and are adequate for the basic air transportation requirements and the needs of remote First Nations communities, are at least reasonably comparable to airports serving similar non-First Nations communities in similar locations and address the increasingly critical role of airports in climate change adaptation.
2. Direct the AFN to advocate to the federal government that the identification of these requirements, priorities, strategies, costs, and programs be reflected in and established as an Action Plan that includes adequate and sustainable budgetary commitments and timelines; that will ensure that the regulation, construction, capacities, maintenance and operation of airports serving remote First Nations in northern Manitoba and other regions include up to date guidance systems and meet the basic air transportation requirements and the needs of remote First Nations communities ensuring that they are at least reasonably comparable to airports serving non-First Nations communities in similar locations and address the increasingly critical role of airports in climate change adaptation.
3. Direct the AFN to urge both the federal and provincial governments to ensure that their respective legislative frameworks governing the regulation, construction, capacities, maintenance and operation of airports serving remote First Nations communities that are not connected to the provincial all-weather highway network be amended to class such airports as an “essential service” and “critical infrastructure,” together with enforceable statutory obligations on the part of Canada and Manitoba to:
  1. Ensure that these airports include up to date guidance systems and meet the basic air transportation requirements and needs of remote First Nations communities;
  2. Are at least reasonably comparable to airports serving non-First Nations communities in similar locations; and
  3. Address the increasingly critical role of airports in climate change adaptation.

# DRAFT RESOLUTION # 11 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Support for the First Nations National Action Plan for the United Nations International Decade of Indigenous Languages (2022-32)

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**SUBJECT:** Languages

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**MOVED BY:** Chief Sipi Flamand, Manawan, QC

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**SECONDED BY:** Chief Ira McArthur, Pheasant Rump Nakota Nation, SK

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### 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*, First Nations-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, which called upon the federal government to propose, advocate, and support a timely United Nations declaration of an International Decade of Indigenous Languages (IDIL).
- D. AFN Resolution 16/2021, *Support for the United Nations International Decade of Indigenous Languages (2022-32)*, was adopted on December 7, 2021, which called upon the federal government to engage directly and meaningfully with First Nations about planning and implementing Canada's participation in the IDIL.
- E. The United Nations declared 2019 to be the International Year of Indigenous Languages and subsequently declared 2022 to 2032 to be the IDIL.
- F. 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, highlights 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.

# DRAFT RESOLUTION # 11 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

- G. The United Nations is urging participating States, including Canada, to support the development of National Action Plans for the IDIL.
- H. The Department of Canadian Heritage is developing a National Action Plan for the IDIL with input from First Nations, Inuit, and Métis Peoples.
- I. 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.
- J. The First Nations Languages National Action Plan, reflecting First Nations visions of revitalization, must be evident in strategic planning for the decade and in Canada's National Action Plan for the IDIL.
- K. The First Nations Languages National Action Plan has been informed by the Indigenous Languages Initiative report (2017), engagements on the *Indigenous Languages Act*, consultations about the Office of the Commissioner of Indigenous Languages and about the development of a Languages Funding Model, and through strategic discussions with the Technical Committee on Languages (TCOL), and the Chiefs Committee on Languages (CCOL).
- L. Support for the First Nations Languages National Action Plan would reinforce a shared First Nations vision to reinforce, revitalize, maintain and strengthen First Nations languages and would support the implementation objectives of the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

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

- 1. Reaffirm that jurisdiction over First Nations languages remains with individual First Nations.
- 2. Ratify the First Nations Languages National Action Plan to inform the Department of Canadian Heritage's National Action Plan for the International Decade of Indigenous Languages (IDIL).
- 3. Call on the Government of Canada to seek additional funding to support activities related to the IDIL, and not divert funding committed to support the efforts of First Nations to reclaim, revitalize, and strengthen their languages.
- 4. Direct the Assembly of First Nations (AFN), with support from the Chiefs' Committee on Languages (CCOL), and the Technical Committee on Languages (TCOL), to monitor the implementation of the IDIL.
- 5. Direct the AFN to return to First Nations-in-Assembly if the First Nations Languages National Action Plan, or the Department of Canadian Heritage's National Action Plan for the IDIL, requires amendment during the decade and to report on outcomes following the IDIL.
- 6. Affirm the First Nations Languages National Action Plan as a foundational step for First Nations languages and that activities to reclaim, revitalize, and strengthen languages will extend beyond the IDIL.



# DRAFT RESOLUTION # 12 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Right to Education

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**SUBJECT:** Education

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**MOVED BY:** Chief Randy Ermineskin, Ermineskin Cree Nation, AB

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**SECONDED BY:** Chief Stanley Houle, Whitefish (Goodfish) Lake First Nation #128, AB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  - 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.
- B. The Truth and Reconciliation Commission of Canada states:
- i. Call to Action 7: We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.
  - ii. Call to Action 9: We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
  - iii. Call to Action 11: We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
- C. The historic Numbered Treaties and many modern Treaties contain promises and provisions regarding First Nations' right to education that have been honoured more in the breach than the observance by Canada.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Reaffirm First Nations inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call upon Canada to take immediate steps to reach binding agreements with First Nations that ensure Treaty obligations regarding education are recognized and implemented in a manner that fully honours the spirit and intent of Treaty rights.

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4. Call Upon Canada to comply with the *United Nations Declaration on the Rights of Indigenous Peoples*, *United Nations Declaration on the Rights of Indigenous Peoples Act*, and the *Truth and Reconciliation Commission of Canada* to ensure Treaty Rights are fully funded in the following forms of education:
  - a. K-12 education;
  - b. Post-secondary education;
  - c. Language revitalization;
  - d. Education infrastructure;
  - e. Adult education; and
  - f. Any other form of Treaty education as determined by First Nations.
5. Call on the Assembly of First Nations to write to the Minister of Indigenous Services Canada and Minister of Finance in support of these Treaty Rights to education.

# DRAFT RESOLUTION # 13 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	Dene Funding
<b>SUBJECT:</b>	Support for Direct Funding
<b>MOVED BY:</b>	Chief April Martel, Katlodeeche First Nation, NT
<b>SECONDED BY:</b>	Grand Chief Wilbert Kochon, Behdzi Ahda First Nation, NT

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Preamble paragraph 23: Recognizing that the situation of Indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.
  - ii. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
  - iv. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measure that may affect them.
  - v. 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.
  - vi. 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.
  - vii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - viii. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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- ix. 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.
  - x. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories and other resources, particular in connection with the development, utilization or exploitation of mineral, water or other resources.
  - xi. 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.
  - xii. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successor and to have states honor and respect such treaties, agreements, and other constructive arrangements.
- B.** The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada, in consultation and cooperation with Indigenous peoples, to:
- i. Take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration as per Section 5.
- C.** The First Nations-in-Assembly have previously passed a similar Resolution— 95/2018 *Inherent and Treaty Based Funding Agreements*— calling for provincial and federal governments to uphold the honour of the Crown and their Treaty obligations by consulting with First Nations on the allocation of federal transfer payments.
- D.** The Crown recognized First Nations Sovereignty in the Royal Proclamation, 173 and subsequently made Treaties with First Nations on a Nation-to-Nation basis.
- E.** The Dene have always occupied their Territory as a Nation.
- F.** The Dene were provided with inherent laws from the creator, which still exist today.
- G.** The Dene entered into international peace and friendship Treaties #8 and #11 with the British Crown in 1899-1900 and in 1921-1922.
- H.** There was never any intention to set up Indian reservations north of 60° because of the Dene way of life and because the Dene own all of the lands in their Territory, as confirmed in the "Paulette case" of 1973;
- I.** The Dene communities are considered off-reserve and do not receive direct funding as First Nations do south of 60°; and
- J.** Whereas the government of the Northwest Territories receives Dene funding which goes into the public purse for the public government.

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

## **AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

- 1.** Direct the Assembly of First Nations (AFN) to call upon territorial governments to uphold the honour of the Crown and their Treaty obligations by consulting with First Nations before allocating any federal transfer payments to the Territory (state).
- 2.** Direct the AFN to advocate for First Nations to have direct access to funding in a way consistent with First Nations Treaty and inherent rights.
- 3.** Direct the AFN to support and advocate for the Dene communities North of 60 to receive direct funding, just as First Nations receive direct funding that are located south of 60°; and
- 4.** Direct the AFN to support the Dene communities North of 60 to receive equal funding as First Nations that are located south of 60.

# DRAFT RESOLUTION # 14 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** First Nations Alternative Approaches to Justice

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**SUBJECT:** Justice

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**MOVED BY:** Chief Amanda Leas, Ta'an Kwäch'än Council, YT

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**SECONDED BY:** Chief Doris Bill, Kwanlin Dün First Nation, YT

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
  - iii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. The federal government is responsible for the dismantling of First Nations legal orders and systems through generations of colonization.
- C. Some First Nations are succeeding in implementing alternative approaches to justice but lack long-term predictable funding to sustain or expand these alternatives to law enforcement and the Canadian judicial system.
- D. Many First Nations need financial resources to build capacity and undertake the necessary research and work to rebuild their systems of justice and law enforcement.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on the federal government to support First Nations with rebuilding their justice systems by providing long-term predictable funding to develop, expand, or sustain alternative approaches to law enforcement and justice that are informed by individual First Nations' laws and legal traditions.

**D R A F T   R E S O L U T I O N   # 1 5 / 2 0 2 3**  
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<b>TITLE:</b>	<b>Enforcement of Band Council Resolutions and Bylaws On-Reserve</b>
<b>SUBJECT:</b>	Community Policing and Safety
<b>MOVED BY:</b>	Chief Derrick Henderson, Sagkeeng First Nation, MB
<b>SECONDED BY:</b>	Chief Cornell McLean, Lake Manitoba First Nation, MB

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
  - ii. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. Community safety and policing is a major concern in First Nations throughout Canada and has been a concern for some time.
- C. First Nations have the inherent right to self-determination, and Council may enact laws or by-laws for the observation of law and order through the provisions of the *Indian Act*.
- D. The Royal Canadian Mounted Police (RCMP) have advised First Nations in Manitoba that Emergency Laws and Orders enacted under a Land Code under the *First Nations Land Management Act* (FNLMA) are of no more force and effect than a Band Council Resolution and are therefore unenforceable by the RCMP.
- E. Similarly, in Manitoba, the RCMP are not recognizing, enforcing or laying charges, and Crown prosecutors have reportedly advised the RCMP that they will not prosecute offences under duly enacted First Nations By-laws under s. 81 and s. 85(1) of the *Indian Act*, which are posted on the First Nation Gazette.

**D R A F T   R E S O L U T I O N   # 1 5 / 2 0 2 3**  
**AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to advocate to the federal government that it gives clear and firm direction to the Royal Canadian Mounted Police (RCMP) and federal Crown prosecutors that First Nations by-laws enacted through the *Indian Act* are valid First Nations and federal laws and must be recognized and enforced by the local policing authority and, where charges are laid and where appropriate, prosecuted by provincial or federal Crown prosecutors.
2. Direct the AFN to engage with the Government of Canada to co-develop amendments to the *Criminal Code of Canada* to allow for private prosecutions by First Nations prosecutors in situations of summary offences, including violations of *Indian Act* by-laws or other First Nations laws.
3. Call on the federal government for sustainable and long-term funding for First Nations prosecutors to enforce laws and by-laws enacted under the *Indian Act* or the *FNLMA*.
4. Call on the Attorney General of Canada to act on Section 31 of the *Indian Act* to enforce trespass by-laws enacted by First Nations.



# DRAFT RESOLUTION # 16 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for Canada to Announce a New Self-Administered Police Service for Northern Manitoba First Nations</b>
<b>SUBJECT:</b>	Policing and Public Safety
<b>MOVED BY:</b>	Chief Michael Yellowback, Manto Sipi Cree Nation, MB
<b>SECONDED BY:</b>	Chief David Monias, Pimicikamak Cree Nation, MB

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### 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 7 (1): Indigenous peoples have the rights to life, physical and mental integrity, liberty and security of person.
  - iv. 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.
  - v. 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.
- B.** Section 6(1) of *The United Nations Declaration on the Rights of Indigenous Peoples Act*, (S.C. 2021, c. 14) requires that the 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 UN Declaration.
- C.** Section 3(2) of *The Path to Reconciliation Act*, C.C.S.M. c. R30.5, requires that each member of the Manitoba Executive Council is to promote measures to advance reconciliation through the work of the member's department and across government.

# DRAFT RESOLUTION # 16 / 2023

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- D. The First Nations in northern Manitoba affiliated with the Manitoba Keewatinowi Okimakanak. Inc. (MKO) have been pursuing the establishment of a new self-administered First Nation Police Service for the past twenty-two years, including through the June 6, 2001, *MKO-Canada-Manitoba Framework Agreement*, and more recently through the MKO letter dated July 23, 2021, to the provincial Minister of Justice and to the federal Ministers of Public Safety, Justice, and Indigenous Services.
- E. During the 2022 MKO Annual General Assembly, the MKO Chiefs-in-Assembly reiterated their collective vision and objective of establishing a new self-administered First Nation Police Service for the MKO Region in MKO Resolution 2022-08-07, *Reiteration of Support for Establishing an MKO Regional Police Force and MKO Policing Program*.
- F. Federal Budget 2021 announced \$861 million over five years beginning in fiscal year 2021-2022, with \$126.8 million ongoing to support the stabilization and expansion of the First Nation and Inuit Policing Program (FNIPP).
- G. Manitoba has approximately 19% of the total on-reserve First Nation population in Canada and currently receives only 8% of total annual FNIPP funding, with the result that 46 of the 63 Manitoba First Nations do not receive dedicated, culturally-guided, in-community policing services under the FNIPP.
- H. On November 29, 2022, the Grand Chief of MKO wrote to and met with the Prime Minister to request that Canada announce its support of and commitment to establish new self-administered First Nation Police Services in Manitoba, including for the MKO Region.

### **THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

- 1. Call on Canada to announce its support of and commitment to establishing new self-administered First Nation Police Services in Manitoba, including to serve the northern Manitoba First Nations.
- 2. Call on Public Safety Canada to immediately engage with the northern Manitoba First Nations and the Manitoba Minister of Justice and senior officials to advance the substantive steps necessary to develop, enter into, and operationalize an agreement for a new self-administered police service for the northern Manitoba First Nations, including, but not limited to:
  - a. development of a governance model including the approach to community engagement in setting policing priorities;
  - b. identifying the scope and standards for service delivery and the related officer compliment;
  - c. recruitment and training;
  - d. capital investments for facility locations and configuration;
  - e. equipment and resource requirements; and
  - f. a funding and operations agreement between Canada, First Nations, and Manitoba.

# DRAFT RESOLUTION # 17 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for Advocacy and the Establishment of a Working Group to Address Missing and Murdered Indigenous Men and Boys</b>
<b>SUBJECT:</b>	Justice
<b>MOVED BY:</b>	Chief David Monias, Pimicikamak Cree Nation, MB
<b>SECONDED BY:</b>	Chief Michael Yellowback, Manto Sipi Cree Nation, MB

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### 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 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
  - iv. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
- i. Call for Justice 1.8: We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA peoples' organizations.
  - ii. Call for Justice 1.9: We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.
  - iii. Call for Justice 1.10: We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.

# DRAFT RESOLUTION # 17 / 2023

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- iv. Call for Justice 1.11: We call upon the federal government – specifically, Library and Archives Canada and the Privy Council Office – to maintain and to make easily accessible the National Inquiry's public record and website.
  - v. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- C. The healing and prevention programs must be Indigenous-led, rooted in Indigenous knowledge, culture and ceremony and must include families of Murdered and Missing Indigenous Men, Boys, Survivors, Two-Spirited and Gender Diverse People and communities, also known as the family first philosophy.
  - D. The 2004 *Commission of Inquiry into Matters Relating to the Death of Neil Stonechild* demonstrated how systemic racism ingrained in Canadian institutions such as the police, contributes to the disproportionate number of Missing and Murdered First Nations Men and Boys.
  - E. First Nations men and boys experience violence and are murdered at a disproportionately higher number than any other groups in Canada. In 2020, there were 201 Indigenous victims of homicide nationwide – 81% of which were Indigenous men. An Indigenous man is four times more likely to be a victim of homicide when compared to Indigenous women and seven times more likely than non-Indigenous males.
  - F. Greater awareness and resources are needed to draw attention to the issue of Missing and Murdered Indigenous Men, Boys and 2SLGBTQQIA+ people.

### **THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) National Chief and Executive Committee to advocate and lobby the government of Canada to commit funds and resources for Murdered and Missing Indigenous Men and Boys, similar to that of Missing and Murdered Indigenous Women, Girls and Gender Diverse People (MMIWG2S+).
2. Direct the AFN to advocate for dedicated resources to establish a Murdered and Missing Indigenous Men and Boys working group, to examine the root causes of violence against Indigenous men and boys and to advocate for solutions to address the disproportionate number of First Nations men and boys who go missing or are found murdered.
3. Direct the AFN to work with the Minister of Justice/Attorney General of Canada and the provinces, the Department of Justice Canada as well as the RCMP, provincial and municipal police forces across Canada to commit to devoting greater resources to investigating unsolved cases of Missing and Murdered First Nations Men, Boys and 2SLGBTQQIA+ people.

# DRAFT RESOLUTION # 18 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Support for Indian Residential School Survivors Organization

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**SUBJECT:** Indian Residential Schools

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**MOVED BY:** Chief George Cote, Cote First Nation, SK

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**SECONDED BY:** Chief Lee Kitchomonnia, Keeseekoose First Nation, SK

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### WHEREAS:

- A. The Assembly of First Nations (AFN) negotiated and signed the Indian Residential School Settlement Agreement (IRSSA) and oversaw its implementation.
- B. The Truth and Reconciliation Commission submitted its 94 Calls to Action, which Canada has committed to implement.
- C. The Papal visits are now complete and there is much outstanding business to be addressed by the Indian Residential School Survivors on the legacy of the Indian Residential School (IRS) policy.
- D. The Indian Residential School Survivors wish to carry on with the work required to address the legacy of the IRS policy and have prepared a "Reconciliation Document" which outlines their understanding of what real reconciliation means, including assisting in resolving outstanding Indian Residential School issues such as the missing children, return of cultural artifacts wherever they may be situated, and missing church records and information.
- E. There is a group of Indian Residential School Survivors who will incorporate its organization and are requesting the support of the First Nations-in-Assembly, by the adoption of this resolution, for the work which they want to undertake on real reconciliation from the IRS legacy.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Support the Indian Residential School Survivors organization in their endeavor to represent all Indian Residential School Survivors on all matters regarding the Indian Residential School legacy of the Indian Residential School policy, including in accessing financial resources for its organizational activities.

# DRAFT RESOLUTION # 19 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Prioritize Land Back Through All Federal Laws, Policies, and Programs</b>
<b>SUBJECT:</b>	Lands
<b>MOVED BY:</b>	Chief Dalton Silver, Sumas First Nation, BC
<b>SECONDED BY:</b>	Judy Wilson, Proxy, Osoyoos Indian Band, BC

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
  - iv. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
  - v. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. For First Nations, the land is life. We have lived on our lands since time immemorial. As a result, we have deep cultural, spiritual, and economic ties to our lands and territories and a sacred responsibility to protect, nurture, and sustain the land, water, animals, and resources for future generations.
- C. The colonial and Canadian governments have taken, occupied, used, damaged and stolen lands from First Nations. This was done through policy, law, coercion, lies, force, and many other harmful actions that amount to genocide. Furthermore, these acts, intended to accelerate the settlement of Indigenous lands, were inconsistent with applicable principles of domestic and international law and Indigenous laws, customs, and traditions.
- D. The doctrines of discovery and *terra nullius* are racist, unjust, and legally invalid. The assertion of Crown sovereignty is a legal fiction used to justify the theft of First Nations' lands.

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- E. Despite the ongoing effort to sever First Nations from their lands, we are still overcoming and maintaining cultural, spiritual, and economic ties to our lands, territories, and resources.
- F. We have entered a new era in which the Government of Canada acknowledges its colonial past, which continues to reverberate outwards, harming all, despite apologies and commitments to change. The heart of reconciliation is the return of land to First Nations. Without land, there can be no reconciliation.
- G. Section 35 of the *Canadian Constitution* recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal Peoples of Canada. Through the *United Nations Declaration on the Rights of Indigenous Peoples Act*, and the commitment to implement the UN Declaration, the Government of Canada is obliged to return lands to First Nations. The starting point of reconciliation is not an apology; it is taking active steps to return land to First Nations.
- H. Increasingly, First Nations youth, Elders, women, water warriors, and land defenders are being criminalized as they assert their rights to their lands. For reconciliation to be true, we need the Government of Canada and its provinces to take meaningful and swift action to demonstrate that our land rights are a priority.
- I. There are currently no effective federal policy mechanisms to facilitate the quick and efficient return of lands to First Nations. First Nations have explicitly rejected the Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) because they are based on a denial of our shared past.
- J. The specific claims process is flawed and prioritizes financial compensation over the return of lands. While First Nations can purchase lands with money, the additions-to-reserve policy is costly, inefficient, and prioritizes third parties over First Nations.
- K. The Government of Canada has acknowledged its policy shortcomings but continues to prioritize accelerated negotiations through a suite of options, including Recognition of Indigenous Rights and Self-Determination Discussion Tables (RIRSD), rather than working with all First Nations to identify principled, transparent, and fairly funded alternatives consistent with the UN Declaration.

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

1. Direct the Assembly of First Nations (AFN) to call on the Prime Minister of Canada and the Crown to prioritize the return of lands to First Nations through all laws, policies, and processes.
2. Direct the AFN to call on the Government of Canada to work with all First Nations to identify open, transparent, and funded processes that prioritize the return of lands to First Nations through nation-to-nation discussions.
3. Direct the AFN to ensure adequate funding is provided for First Nations and their representative organizations to fully participate in the return of lands through nation-to-nation discussions.
4. Direct the AFN to seek funding and opportunities to support First Nations asserting self-determination and control over their lands through research, analysis, communications, and political intervention.

# DRAFT RESOLUTION # 20 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Replacing First Nations Lands Lost Due to Climate Disasters

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**SUBJECT:** Climate Change and Emergency Management

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**MOVED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, BC

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**SECONDED BY:** Chief James Hobart, Spuzzum First Nation, BC

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### 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:
    - 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.
  - ii.** Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation, and, where possible, with the option of return.
  - 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 decision-making institutions.
- B.** First Nations across Canada have increasingly been experiencing displacement and loss of lands due to climate disasters such as fires and floods. The replacement of lands and the rebuilding of communities are high priorities for First Nations.
- C.** Both the federal and provincial governments are aware of the negative impacts of climate disasters on First Nations.
- D.** There is currently no effective mechanism to adequately respond to the impacts of climate disasters on First Nations. Some First Nations in Manitoba continue to experience displacement since flooding in 2011.
- E.** This is an urgent issue that involves both the federal and provincial governments, in which the existing policy options are insufficient and slow down the process of effective redress for First Nations.



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

## **AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON**

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to take a whole of government approach, working in full partnership with affected First Nations, to respond immediately to climate emergencies impacting First Nations lands, including the replacement of lands that have been lost or damaged, and the relocation of reserves vulnerable to climate disasters.
2. Direct the AFN to call on the Government of Canada to work in full partnership with affected First Nations to identify the priorities, objectives and resources needed to respond to climate emergencies impacting First Nations lands, including the replacement of lands that have been lost or damaged.
3. Direct the AFN to call on the Government of Canada to ensure its policies, processes, and laws facilitate a whole of government approach to climate emergencies, particularly the purchase, transfer, and conversion of lands to replace First Nations lands lost or damaged by climate emergencies. In those cases where policy, process or law is an impediment, the Government of Canada must identify alternative approaches that prioritize immediately responding, in full partnership with affected First Nations, to climate emergencies impacting First Nations lands.

# DRAFT RESOLUTION # 21 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Protection and Restoration of the Eastern Slopes of the Rocky Mountains</b>
<b>SUBJECT:</b>	Environment, Lands and Waters
<b>MOVED BY:</b>	Chief Randy Ermineskin, Ermineskin Cree Nation, AB
<b>SECONDED BY:</b>	Chief Stanley Houle, Whitefish (Goodfish) Lake First Nation #128, AB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
  - ii. Article 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 or 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.
  - v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - vi. 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. As a result of more than a century of decisions and actions regarding the Eastern Slopes of the Rocky Mountains (the Eastern Slopes), the Governments of Canada and Alberta have infringed Treaties in Alberta and adversely impacted the Treaty and Aboriginal rights and well-being of First Nations in British Columbia, Saskatchewan, Manitoba, Yukon, and the Northwest Territories. The Eastern Slopes contain the headwaters of the several major river systems that reach across western and northern Canada and provide critical habitat for grizzlies, big horn sheep, elk, caribou and other species that

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

## **AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON**

move throughout and are connected to the Rockies into British Columbia, Yukon, and Northwest Territories.

- C.** Canada's creation and management of Jasper, Banff, and Waterton National Parks displaced First Nations and violated constitutionally protected Treaty and Aboriginal harvesting rights to more than 18,374 square-kilometres of the Eastern Slopes, an area three times larger than Prince Edward Island.
- D.** These National Parks were created without the Free, Prior, and Informed consent of First Nations and to this day, Canada infringes Treaties by unjustifiably prohibiting First Nations use of and access to these lands for the exercise of Treaty rights. Canada has unlawfully prioritized tourism and recreational use over constitutionally protected Treaty and Aboriginal rights.
- E.** Alberta has infringed Treaties and impacted Aboriginal rights in the Eastern Slopes by promoting, approving, and pursuing forestry, ranching, mining, oil and gas, tourism, and other forms of development, as well as the creation of extensive parks and protected areas which unjustifiably restrict the exercise of Treaty and Aboriginal rights.
- F.** The cumulative impacts of Alberta's actions have made the exercise of Treaty and Aboriginal rights in the Eastern Slopes extremely difficult and even impossible in many areas. Many First Nations in Alberta and elsewhere also rely on the continued health of river systems originating the Eastern Slopes as source water for reserve lands set aside under Treaties.

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

- 1.** Call upon the Governments of Canada and Alberta to immediately enter into negotiations with First Nations to develop an action plan that will end and reverse the devastation of the Eastern Slopes of the Rocky Mountains, remedy infringement of Treaties, and ensure that all future decisions by Canada and Alberta are made jointly with First Nations, consistent with the constitutionally protected status of Treaty and Aboriginal rights, the Articles of the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to Action of the Truth and Reconciliation Commission of Canada.
- 2.** Call upon the Government of Canada to take immediate steps to prioritize the exercise of Treaty and Aboriginal rights in Jasper, Banff, and Waterton National Parks over recreational uses and to remedy the continued removal of First Nations and infringement of Treaty and Aboriginal in the 18,374 square-kilometres of the Eastern Slopes covered by the Parks.
- 3.** Call upon the Governments of Canada and Alberta to enter into negotiations with impacted First Nations for redress and compensation for more than a century of unlawful displacement from Jasper, Banff, and Waterton National Parks and the resulting infringement of Treaties.

# DRAFT RESOLUTION # 22 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Support for Treaty 9 Legal Action on Cumulative Impacts

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**SUBJECT:** Treaties

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**MOVED BY:** Chief Keeter Corston, Chapleau Cree First Nation, ON

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**SECONDED BY:** Chief Renae Vanbuskirk, Brunswick House First Nation, ON

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### WHEREAS:

- A. Indigenous Peoples have always used and cared for their lands and waters in accordance with their inherent laws and practices.
- B. For decades, provincial governments across Canada have undertaken and authorized resource development on Indigenous lands without regard for the cumulative impacts of those developments on Indigenous Peoples' rights, culture and way of life.
- C. In *Yahey v. British Columbia*, the BC Supreme Court affirmed that the Province of British Columbia failed to uphold the Crown's obligations under Treaty 8, including by failing to develop and implement mechanisms to assess, monitor and manage the cumulative impacts of resource development on Treaty 8 territory in British Columbia.
- D. First Nations in other provinces have initiated or are contemplating initiating legal action to protect their territories and enforce the Crown's Treaty obligations.
- E. Since the signing of Treaty 9, Ontario has authorized industrial development and forestry in the traditional territories of the Chapleau Cree First Nation, Missanabie Cree First Nation and Brunswick House First Nation (collectively, the Treaty 9 First Nations). These actions have fragmented the landscape, degraded the lands and waters, and harmed the wildlife and plant life within.
- F. In September 2022, the Treaty 9 First Nations launched litigation (the Legal Action) challenging Ontario's failure to uphold the Crown's obligations under Treaty 9, including its obligation to protect the Nations' Treaty rights and way of life from the cumulative impacts of resource development in Treaty 9.
- G. The Legal Action will build on recent court decisions, including the *Yahey* decision, which seek to address and enforce the Crown's outstanding obligations to protect Indigenous Peoples' lands and waters from the cumulative impacts of resource development.
- H. The Legal Action will bring attention to the environmental damage these activities cause to the boreal forest ecosystem in Treaty 9 First Nations' traditional territories, and add to the growing body of jurisprudence on the Crown's obligations to take proactive measures to address the cumulative impacts of resource development on Treaty rights.

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

## **AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON**

**THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to lend political support for Treaty 9 in the Legal Action and work with the Treaty 9 Nations to explore avenues for continued support as the Legal Action progresses, including ensuring that this Legal Action can be used as a positive precedent for other Treaty First Nations in Canada to pursue similar claims and protect their traditional territories.
2. Direct the AFN to call on Canada and all of the provinces, through correspondence to Minister Lametti, Minister Guibeault, and Minister Miller, to ensure the Treaty 9 First Nations' lands and waters are respected and protected, including by taking immediate measures to address the cumulative impacts of resource development on the Nations' Treaty rights and way of life in such a way to ensure Climate Change resiliency can occur and that landscape scale biodiversity is achieved.

# DRAFT RESOLUTION # 23 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	First Nations Engagement on Canada's 2030 Emissions Reduction Plan
<b>SUBJECT:</b>	Environment and Climate Change
<b>MOVED BY:</b>	Chief Randy Ermineskin, Ermineskin Cree Nation, AB
<b>SECONDED BY:</b>	Chief Stanley Houle, Whitefish (Goodfish) Lake First Nation #128, AB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.
  - ii. Article 29 (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.
  - iii. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of Indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
  - 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.
  - v. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Truth and Reconciliation Commission of Canada's Call to Action 92 calls upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This includes:
- i. a commitment to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

# DRAFT RESOLUTION # 23 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

- C. The extraction of natural resources throughout Canada has been done without the Free, Prior, and Informed consent of First Nations and most often without appropriate consideration of the environmental impacts to the well-being of First Nations or impacts on Treaty and Aboriginal rights.
- D. First Nations' unceded lands, reserve lands and Treaty and Aboriginal rights have been drastically impacted by climate change and environmental impacts resulting from natural resource extraction.
- E. The *Canadian Net-Zero Emissions Accountability Act*, which became law on June 29, 2021, enshrines in legislation Canada's commitment to achieve net-zero emissions by 2050. The Government of Canada is required to take sweeping and substantive actions under the Act, many of which will have significant implications for First Nations.
- F. Canada has not adequately consulted with First Nations on the *Canadian Net-Zero Emissions Accountability Act* and related implementation of the Act, such as through the 2030 Emissions Reduction Plan.
- G. A key component of Canada's 2030 Emissions Reduction Plan is a carbon capture, utilization, and storage (CCUS) strategy. Carbon dioxide is a greenhouse gas, which is a major factor contributing to climate change. CCUS is a suite of technologies that capture carbon dioxide directly from the atmosphere, or separate carbon dioxide from the emissions of industrial processes, such as those in the oil, gas, and coal energy sectors, prior to release into the atmosphere.
- H. It is unclear how CCUS technologies may impact First Nations and their territories. Canada needs to secure the Free, P, and Informed consent of First Nations prior to approving the use of CCUS technologies on and beneath First Nations' lands and traditional territories.

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

1. Call upon Canada to take immediate steps to work with First Nations to ensure that the implementation of the *Canadian Net-Zero Emissions Accountability Act*, the 2030 Emissions Reduction Plan, and all related actions, respect First Nations' Treaty and Aboriginal rights and Title.
2. Call upon Canada to ensure adequate funding and resources to engage with First Nations on information regarding carbon capture, utilization, and storage (CCUS) technologies, including the potential issues, impacts, and opportunities for First Nations.
3. Call upon Canada to secure the Free, Prior, and Informed consent of First Nations prior to approving the use, promotion, development, and deployment of CCUS technologies on First Nations' lands and traditional territories.

# DRAFT RESOLUTION # 24 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd

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**SUBJECT:** Environment

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**MOVED BY:** Chief Pauline Frost, Vuntut Gwitchin First Nation, YT

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

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### WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i.** Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
  - ii.** Article 19: States shall consult and cooperate in good faith with 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 20: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iv.** Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B.** For thousands of years the Gwich'in Nation, spanning what is now Alaska, Yukon and the Northwest Territories has relied on the Porcupine Caribou herd to meet the nutritional, cultural and spiritual needs of Gwich'in.
- C.** Gwich'in have the inherent right to continue their own way of life, and this right is recognized and affirmed by Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which read, in part, "In no case may a people be deprived of their own means of subsistence."
- D.** The health and productivity of the Porcupine Caribou herd and the physical and cultural survival of Gwich'in are endangered by ongoing threats of oil and gas exploration and development in the sacred calving and post-calving grounds situated on the north slope of Alaska and within an area of the Arctic



# DRAFT RESOLUTION # 24 / 2023

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National Wildlife Refuge known to Gwich'in as "Iizhik Gwats'an Gwandaii Goodlit" (Sacred Place Where Life Begins), more commonly known as the Coastal Plain or '1002' lands.

- E. The entire Gwich'in Nation was called together by their chiefs in Arctic Council in 1988 to carefully address this issue and to seek the advice of our elders. This resulted in Gwich'in of every community from Arctic Village, Venetie, Fort Yukon, Beaver, Chalkyitsik, Birth Creek, Stevens Village, Circle, and Eagle Village in Alaska; and from Old Crow, Fort McPherson, Arctic Red River, Aklavik, and Inuvik in Canada, to reach a consensus in our traditional way, and now speak with a single voice.
- F. Since 1988, the Gwich'in Nation and its allies have successfully resisted multiple attempts by the United States Congress to open the Arctic National Wildlife Refuge for oil and gas exploration and development.
- G. The Assembly of First Nations (AFN) First Nations-in-Assembly passed multiple resolutions articulating their unanimous support for the Gwich'in Nation and their protection of the Porcupine Caribou herd, including Resolution 61/2015, *Prohibit Development in the Calving and Post-Calving Groups of the Porcupine Caribou Herd*; 110/2016, *Support the Protection of the Arctic National Wildlife Refuge*; 24/2017, *Prohibit Oil and Gas Exploration and Development in the Sacred Calving Grounds of the Porcupine Caribou Herd*; and 17/2020, *Support for First Nations Climate Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation*.
- H. In 2017, the Trump administration passed the Tax Cuts and Jobs Act in 2017 which mandated two lease sales in the Arctic National Wildlife Refuge's Coastal Plain "by not later than 10 years after the date of enactment" and rushed through the environmental assessment process in order to hold the first lease sale of the Coastal Plain before leaving office in 2020.
- I. Despite efforts made by President Biden and his administration to protect the Arctic National Wildlife Refuge since taking office in 2020, the Coastal Plain is not yet safe from oil and gas development as the leases sold by the Trump Administration have not yet been cancelled and a second lease sale by 2024 is still mandated by the law creating significant concerns for the Gwich'in who have not been consulted throughout the legislative and administrative processes to date and continue to advocate for permanent protection of the sacred calving and post calving grounds of the Porcupine Caribou Herd.

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

- 1. Direct the Assembly of First Nations (AFN) National Chief to call upon the United States Congress and President of the United States to recognize the inherent rights of Gwich'in to continue to live their way of life and maintain their sacred relationship with the Porcupine Caribou Herd by meaningfully acknowledging and engaging with the Gwich'in and by repealing the language in the 2017 Tax Cuts and Jobs Act which mandates oil and gas development in the Arctic National Wildlife Refuge.
- 2. Support the Gwich'in, through available domestic and international diplomatic avenues, in their efforts to raise awareness of this international human rights issue and advocate for political leaders, corporations and financial institutions to take firm stances on:
  - i. Opposing development in the Arctic National Wildlife Refuge and

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- ii. Stressing the importance of permanent protection of the Coastal Plain of the Arctic National Wildlife Refuge.
3. Direct the AFN National Chief to urge the Prime Minister of Canada and the Minister of Environment and Climate Change Canada to continue to support efforts aimed at seeking permanent protection of the Coastal Plain of the Arctic National Wildlife Refuge.

# DRAFT RESOLUTION # 25 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support for an Equitable Carbon Tax on Industrial Fossil Fuel Protection</b>
<b>SUBJECT:</b>	Taxation, Oil and Gas - Environment
<b>MOVED BY:</b>	Judy Wilson, Proxy, Osoyoos Indian Band, BC
<b>SECONDED BY:</b>	Chief James Hobart, Spuzzum First Nation, BC

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### WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
  - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - iii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement 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.
  - v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- B.** Canada has implemented a national, economy-wide minimum carbon price on fossil fuels, which will increase annually to \$170 per tonne of greenhouse gas (GHG) emissions by 2030, and British Columbia has committed to meeting or exceeding the federal carbon price by amending the current provincial carbon tax of \$50 per tonne.
- C.** Carbon pricing is one of the major market-based climate mitigation measures implemented by the provincial and federal governments to date, representing one of the pillars of Crown initiatives to meet international obligations and legislated commitments to reduce GHG emissions that cause climate change.
- D.** Climate change threatens the security and way of life of Indigenous Peoples throughout Canada and the world, which has been evident in British Columbia as climate extremes have exacerbated severe heat, wildfires, flooding, and storms, among other impacts, that have devastated communities across the province.
- E.** Canada's highest-emitting sector, the oil and gas industry, receives special accommodations in national and provincial programs for large emitters that enable them to pay lower carbon tax rates than most other sectors of the economy, such as through the federal Output-Based Pricing System and provincial incentive programs.
- F.** Federal ministries are currently seeking input on a proposed emissions cap for the oil and gas sector, including on regulatory options such as a modified carbon pricing system designed to gradually reduce the GHG emissions from upstream oil and gas activities in line with an emissions cap trajectory.
- G.** Canada is one of the world's leading exporters of the fossil fuels that are driving the escalating climate emergency, and the existing and proposed emissions reduction measures for the oil and gas sector seek to avoid reductions in overall production in the interest of competitiveness.
- H.** Canada, along with many other jurisdictions, is unlikely to be able to reduce emissions from its fossil fuel sector to the extent required to limit global warming to 2°C without also winding down production.

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

- 1.** Fully support an equitable carbon price that holds large emitters accountable for their role in perpetuating climate change through their activities and products.
- 2.** Urge the Governments of British Columbia and Canada to immediately begin exploring options for a managed wind-down of the provincial and national fossil fuel sector.
- 3.** Direct the Assembly of First Nations (AFN) Executive and staff to work with First Nations and like-minded organizations to advocate for greater First Nations oversight and decision-making in allocating revenues accrued by carbon levies applied on title lands.

# DRAFT RESOLUTION # 26 / 2023

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<b>TITLE:</b>	<b>Call for an Exemption to the Federal Carbon Levy for First Nation Governments in Rural and Remote Communities</b>
<b>SUBJECT:</b>	Environment
<b>MOVED BY:</b>	Chief Roberta Joseph, Tr'ondëk Hwëch'in, YT
<b>SECONDED BY:</b>	Chief Doris Bill, Kwanlin Dün First Nation, YT

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### 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 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.
  - 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.** The Assembly of First Nations (AFN) First Nations-in-Assembly passed Resolution 103/2019, *Ending Reliance on Diesel Power in Rural and Remote First Nations*, calling on the federal government to begin consultations with rural and remote First Nations reliant on diesel power in order to jointly develop and implement plans and measures to end the reliance on diesel power by no later than 2030, as promised by Prime Minister Trudeau on October 8, 2019 in Iqaluit, Nunavut.
- C.** Many rural and remote First Nations governments continue to rely on diesel fuel for electricity generation and heat, resulting in rising greenhouse gas emissions.
- D.** While waiting for this transition from diesel power to a renewable energy source, First Nations Governments in these rural and remote communities are subject to the federal carbon levy.
- E.** The federal carbon levy has become very costly for those rural and remote First Nations governments who rely on diesel power, particularly during the winter.

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- F.** The cost of living in northern communities is substantially greater than in the south because food and goods need to be transported great distances by freight or air.
- G.** Climate change has had a devastating impact on northern communities and subsistence harvesting, which has been limited due to severe declining populations of traditional foods, thus increasing the cost of living even further.

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

- 1.** Call on the Assembly of First Nations (AFN) to advocate to the federal government for an exemption to the federal carbon levy for diesel-reliant rural and remote First Nation governments.
- 2.** Call on the AFN to urge the federal government for increased funding and resources to ensure that rural and remote First Nations governments are able to transition away from a reliance on diesel power by no later than 2030.

# DRAFT RESOLUTION # 27 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Co-development of a Distinctions-Based Indigenous Health Legislation</b>
<b>SUBJECT:</b>	Health
<b>MOVED BY:</b>	Chief Sheldon Kent, Black River First Nation, MB
<b>SECONDED BY:</b>	Chief Andrea Paul, Pictou Landing First Nation, NS

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### 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 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
  - v. 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.
  - vi. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
  - vii. Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

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- viii. 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. 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 Canadian 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. Canada's obligations at international customary law are explained in the Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 14: The Right to the Attainable Standard of Health (Art. 12 of the *International Covenant on Economic, Social and Cultural Rights*) which provides, in part:
- i. Indigenous Peoples have the right to specific measures to improve their access to health services and care.
  - ii. These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines.
  - iii. States should provide resources for Indigenous Peoples to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health.
  - iv. The vital medicinal plants, animals and minerals necessary to the full enjoyment of health of indigenous peoples should also be protected.
- D. In 2019 and 2020, the Speech from the Throne and mandate letters from the Prime Minister of Canada affirmed the Government of Canada's commitment to co-develop new legislation to ensure that Indigenous people have access to high-quality, culturally relevant health care and mental health services.
- E. The Assembly of First Nations (AFN) Resolution 18/2021, *Supporting First Nations Participation in Dialogue on Health Legislation*, directs AFN to advocate for regional engagement processes in relation to health legislation which promotes First Nations participation and lead national level dialogue and engagement, and to call upon Indigenous Services Canada (ISC) to ensure that the timelines for engagement on health legislation are reflective of First Nations' needs and capabilities and not those of the federal government.
- F. Indigenous Services Canada, created by the federal statute, Department of Indigenous Services Act: S.C. 2019, c. 29, s. 336. (Assented to 2019-06-21), has the mandate to provide services to entitled individuals and governing bodies eligible for those services under federal statutes, whereas the mandate of the Crown Relations department in the Department of Crown-Indigenous Relations and Northern Affairs Act: S.C. 2019, c. 29, s. 337 (Assented to 2019-06-21) identifies the Minister's duties in section 7 as including:
- i. Exercising leadership within the Government of Canada in relation to the affirmation and implementation of the rights of Indigenous Peoples recognized and affirmed by section 35 of the



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Constitution Act, 1982 and the implementation of treaties and other agreements with Indigenous Peoples;

- ii. Negotiating Treaties and other agreements to advance the self-determination of Indigenous Peoples; and
  - iii. Advancing reconciliation with Indigenous Peoples, in collaboration with Indigenous Peoples and through renewed nation-to-nation, government-to-government and Inuit-Crown relationships.
- G. Due to unforeseen circumstances, the extended timeline regarding the co-development of the Indigenous health legislation continues to have limitations which impacts adequate and meaningful engagement with the First Nations and the opportunity for First Nations to establish the guiding principles in the development of distinctions-based Indigenous health legislation and healthcare models.

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

1. Call on Canada to ensure First Nations have a reasonable opportunity for adequate and meaningful dialogue to set and refine the guiding principles in the development of distinctions-based Indigenous health legislation and healthcare models, including:
  - i. Recognition, respect and inclusion of traditional medicines, knowledge and healing practices;
  - ii. Acknowledgement of the need for distinctions-based approaches among our nations to ensure the rights, interest and circumstances of our nations are recognized, affirmed, and implemented; and
  - iii. Recognition of the right to self-determination and inherent right of self-government, in the determination of preferred health care models.
2. Call on Canada to adhere to obtaining Free, Prior and Informed consent from First Nations in actions that affect Indigenous Peoples and their rights, to set reasonable timeframes for consulting and cooperating in good faith with First Nations before adopting and implementing legislative or administrative measures that may affect First Nations, and to provide assistance and funding to First Nations in the design of framework legislation that recognizes and affirms Treaty rights to health.
3. Call on Canada to engage the active participation of representatives of Crown Indigenous Relations and Northern Affairs Canada, in the engagement and discussions towards co-development of a distinctions-based Indigenous health legislation.
4. Call on Canada to adopt, as a foundation for the negotiations, the recognition of the Treaty right to health as described in the reasoning of the Northern Inter-Tribal Health Authority Inc. v. Canada.
5. Call on Canada to apply the reasoning around treaty interpretation and the Honour of the Crown applied to the Treaty Right to augment annuities from the recent Restoule v. Canada.

# DRAFT RESOLUTION # 28 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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**TITLE:** British Columbia Cultural Safety and Humility Standard

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**SUBJECT:** Cultural Safety and Humility Health Standards

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**MOVED BY:** Chief Andrew Victor, Cheam First Nation, BC

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**SECONDED BY:** Paul Andrew, Proxy, Seabird Island Band, BC

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### WHEREAS:

- A. Widespread Indigenous-specific racism continues to persist at many levels and forms within the health system in British Columbia and Canada, including at a personal level and a systemic level.
- B. Indigenous-specific racism has devastating and far-reaching consequences, including negative impacts on Indigenous access to health care and health outcomes, and death.
- C. Actions and commitments targeted specifically to addressing Indigenous-specific racism are needed at all levels of the health system.
- D. The Health Standard Organization, in partnership with the First Nations Health Authority (FNHA), developed the British Columbia Cultural Safety and Humility Standard, which is the first of its kind in Canada; the CSH Standard aims to create a culturally safe environment for Indigenous people in the health system, encourage health care providers to provide care with humility and end Indigenous-specific racism.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Recognize the importance of enhancing access to quality, culturally safe health care that is free of Indigenous-specific racism and that affirms Indigenous cultures, rights and identities.
2. Support the adoption of the *British Columbia Cultural Safety and Humility Standard* or similar standards by federal, provincial and territorial governments and entities across the country.

# DRAFT RESOLUTION # 29 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Support to Advocate for the Induction of Reggie Leach into the Hockey Hall of Fame</b>
<b>SUBJECT:</b>	Culture, Social Development, Youth and Sport
<b>MOVED BY:</b>	Chief Michael Yellowback, Manto Sipi Cree Nation, MB
<b>SECONDED BY:</b>	Chief David Monias, Pimicikamak Cree Nation, MB

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### WHEREAS:

- A. The Hockey Hall of Fame was officially opened on August 26, 1961, recognizing professional hockey players for their playing ability, character and contribution to their team or teams and to the game of hockey in general.
- B. Reginald (Reggie) Joseph Leach, born on April 23, 1950, is a former Canadian and First Nations professional hockey player from Riverton, Manitoba who played 13 seasons in the National Hockey League who is best known for his time with the Philadelphia Flyers winning a Stanley Cup in 1979 nicknamed "The Riverton Rifle."
- C. Reggie Leach was not inducted into the Hockey Hall of Fame after the end of his professional hockey career.
- D. If inducted, Reggie Leach would be the first First Nations professional hockey player inducted in the Hockey Hall of Fame.
- E. The Hockey Hall of Fame has never inducted a First Nations professional hockey player in its history since its inception in 1961.
- F. After an illustrious professional hockey career in the National Hockey League that spanned over 13 seasons, holder of numerous records and accolades and a Stanley Cup win in 1975, Reggie Leach deserves to be inducted into the Hockey Hall of Fame.
- G. Reggie Leach continues to be an advocate for youth in sport by opening the Shoot to Score Hockey School to run hockey development camps in communities across the country.
- H. Reggie Leach has been a mentor for many youths sharing the lessons he learned through his playing and post-playing career journey.

### THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:

1. Support the nomination and induction of Reggie Leach into the Hockey Hall of Fame.
2. Direct the Assembly of First Nations (AFN) to petition and advocate for the induction of Reggie Leach into the Hockey Hall of Fame.

# DRAFT RESOLUTION # 30 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Modify CMHC Tender Security Bond Requirements</b>
<b>SUBJECT:</b>	Housing
<b>MOVED BY:</b>	Chief Roberta Joseph, Trondëk Hwëch'in, YK
<b>SECONDED BY:</b>	Chief Amanda Leas, Ta'an Kwäch'än Council, YK

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations construction companies in the Yukon and in other provinces or territories, are ineligible to bid for most construction tenders made available by the Canada Mortgage and Housing Corporation (CMHC) to First Nations Governments, Indian Bands and First Nations organizations because they cannot meet the minimum condition of providing millions of dollars in security bonds.
- C. First Nations construction companies are unquestionably qualified to undertake tenders funded by CMHC on projects identified by the organizations described above due to their years of experience managing and operating successful housing and other community-building projects.
- D. The CMHC policy is an example of systemic racism and discrimination that either inadvertently or intentionally excludes a group of companies that are mostly First Nations-owned and operated from federal government procurement opportunities.
- E. The 2019 *Department of Indigenous Services Act*, Section 7, requires the Minister of Indigenous Services "...to provide Indigenous organizations with an opportunity to collaborate in the development, provision, assessment, and improvement of... [housing & infrastructure] services."
- F. The December 2021 mandate letter to the Minister of Housing and Diversity and Inclusion, who is responsible for CMHC, calls on the Minister to collaborate with the Minister of Indigenous Services in the discharge of their responsibilities described above.

### THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to urge CMHC to work jointly with the AFN to uphold the principles of reconciliation and revise its funding and procurement policy by reducing the requirement for security bonds for First Nations construction companies eligible to bid for its construction tenders and contracts.

# DRAFT RESOLUTION # 31 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Pay Equity for First Nations</b>
<b>SUBJECT:</b>	Intergovernmental Relations
<b>MOVED BY:</b>	Chief Dean Sayers, Batchewana First Nation, ON
<b>SECONDED BY:</b>	Chief Alvin Francis, Nekaneet First Nation, SK

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
  - ii. Article 17 (2): States shall in consultation and cooperation with Indigenous Peoples take specific measures to protect Indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
  - iii. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.
  - iv. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. Canada has a fiduciary duty to support an equitable standard of living for Indigenous Peoples to enjoy the same standard of living as those non-Indigenous Canadians.
- C. Canada has stated that advancing First Nations' interests and reconciliation are a priority. However, longstanding systemic barriers continue to perpetuate an inequitable standard of living for Indigenous Peoples that is substantively below that of the non-Indigenous Canadians.
- D. This failure is evidenced in many ways but is being felt acutely in the immense wage disparity and lack of funding that exists for First Nations workplaces compared to those of mainstream government and private employers. First Nations are currently facing an estimated 20-40% (or higher) difference in labour market rates, and that number is on the rise when disproportionate cost-of-living increases are accounted for.
- E. First Nations are unable to compete with external market rates in a competitive labour market in order to deliver quality programs and continuity of services to their communities. Programs and services suffer when First Nations are unable to hire an adequate number of personnel, determine their own

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personnel requirements, or hire staff dedicated to specific roles, instead requiring personnel to take on multiple roles.

- F.** Incentives and funding offered to private sector employers to hire First Nations members are depleting access to already limited workforce and retention of First Nations Peoples.
- G.** First Nations across Canada are losing trained staff, unable to recruit key skill sets, under-hiring, or enduring ongoing vacancies and turnover due to being unable to meet standard market rates and other aspects of equitable compensation (e.g., pension and benefits, job progression, ongoing professional development, staff supports).
- H.** Disparities in funding to provide compensation for personnel hired by First Nations is a human rights issue. Inequitable staffing and compensation are a longstanding barrier to achieving social and economic equity for First Nations more broadly; it is a priority that spans multiple sectors and redress therefore requires a broadened approach, as proposed herein.

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

1. Direct the Assembly of First Nations (AFN) to develop a Pay Equity Task Force, that will work with Canada to identify and implement means for increasing First Nations access to funding and supports for human resource recruiting, training, equitable compensation, and retention. The Pay Equity Task Force must be based on the needs and requirements of First Nations, as determined and defined by First Nations, rather than on competition for limited program funding made available on terms that are not our own.
2. Call on Canada and the AFN to expressly reject all formula-based funding approaches that do not reflect the true costs of supporting the unique needs of First Nations communities and are not determined by First Nations, and to support the development and/or application of those that do.
3. Call on Canada to expressly honour its fiduciary duty in support of an equitable standard of living for our people, and to that end, commit its support toward the development of a Pay Equity Task Force, and to commit thereafter to work in good faith with that Task Force.

# DRAFT RESOLUTION # 32 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	<b>Supporting First Nations to receive funding for off-reserve members</b>
<b>SUBJECT:</b>	Fiscal Relations, Funding to First Nation, Economic Development, Social Development
<b>MOVED BY:</b>	Chief Gordon Bluesky, Brokenhead First Nation, MB
<b>SECONDED BY:</b>	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: In exercising their right to self-determination, indigenous peoples 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 that would affect their rights, through representatives chosen by themselves by their procedures and to maintain and develop their Indigenous decision-making institutions.
  - iv. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  - v. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
  - vi. Article 23: Indigenous peoples can determine and develop priorities and strategies for exercising their right to development. Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their institutions.
  - vii. Article 39: Indigenous peoples have the right to access financial and technical assistance from States and through international cooperation to enjoy the rights contained in this Declaration.

# DRAFT RESOLUTION # 32 / 2023

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- B. The funding allocated by the federal government is already inadequate.
- 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, reliable drinking water, which makes preventative measures to avoid infection impossible in some First Nations.
- D. The 2016 Canadian Council for Public-Private Partnerships report P3's: Bridging the First Nations Infrastructure Gap states, "Some experts have estimated the infrastructure deficit across First Nations in Canada between \$25 billion and \$30 billion (with some citing higher figures)."
- E. The federal government has a fiduciary obligation towards First Nations. It must therefore take all appropriate steps so that all First Nations members can live in dignity and honour, as they are entitled.
- F. All Treaties signed, before and after Confederation, between First Nations and the Crown, including Treaties of peace and alliance, must be honoured, protected, and applied in full.
- G. Under these Treaties, First Nations and the Crown must cultivate ongoing partnerships; they are committed to mutual assistance, alliance in combat of common threats, economic cooperation, and equitable sharing of the territory and its resources.
- H. First Nations have upheld their end of Treaty through over a century of sharing the abundance of their resources with Canada, while also being forced to fight for recognition of their Treaty and inherent rights in adversarial, burden-of-proof, court-based litigation processes that have consistently undermined Indigenous rights jurisprudence.
- I. First Nations assert their right to self-determination and to maintain and develop their own political and economic institutions through the collective renewal of Treaty governance systems consistent with historical Treaty relations and protocols.
- J. First Nations' responsibility to their community members does not end at the colonial boundaries of the reserves; members of every First Nation have the right to be supported whether they live on or off reserve.
- K. Existing funding formulae and agreements are inadequate, and a pilot program developed jointly by Manitoba First Nations and the federal government would support the development, application, and validation of new funding approaches that are sufficient to ensure that all First Nations can provide safe, reliable, culturally-appropriate services to both on- and off-reserve members.

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

1. Call on the Assembly of First Nations (AFN) to urge the federal government to work in partnership with First Nations to develop a pilot project that would research an application of a funding formula and agreements that are adequate to ensure that all First Nations can provide safe, reliable, culturally-appropriate programs and services to both on and off-reserve members.
  - i. Once a pilot project is approved, within the space of three (3) years, direct the AFN to support the completion of a report, and a presentation back to the First Nations-in-Assembly on the results of this pilot project in order to determine the feasibility and scalability of the project for National implementation.



# DRAFT RESOLUTION # 33 / 2023

## AFN Special Chiefs Assembly, April 3-6, 2023, Ottawa, ON

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<b>TITLE:</b>	Repatriation of Grave Sites
<b>SUBJECT:</b>	Gravesite of Chief Enoch Lapotac
<b>MOVED BY:</b>	Chief Cody Thomas, Enoch Cree Nation, AB
<b>SECONDED BY:</b>	Chief Kelsey Jacko, Cold Lake, AB

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### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 11 (1): Indigenous peoples have the right to practice and revitalize their culture traditions and customs. This included the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
  - ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious, and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
  - iii. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access to privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
  - iv. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- B. The ancestral grave sites of members of Enoch Cree Nation have been identified and located in lands owned by the province of Alberta.
- C. These lands should be repatriated from the Province of Alberta to Enoch Cree Nation in for the ancestral members of Enoch Cree Nation rest in Enoch Cree Nation lands.

### THEREFORE, BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada and the Alberta Government to repatriate the ancestral grave sites to the Enoch Cree Nation.