



**ASSEMBLY OF FIRST NATIONS
2022 ANNUAL GENERAL ASSEMBLY
DRAFT RESOLUTIONS**

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DRAFT RESOLUTION # 01 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE: Update AFN Charter to remove the Confederacy of Nations Organ

SUBJECT: AFN Charter

MOVED BY: Chief Roderick Junior Gould, Abegweit First Nation, PEI

SECONDED BY: Chief Harvey McLeod, Upper Nicola Band, BC

WHEREAS:

- A. The organ identified in the AFN Charter as the Confederacy of Nations has not been active for over 20 years.
- B. The AFN Charter is outdated and must be revised to reflect the current operations of the organization.
- C. The AFN Executive Committee is an organ under the AFN Charter that serves as the oversight body for the organization as members of the Board of the National Indian Brotherhood by establishing policies and procedures and ensuring that these are updated and revised as needed.

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

- 1. That the Assembly of First Nations (AFN) Charter is hereby amended to remove the Confederacy of Nations as an organ.
- 2. That the Executive Committee work together to propose further amendments to the Charter that will define the role of the Executive Committee to ensure that it is accountable and transparent to the First Nations-in-Assembly.
- 3. That any proposed AFN Charter amendments relating to the Executive Committee's accountability and transparency required in 2 above be brought to the next AFN Assembly for review and consideration by the First Nations-in-Assembly.

DRAFT RESOLUTION # 02 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE: Maintaining the Confederacy of Nations Organ

SUBJECT: AFN Charter

MOVED BY: Chief Dean Sayers, Batchewana First Nation, ON

SECONDED BY: Chief Lynn Acoose, Sakimay First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
 - a. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- B. The AFN Charter confirms that the Confederacy of Nations is one of seven principal organs of the Assembly of First Nations (AFN).
- C. While the Confederacy of Nations has not been active for some time, discussions regarding the Confederacy have been ongoing amongst the Chiefs in Assembly, AFN Renewal Commission, and the AFN Executive Committee.
- D. The Charter Renewal Committee is currently preparing a recommendation on the role of the Confederacy of Nations within the AFN Charter

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

1. Maintain the Confederacy of Nations as a principal organ of the Assembly of First Nations (AFN).
2. Direct the Charter Renewal Committee to provide an update on the status of the discussions around the Confederacy.
3. Direct the Charter Renewal Committee to ensure that any changes that may occur to the Confederacy do not minimize the oversight Committee's role and that the fundamental role of the structure will stay intact.

DRAFT RESOLUTION # 03 / 2022

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TITLE:	AFN Election Procedures
SUBJECT:	Health, Education, Treaties
MOVED BY:	Chief Harley Chingee, McLeod Lake Indian Band, BC
SECONDED BY:	Chief Kyra Wilson, Long Plain First Nation, MB

WHEREAS:

- A. There is no appeal process in place for National Chief Election at the Assembly of First Nations (AFN). As a result, there is no recourse to appeal the results of the most recent election on July 8, 2021, wherein RoseAnne Archibald was declared National Chief.
- B. Whereas the AFN Election procedures are set out in the AFN Charter and provide that in order to be elected, a candidate must receive 60% of the votes cast in support.
- C. Whereas on July 8, 2021, the election for National Chief was held virtually and many Chiefs were unable to cast their votes through the electronic means.
- D. Whereas the results of the July 8, 2021, election fifth ballot were RoseAnne Archibald 205 votes (50.5%) and Reginald Bellerose 144 votes (35.5%). RoseAnne Archibald did not receive 60% of the votes cast in support and the Electoral Officer made a mistake to declare her a winner when Reginald Bellerose conceded. There should have been another vote to determine if she had 60% support to be the National Chief.

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

1. Therefore be it resolved that RoseAnne Archibald be removed from office of National Chief and that a new election be held in person so that Chiefs can fairly participate in voting and that the election procedures be followed for the winner to receive 60% of the votes cast.
2. Therefore be it further resolved that the Assembly of First Nations begin a process to revise and update the election procedures and that the amendments be put before the First Nations-in-Assembly for consideration within 1 year from the date of this Assembly.

DRAFT RESOLUTION # 04 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	A Renewed Framework Providing Strategic Direction and Action Toward Evolutionary and Positive Change
SUBJECT:	Canada-AFN/Intergovernmental Relations
MOVED BY:	Chief Bruce Archibald, Taykwa Tagamou First Nation, ON
SECONDED BY:	Chief Marcus Hardy, Red Rock Indian Band, ON

WHEREAS:

- A. In June 2017, the Permanent Bilateral Mechanism (PBM) also known as the AFN-Canada Memorandum of Understanding (MOU) was signed between the Assembly of First Nations (AFN) and Canada.
- B. The main purpose of the Permanent Bilateral Mechanism/ AFN-Canada Memorandum of Understanding (PBM/MOU) is to advance joint priorities between the AFN and Canada.
- C. The PBM/MOU's processes are not working effectively; as a result, the AFN is experiencing challenges and setbacks when working to advance identified priorities through this process.
- D. Considering the recent change in AFN leadership, the recent federal election, and the Liberal Party of Canada's commitment of "As set out in our permanent bilateral process, we commit to meet regularly with the Assembly of First Nations to make progress on First Nations priorities" there is a great opportunity to change the way that the PBM/MOU on joint priorities proceeds or changes.
- E. Not all of PBM/MOU's current commitments are being honoured, nor are regional needs recognized.
- F. The PBM/MOU needs to be renewed and refocused to:
 - i. address an overloaded priorities list,
 - ii. reflect and incorporate current priorities, and,
 - iii. and speak to regional diversity needs via the development of relevant processes and best practices.
- G. In a Briefing Note created in September 2021, it was recommended that National Chiefs Office determine one of three possible pathways for the PBM/MOU in order to realize the AFN's goals:
 - i. Continuing on with current priorities,
 - ii. Creating a new list with removal/addition of priorities but still operating within the current system, and,
 - iii. Overhauling the current PBM/MOU process with possible changes.

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- H. In November 2021 at an AFN Executive Committee Meeting, the current sitting National Chief presented a draft framework entitled The Healing Path Forward Accord (The Accord) with the goal of renewing the 2017 AFN-Canada Permanent Bilateral Mechanism (PBM/MOU) agreement and relationship. The Accord was created as a draft for discussion document and comes from the current sitting National Chief's recent election document The Healing Path Forward.
- I. In November 2021, the draft framework generated dialogue from the Regional Chiefs for purposes of getting their input into a revised draft of the Accord.
- J. In March 2022 at an Executive Committee Retreat, a subsequent draft of the Accord was presented.
- K. An opportunity to reset the direction and improve the current PBM/MOU, the Executive Committee was tasked in March 2022, to undertake consultations within their regions on the Accord, with the intent of providing feedback before the next AFN Executive Committee meeting.

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

1. Support the implementation of the renewed Permanent Bilateral Mechanism/Memorandum of Understanding framework entitled the Healing Path Forward Accord (The Accord), that includes input and feedback from each region.
2. Support the creation and implementation of a workplan that includes a steady timeline and ensures an approach that is inclusive and informative before bringing it forth for negotiations. Some of the steps include:
 - a. Regional Chiefs to bring the Accord back to their respective regions with the intent of providing feedback, and,
 - b. AFN Secretariat to do more research, assess the considerations and technicalities, and compile information to begin the formal development of the Accord.
 - c. Once the second draft is developed and agreed upon by the Executive, a motion will be passed that will result in the signing of the Healing Path Accord.
3. Support the establishment of an ad hoc technical advisory committee comprised of governance specialist, Chiefs from each region, and legal counsel to support the work mentioned above and in turn, will report back to the Executive Committee.
4. Direct the Executive Committee to issue a final report of the Accord and suite of recommended structural changes to ensure the Accord includes political processes that will focus on action, continue to advance national priorities while also respecting regional diversity and promoting First Nations regionally led processes.
5. Support the current sitting National Chief to push the Prime Minister and his Cabinet to agree to renew the PBM/ MOU as outlined in the final draft of the Healing Path Forward Accord document.

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TITLE:	Addressing AFN Governance Gaps
SUBJECT:	Requesting a Governance Review of AFN Governance
MOVED BY:	Chairperson Khelselim, Squamish Nation, BC
SECONDED BY:	Chief Bruce Archibald, Taykwa Tagamou Nation, ON

WHEREAS:

- A. Established in 1982, the Assembly of First Nations (AFN) is an assembly of First Nations in Canada represented by their chiefs or elected leaders and modelled on the United Nations General Assembly. The AFN emerged from the National Indian Brotherhood, which dissolved in the late 1970s.
- B. The AFN's purpose is to:
- i. To be a national delegated forum for determining and harmonizing effective collective and co-operative measures on any subject matters that the First Nations delegate for review, study, response or action.
 - ii. To be a national delegated forum of First Nations which, by virtue of their sovereignty, are the sole legitimate source for what it is, does or may become in the future.
 - iii. To be a national delegated forum for the purpose of advancing the aspirations of First Nations and to remain subordinate in strength power and resources to the First Nations jurisdiction for which it is established to serve.
 - iv. To perform and adhere strictly, as a sacred trust and duty, to the nature, scope and extent of the delegation granted from time to time by First Nations.
 - v. To seek, utilize and distribute resources for the greater benefit of all First Nations in endeavours that are truly in form and substance national or international in nature and scope and for which delegation has been granted by First Nations.
- C. The political, economic, and social landscape has changed dramatically since the organization's early days, and as a result, the AFN would benefit from a governance review to ensure it maintains its effectiveness and ability to respond to First Nation issues.
- D. Governance includes:
- i. Roles and responsibilities
 - ii. Stakeholders engagement
 - iii. Decision-making processes
- E. The United Nations Development Program's (UNDP) principles of good governance include:
- i. Legitimacy and Voice

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- ii. Direction
- iii. Performance
- iv. Accountability
- v. Fairness

F. Article 3 of the AFN Charter sets out the following rules for Chiefs' Committees:

- i. Article 3: The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - i. Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - ii. The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - iii. The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - iv. The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
 - v. At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.

G. Chiefs' Committee are:

- i. Using many different standards for their respective Terms of References.
- ii. Include different Committee composition definitions, including definitions which include up to ten Committee members to form a Committee.
- iii. Often using a definition of quorum as "50%+1 of the total number of available positions on a Chiefs Committee." This means six Committee members must be present in order for the Committee to formally meet, even if there are only six positions filled and four positions vacant on a Chiefs' Committee.

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- iv. Finding challenges to officially meet to work on the various Chiefs' Committee goals and objectives set by the Chiefs-in-Assembly, as many Committees have less than ten members officially appointed, and quorum is often not achieved.
 - v. Grown in the number of Committees over the years with a sometimes overlapping focus and purposes.
- H. In-Camera is a Latin term literally meaning "in chambers" but carrying the meaning "in private". In-camera sessions of a meeting can refer to portions of a meeting that are held in private and treated as confidential to not be disclosed to the press and the public. During these meetings, independent board members are free to challenge each other and speak their mind freely because minutes are generally not taken. Such meetings could be held to discuss and clarify the board's position on issues that may produce opposing views between management and the board or to deal with issues that could involve conflicts of interest with management, such as CEO compensation.
- I. An in-camera session of an organization's meeting is sometimes required when the discussion or deliberation of a meeting if made public, could harm the organization. This may include:
 - i. Personnel matters, including leadership succession planning, executive performance reviews and executive compensation
 - ii. Securing the safety of assets, personnel or property of the company
 - iii. Litigation or potential litigation involving the firm
 - iv. Proposed or pending transactions of the company or its subsidiaries
 - v. Matters involving commercial business and confidentiality agreements with third parties
 - vi. Personal matters relating to directors, officers, employees or other individuals connected to the firm.
- J. Without clear guidance on the use or process for using in-camera sessions, they can sometimes be used to avoid good governance principles of accountability and transparency.
- K. There is a lack of policies that outline the requirements for meeting minutes, rules for in-camera, and reporting of meeting minutes for Chiefs Committee, Executive Committee, and Advisory Council meetings.
- L. The Chiefs-in-Assembly understand:
 - i. There is a lack of continued and consistent Chiefs Committee meetings that are habitually cancelled or postponed due to a lack of quorum. As a result, much of the work required to achieve outcomes of passed resolutions are not being completed;
 - ii. The inability of Chiefs Committees to meet and achieve its goals is creating a feeling of frustration and risk to funding support and opportunities for priorities established by the Chiefs-in-Assembly (considering a lot of the AFN work is proposal driven);
 - iii. Chiefs Committees, Executive Committee, and Advisory Council meetings are not required to make meeting minutes available to the Chiefs in Assembly;

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- iv. Chiefs Committees, Executive Committee, and Advisory Council meetings are not required to follow any rules for the use of in-camera sessions of a meeting; and,
 - v. There is a need for good governance policies for Chiefs Committee, Executive Committee, and Advisory Council meeting minutes, reporting, and rules for calling in-camera.
- M. The AFN governance structure includes the:
- i. First Nations-in-Assembly;
 - ii. Confederacy of Nations (currently inactive);
 - iii. Executive Committee;
 - iv. Secretariat (also known as the National Indian Brotherhood);
 - v. Advisory Councils (Knowledge Keepers, Women, LGBT2QIA+);
- N. Due to the urgent need to address the inability for Chiefs' Committees to formally met, the Chiefs-in-Assembly need urgent action to enable the Chiefs' Committees to meet their goals and objectives.

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

1. Direct the Assembly of First Nations (AFN) and the AFN Executive Committee to take all steps necessary and implement effective immediately the following definition of quorum for all current and future Chiefs-Committees, which can be amended from time to time in a policy or resolution passed by the Chiefs-in-Assembly:
 - a. "50%+1 of the total number of members officially appointed to a Chiefs' Committee"
2. Direct the AFN Chiefs' Committee on Charter Renewal to lead a Governance Review of the AFN.
3. Direct the AFN to provide technical support & seek funding to support the Chiefs' Committee on Charter Renewal in undertaking the Governance Review.
4. Define the following for the Governance Review:
 - a. Purpose: Seek input and feedback on the effectiveness and performance of the AFN's governance structures in achieving the purpose of the AFN.
 - b. Objectives:
 - i. Seek input and feedback from the AFN Executive Committee members, AFN staff, AFN Chiefs' Committees members, Advisory Council members, and any First Nations interested in providing feedback.
 - ii. Collect feedback on what is working well and what is not working well in AFN governance structures to achieve the AFN's purpose.
 - iii. Report on findings of the feedback and recommend potential charter, bylaw, or policy changes needed to address the Governance Review findings.

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- iv. Process: The process will use digital and paper surveys, a series of focus group meetings to collect feedback, a final written report, and a verbal report to the First Nations in Assembly
- v. Report & Planning: Charter Renewal Chiefs' Committee will collect data, analyze the results, and provide a detailed report for the First Nations members of the AFN, and provide a verbal report at an Assembly within 180 calendar days of the passing of this resolution. The Committee will prepare recommendations for the Chiefs-in-Assembly on the next steps for addressing feedback in the Governance Review report.

DRAFT RESOLUTION # 06 / 2022

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TITLE:	A New Economic Deal for First Nations via a National Prosperity Table
SUBJECT:	Economic Reconciliation and Development
MOVED BY:	Chief Marcus Hardy, Red Rock Indian Band, ON
SECONDED BY:	Chief Terrence Richardson, Pabineau First Nation, NB

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 21 (2) States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
 - iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iv. Article 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 32 (1): Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories or other resources.
- B. Truth and Reconciliation must include economic reconciliation.
- C. The Truth and Reconciliation Commission Call to Action #92 is directed at Canada's corporate sector and its leadership "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."
- D. The 2022 federal budget earmarked \$11 billion for Indigenous Peoples and of that, only 1.3% is dedicated to economic development.
- E. The federal budget process undermines reconciliation through the exclusion of First Nations, resulting in persistent underfunding of programs and services.

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- F. First Nations require a new economic deal that will assure access to the wealth derived from and upon our lands, territories, or resources.
- G. In an ongoing contravention of First Nations sovereignty and the UN Declaration, the wealth from First Nations lands has been taken without free, prior, and informed consent.
- H. The Assembly of First Nations (AFN) Resolution 100/2019, *New Investments for First Nations Involvement in the Economy*, calls for “federal investments into a new economic strategy and framework...[and] a First Nations policy approach...[and] new investment required for economic programs, services, and incentives...[and] capacity supports for First Nations participation in all aspects of the economy.”
- I. In February 2022, the first draft of the National First Nations Economic Growth, Wealth Building, and Prosperity Table proposal was presented to the Chiefs’ Committee on Economic Development for input and feedback.

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

- 1. Call on the federal, provincial and territorial governments to recognize that for true prosperity building for First Nations, revenue and benefit sharing agreements are necessary to ensure that Canada shares the wealth derived from and upon our lands, territories, and resources whether they are treaty or unceded territories.
- 2. Support and participate in a National First Nations Economic Growth, Wealth Building, and Prosperity Table that can lead the process to advance a new economic deal for First Nations.
- 3. Direct the Assembly of First Nations (AFN) Chiefs’ Committee on Economic Development (CCED) to provide advice to the National First Nations Economic Growth, Wealth Building and Prosperity Table.
- 4. Direct the AFN to seek resources to support the establishment of a technical advisory committee comprised of specialists to support the work of the CCED.
- 5. Direct the AFN, with the guidance of the CCED, to develop a terms of reference and finalize a proposal to seek resources to ensure funding for the National First Nations Economic Growth, Wealth Building and Prosperity Table.

DRAFT RESOLUTION # 07 / 2022

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

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 Nation 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 Chiefs-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 # 08 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	International Indigenous Cultural Tourism Economic Exposition
SUBJECT:	Economic Development, Tourism, Arts, Culture
MOVED BY:	Chief Daisy House, Chisasibi Cree Nation, QC
SECONDED BY:	Chief Curtis Bosum, Oujé-bougoumou Cree Nation, QC

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.
- B. The Cree Nation Government of Eeyou Istchee wishes to solicit partnerships with the Assembly of First Nations, other Indigenous Governments in the Province of Quebec such as Abénakis; Algonquins; Atikamekw; Innus; Maliseet; Mi'kmaq; Naskapi; Huron-Wendat; Mohawk; and First Nations, Métis, and Inuit peoples from across Canada in hosting an International Indigenous Cultural Tourism Economic Exposition in March 2024 in the city of and in partnership with the municipal government of Montreal.
- C. The Cree Nation Government of Eeyou Istchee will ensure the International Indigenous Cultural Tourism Economic Exposition includes opportunity for all First Nations, Métis, and Inuit communities of Canada to partner, participate or benefit from the networking and marketing opportunities that would be generated by the Exposition.
- D. The International Indigenous Cultural Tourism Economic Exposition would serve to promote the unique and distinct cultures, arts, culinary, fashion and music products and assets of all participating Indigenous communities. The Exposition would contribute to the sustainable development of the underdeveloped economies of Indigenous communities in Quebec and Canada allowing them to be meaningful participants in the international economy.

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

1. Support the Cree Nation Government of Eeyou Istchee in the development of the necessary resources, networks, and partnership for the realization of the International Indigenous Cultural Tourism Economic Exposition.

DRAFT RESOLUTION # 09 / 2022

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TITLE:	Support for the Assembly of First Nations Women’s Council Mandate and Funding
SUBJECT:	Assembly of First Nations Women’s Council
MOVED BY:	Chief Constance Big Eagle, Ocean Man First Nation, SK
SECONDED BY:	Chief Shelley Sabattis, Oromocto First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. Assembly of First Nations (AFN) Resolution 16/2001, *Amendment to Charter Re: Establishment of a Council of Women as Recognized and ‘Principal Organ’, under Article 5 of the AFN Charter*, established the AFN’s Women’s Council as a principal organ of the AFN and affirmed the importance of building and strengthening partnerships between men and women in all levels of decision-making within the AFN, as an integral step in achieving an equitable society.
- C. The AFN Charter Article 24(a) states that, “The Council of Women may discuss any question on matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and make recommendations to the Executive Committee, the Confederacy of Nations, the First Nations-in-Assembly or to any subsidiary organ on any such question or matter.”
- D. The AFN Women’s Council Terms of Reference states that the purposes of the AFN Women’s Council is to:
- i. Unify and create healthy, happy, and harmonious communities through cultural identity and cultural teachings based on: respect, love, courage, wisdom, honesty, humility and truth; and
 - ii. Establish a gender-balanced perspective within First Nations communities within all entities dealing with First Nations, that honours the rights and aspirations of First Nations women.

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- E. AFN Resolution 59/2019, *Strengthening and Supporting the Assembly of First Nations Women's Council*, directed that the role of the AFN Women's Council must be strengthened and supported by increased funding, resources and staff support to undertake the work of advocating for the implementation of the National Inquiry's Final Report *Calls for Justice* and the development and implementation of a National Action Plan.
- F. The AFN Women's Council provides a significant advisory role to the AFN Executive Committee and supports the work of the AFN Secretariat. The AFN Women's Council has contributed greatly to advancing issues relating to First Nations women, girls and 2SLGBTQQIA+ people, which is evidenced in the work done to develop the National Action Plan.
- G. As an organ of the AFN, as explicitly contained in the AFN Charter, and in recognition of the many contributions the AFN Women's Council provides to advancing First Nations women's issues, the AFN Women's Council should be fully consulted with respect to any changes to its role, mandate, scope of the work it does, and advice it provides.
- H. AFN Resolution 46/2021, *Reaffirming Support for the Role and Mandate of the Assembly of First Nations Women's Council*:
 - i. Reaffirms Resolution 59/2019 and directs the AFN to prioritize obtaining appropriate funding, including government grants and private donorship, to ensure that the AFN Women's Council is properly resourced and at the forefront of advocacy for all First Nations women's issues;
 - ii. Reaffirms that the AFN Women's Council will remain an independent, principal organ of the AFN, as currently constituted in the AFN Charter; and
 - iii. Directs that any changes to the scope, role, and mandate of the AFN Women's Council be undertaken in full consultation with the AFN Women's Council members and must be approved by a majority of the AFN Women's Council.

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

1. Direct the Assembly of First Nations (AFN) to take the appropriate steps as recommended by the AFN Women's Council, to ensure that any newly created organs, committees, caucuses, or advisory bodies will not duplicate or usurp the role, mandate, and responsibilities of the AFN Women's Council.
2. Direct the AFN to ensure that the AFN Women's Council is properly resourced and at the forefront of advocacy for all First Nations women's issues as directed by AFN Resolutions 59/2019, *Strengthening and Supporting the Assembly of First Nations Women's Council*, and 46/2021, *Reaffirming Support for the Role and Mandate of the Assembly of First Nations Women's Council*, by directing that the AFN Women's Council receive and oversee all funding allocations relating to First Nations women's issues, including but not limited to, MMIWG2S+, gender-based analysis plus (GBA+), gender-based violence (GBV), and National Caucus of Elected Women's Leaders (NCEWL).

DRAFT RESOLUTION # 10 / 2022

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TITLE:	Impacts of Climate Change on First Nation Fisheries
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Chief Sacha LaBillois, Ugpig'anjig, Eel River Bar First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - iii. Article 23: Indigenous peoples have the right to 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 programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - iv. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - v. Article 26 (1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - vi. Article 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.
 - vii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. First Nations have a cultural responsibility and sacred duty to protect the land, water, and all of creation for future generations because of its profound relationship therewith.
- C. Changes to the climate have significant consequences for First Nations' inherent, Aboriginal and Treaty rights to fisheries, and participation in the blue economy.

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- D. In connection to reconciliation with Indigenous Peoples, the 2020 Speech from the Throne affirmed the importance for the Minister of Fisheries, Oceans, and the Canadian Coast Guard to lead the development of a comprehensive Blue Economy Strategy to enable Canada to grow its ocean economy to create jobs and opportunities for coastal communities, while advancing its conservation objectives.

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

1. Reaffirm that First Nations' traditional knowledge, teachings, innovations, practices of sustainable management, and conservation of fish and fish habitats play an essential role in addressing climate change adaptation and mitigation strategies.
2. Support qualitative and quantitative research on impacts on First Nations' fish, fish habitat, fisheries, and participation in the Blue Economy Strategy from climate change and related natural occurrences to respect First Nations' self-determined priorities and the principles of Ownership, Control, Access, and Possession (OCAP) for conducting research.
3. Direct the Assembly of First Nations (AFN) Fisheries Sector and other relevant sectors, with guidance from the National Fisheries Committee and other appropriate Chiefs' Committees, to advocate for the full and meaningful inclusion of First Nations in the analysis of impacts of climate change on First Nations' fisheries and participation in the Blue Economy Strategy and climate change mitigation and adaptation strategies.
4. Call on the Minister of Fisheries and Oceans to increase Indigenous participation in the Blue Economy Strategy by following recommendations made by First Nations to the Department of Fisheries and Oceans to:
 - a. respect and recognize Indigenous rights holders and their unique role in the blue economy;
 - b. ensure a greater Indigenous role in environmental monitoring, governance, and the management of resources, including through the Indigenous Guardian Program;
 - c. invest in infrastructure in Indigenous communities;
 - d. find opportunities to bring together Indigenous and western knowledge and approaches;
 - e. enable partnerships and collaborations, including procurement opportunities;
 - f. support more accessible training, skills development, and other capacity building activities;
 - g. focus on recruitment and retention by ensuring skills development supports meaningful career development;
 - h. increase First Nations' access to commercial fisheries licenses, quotas, and allocations in waters adjacent to their nations; and,
 - i. meet the needs of First Nations that want to participate in land-based recirculation and/or shellfish ventures, as well as those that want to pursue and/or remain in finfish salmon operations and support communities who wish to participate in seaweed cultivation.

DRAFT RESOLUTION # 11 / 2022

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TITLE:	Call for National Inquiry into the Sixties Scoop and Indigenous Child Removal by the Government of Canada
SUBJECT:	60's Scoop
MOVED BY:	Chief Cornell McLean, Lake Manitoba First Nation, MB
SECONDED BY:	Chief Cameron Catcheway, Skownan First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
 - iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iv. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- B. The Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools nationwide. The TRC also identified more than 4,100 children died at these facilities, although Survivors and families say that that number is much higher.
- C. The recent discovery of the remains of 215 children who were forced to attend the former Kamloops Indian Residential School in unmarked graves has led to the discovery of the remains of thousands of children in other former Indian Residential facilities across the country.
- D. From approximately 1951 to 1991, thousands of First Nations children were taken and adopted or placed in care with non-Indigenous families throughout Canada as another means of assimilation and genocide in what is now known as the Sixties Scoop.
- E. There has been no national inquiry into the precise numbers of children and families affected by the Sixties Scoop. The number of children murdered or killed while in care, adopted by non-Indigenous families, and displaced has yet to be fully documented.

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- F. The 60s Scoop Legacy of Canada, formed in 2017, is a national non-profit organization based in Manitoba that has repeatedly called on the Government of Canada for a national inquiry, funding, and amendments to the First Nations/Inuit Sixties Scoop Settlement.
- G. Former TRC Chair and Senator, the Honourable Murray Sinclair, has publicly supported the need for a national inquiry in an August 2, 2021, through a joint press release in partnership with the 60s Scoop Legacy of Canada that stated:
 - i. “The magnitude of the removal of children in Canada has not yet been measured. It ought to be. It is likely that the Canadian numbers are proportionately as high as those in the United States which led to changes in policy, funding and law. A study or an inquiry to investigate the issue is needed not merely to measure the magnitude of the sin or the names of the sinners but to respond to the suggestion that the child removal system was saving the children from incapable families.”
 - ii. “There is merit to the suggestion that any incapacities of the families were a result of the actions of government, such as 100 years of Indian Residential Schools, and systemic and outright racism. If so, it would be manifestly unfair to allow the perpetrator of historical injustice to wrap itself in the saviour’s cloak. The children who were removed need to know they are not alone, but they also need to know that there were reasons for what happened that were not of their parents’ making”

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

1. Support the call for a national inquiry into the Sixties Scoop and permanent child removal.
2. Direct the Assembly of First Nations (AFN) to call on the federal government for a national inquiry in partnership with the 60s Scoop Legacy of Canada.
3. Direct the AFN to develop a Memorandum of Understanding with 60s Scoop Legacy of Canada for consideration by the Chiefs-in-Assembly with the objective to support Survivors of the Sixties Scoop.
4. Direct the AFN to call on the federal and provincial governments for long-term funding to support a First Nations Repatriation program for Sixties Scoop Survivors.
5. Direct the AFN call on the federal government and lawyers for the 60s Scoop Class action to consider reopening the application deadline in the First Nations/Inuit Sixties Scoop Settlement provided it does not interfere with processing current applications and payments to claimants.
6. Direct the AFN to jointly advocate with the 60s Scoop Legacy of Canada to call on the federal government to commission a national inquiry.
7. Direct the AFN to call for other First Nations in Canada to support the call for a national inquiry.

DRAFT RESOLUTION # 12 / 2022

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TITLE:	Reimbursements of Legal Costs for Residential School Survivors
SUBJECT:	Residential Institutions
MOVED BY:	Chief Roberta Joseph, Trondëk Hwëch'in, YK
SECONDED BY:	Chief Simon Mervyn, First Nation of Na-cho Nyak Dun, YK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a. (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; and
 - b. (d) Any form of forced assimilation or integration.
- B. Prior to, during, and after the ratification of the Indian Residential Schools Settlement Agreement in May 2006, thousands of Survivors brought forward claims to Canadian courts regarding the emotional, sexual, and physical abuse they experienced while attending Residential Schools (Survivor litigants).
- C. By bringing these matters before the courts and into the public eye, these Survivor litigants' actions led to the negotiation of the Indian Residential Schools Settlement Agreement (the Settlement) and the establishment of the Truth and Reconciliation Commission.
- D. As noted by Honorary Witness and former lieutenant governor of British Columbia, the Honourable Steven Point, in *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015):
- i. "We got to this place, to this time, because Aboriginal Survivors brought this [Residential Schools] to the Supreme Court of Canada."
- E. The Final Report also states, "The Commission believes that Survivors, who took action to bring the history and legacy of the residential schools to light, who went to court to confront their abusers, and who ratified the Settlement Agreement, have made a significant contribution to reconciliation."
- F. These Survivors litigants each paid thousands of dollars in legal costs to have their cases heard in the Canadian justice system.

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

1. Direct the National Chief and the Assembly of First Nations Executive Committee to call on the federal government to compensate those Survivor litigants who were not reimbursed for the legal fees that they incurred by bringing their individual Residential School claims through the courts.
2. Direct the National Chief and the Assembly of First Nations Executive Committee to call on the federal government to ensure that the families of those Survivors litigants, who have since passed on, are eligible to receive the compensation.
3. Direct the National Chief and the Assembly of First Nations Executive Committee to call on the federal government to resolve this outstanding issue for Survivors litigants as expeditiously as possible.

DRAFT RESOLUTION # 13 / 2022

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TITLE:	Establishment of an AFN Chiefs Committee on Indian Residential Schools
SUBJECT:	Residential Schools
MOVED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc, BC

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 cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - ii. Article 12: 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 in privacy to their religious and cultural sites; the right to use and control their ceremonial objects; and the right to repatriation of their human remains.
- B. On May 27, 2021, Tk'emlúps te Secwépemc announced that through efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School, 215 unmarked graves of children were located utilizing ground-penetrating radar.
- C. Additional unmarked graves were later found across Canada at former residential school sites, including Brandon Indian Residential School, Marieval Indian Residential School, Kootenay Indian Residential Schools, St. Joseph's Indian Residential School, and Kuper Island Residential School.
- D. The information has now come forward regarding the loss of life of children at the schools, disappearances, and instances where there was a failure to document or protect the deceased children, who were deprived of their identity, culture and values, and raising evidence of mass human rights violations of national and international concern.
- E. The Crown's racist, colonial laws and policies towards Indigenous Peoples, many of which continue despite the termination of the Residential School System, were acknowledged in the June 2008 apology issued by former Prime Minister Harper in the House of Commons to survivors of Indian Residential Schools across Canada (the "Apology"). The Apology acknowledged that the objective of the Residential School System was to remove and isolate children from the influence of their homes, families, traditions, and cultures, and to assimilate them into the dominant settler culture.

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- F. The UN Declaration, which the governments of Canada and British Columbia have adopted without qualification and passed into federal and provincial law, affirms the fundamental human rights of Indigenous peoples to practice and revitalize our cultural traditions and customs. This includes, but is not limited to, the right to maintain, protect and develop the past, present and future manifestations of our culture, such as historical sites, the right to privacy in our religious and cultural sites, as well as the right to the repatriation of the human remains of our people.
- G. Information and evidence on the loss of life must be gathered, protected, and made known to Canada and the world within an appropriate context that does not minimize or deny the magnitude of the wrongs committed.
- H. Churches have sought to minimize their role and withhold their records pertaining to the operation of Indian Residential Schools, in an attempt to reduce their financial liability and avoid fulsome engagement with First Nations through impactful investments in reconciliation initiatives.
- I. On April 1, 2022, His Holiness Pope Francis apologized to the Canadian Indigenous Delegation for the role of the Catholic Church and the impact of the horrific abuses, and forced assimilation committed against Indigenous children in the Residential School System.
- J. Whereas the RCMP have been involved in the transportation (kidnapping) of the children from their homes to the Residential School System and they should not be involved as investigators for the crimes committed.
- K. Through AFN resolutions, the First Nations-in-Assembly have cited the numerous horrors of Residential Schools and the need for comprehensive healing supports for survivors, families, and communities.
- L. The Truth and Reconciliation Commission of Canada dedicated a specific volume to the missing children and unmarked graves of Indigenous children who did not return from Canada's Residential Schools and issued several Calls to Action (71-76) to the Federal Government and the churches to identify the locations of these unmarked graves and to identify the missing children.
- M. A Chiefs' Committee on Indian Residential Schools is needed to help share and track information between First Nations who are undertaking ground searches for unmarked graves at former sites of Residential Schools and advocate to fully implement the Truth and Reconciliation Commission's Calls to Action.
- N. Article 7 (3) of the AFN Charter states:
 - i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.

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- b) The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
- c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
- d) The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
- e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations -in -Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.

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

1. Establish an Assembly of First Nations (AFN) Chiefs Committee on Indian Residential Schools to:
 - a. help share and track information between First Nations who are undertaking ground searches for unmarked graves at former sites of Residential Schools;
 - b. advocate to fully implement the Truth and Reconciliation Commission's Calls to Action; and
 - c. to work with AFN Executive Committee, Federal, Provincial and Territorial Governments, and the newly appointed Special Interlocutor to address and investigate matters related to the Indian Residential School System.
2. Call on the AFN to ensure the Chiefs' Committee on Indian Residential Schools shall draft their terms of reference and ensure that composition of the committee will include participation from residential school survivors and will establish a mechanism for First Nations to share information with the Chiefs' Committee on Indian Residential Schools.
3. Call on the AFN to work with the newly created Chiefs' Committee on Indian Residential Schools to urge the federal government, in full partnership with First Nations, to:
 - a. Call on Canada and Church entities to identify and release records in their control to ensure the records are available to inform the investigations needed at former Residential School sites; and
 - b. Call on Canada and Church entities to provide records to the National Centre for Truth and Reconciliation to ensure that Indian Residential School Survivors, their families and First Nations have full and complete access, including funding the necessary resources to access, review and analyze the records held by Canada, Church entities and any third parties.

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4. Call on the AFN to ensure the Chiefs Committee on Indian Residential Schools will work to ensure that the federal government and involved Churches take active steps towards providing consistent and substantive supports to Residential School Survivors, families and First Nations in their efforts of investigation, as well as to support survivors in their journey towards healing from the horrific trauma inflicted by the Residential School System and memorializing the sites where First Nations children were recovered.
5. Direct the AFN to advocate for and seek appropriate resources to engage in or carry out activities to support the Chiefs Committee on Indian Residential Schools in carrying out their mandate.

DRAFT RESOLUTION # 14 / 2022

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TITLE:	Support for a First Peoples Monument on the Grounds of Parliament
SUBJECT:	Culture
MOVED BY:	Chief Bob Gloade, Millbrook First Nation, NS
SECONDED BY:	Chief Frank Andrew, Tulita Dene Band, NT

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other violence, including forcibly removing children of the group to another group.
 - ii. Article 8 (2a): States shall provide effective mechanisms for prevention of, and redress for 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. With the arrival of European traders, missionaries, settlers, and the creation of Canada, First Nations, Inuit, and Métis (First Peoples) across Canada have endured racism and oppressive colonial attitudes from the British and Canadian governments, Roman Catholic and Anglican churches, and businesses. This resulted in negative dealings and grievances with all layers of Canadian society, including but not limited to:
- i. The elimination of the Beothuk People from Newfoundland who had bounties put on their heads and were hunted by British colonizers until their last member, Shanawdithit, a Beothuk woman, died of tuberculosis in 1829;
 - ii. The British Government placed scalp bounties on the Mi'kmaq in Nova Scotia;
 - iii. The forced relocation of Quebec Inuit to the High Arctic and the Sayisi Dene to Churchill, Manitoba;
 - iv. The burning of Métis homes in Madeline, Manitoba and the starvation of the Plains People;
 - v. The disappearance of many First Nations communities in Manitoba and Alberta;
 - vi. The removal of the people and theft of land from Papaschase First Nation from their reserve in Edmonton, Alberta;
 - vii. The outlawing of the Potlatch ceremony in British Columbia;
 - viii. The hanging of six Chilcotin Chiefs in central British Columbia;
 - ix. The forced removal of the Blondin family and their relatives from the Norman Wells oilfield in central Northwest Territories;

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- x. Mercury poisoning of the Ojibway at Grassy Narrows in Ontario;
 - xi. The establishment and operation of the Residential School System and the carrying out of the 60's Scoop;
 - xii. The mistreatment of World War I and World War II veterans when they returned home;
 - xiii. The building of Indian hospitals where medical experiments were performed; and,
 - xiv. Systemic inequalities resulting in missing and murdered Indigenous women, men, and 2SLGBTQQIA+ people.
- C. There are a number of statues and monuments located on the grounds of Parliament, however, none of them recognize the First Peoples of Canada and their contributions.
- D. Heritage Canada administers the *Commemorate Canada* program to provide funding to initiatives that commemorate and celebrate historical figures, places, events, and accomplishments of national significance.

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

1. Call upon the federal government to allocate funds to create a national monument that is meant to commemorate all First Peoples and their contributions to Canadian society.
2. Call upon all levels of government to support the creation of a First Peoples Monument, which will serve as a reminder to all members of Parliament to support First Peoples and to serve as a symbol of reconciliation and redress for past injustices and wrongs.
3. Direct the Assembly of First Nations (AFN) to work with First Peoples leaders, Elders, youth, and artists to design a concept of a First Peoples Monument which would provide for commemoration and support for healing from intergenerational trauma, and to build for a stronger future.
4. Direct the AFN to approach Heritage Canada to fund an initiative that will result in the design, construction, and installation of a First Peoples Monument on the grounds of Parliament with input from First Peoples leaders, Elders, youth, and artists.

DRAFT RESOLUTION # 15 / 2022

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TITLE: First Nations Determination of the Reforms to the First Nations Child and Family Services Program and Jordan's Principle Ordered through the 2022 Canadian Human Rights Tribunal Ruling 8

SUBJECT: Child and Family Services

MOVED BY: Chief, Duke Peltier, Wiikwemkoong Unceded Territory, ON

SECONDED BY: Chief Lawrence Letander, Dauphin River First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration) should be the framework for improvement to child welfare law and policy in order to address the harmful legacy of Residential Schools, such as the forceful 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 Assembly of First Nations (AFN) has passed several resolutions on child and family services reform and First Nations determination over child and family services:
- i. Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission of Canada's Calls to Action*;
 - ii. Resolution 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*;

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- iii. Resolution 83/2016, *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy*;
 - iv. Resolution 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders*;
 - v. Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*;
 - vi. Resolution 53/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*;
 - vii. Resolution 16/2019, *An Act respecting First Nations, Inuit and Metis children, youth and families - Transition and Implementation Planning*.
- E. In 2016, the Canadian Human Rights Tribunal (CHRT) ruled that Canada was discriminating against First Nations children and families in its funding of the First Nations Child and Family Services (FNCFS) Program on-reserve and in the Yukon. The CHRT ordered Canada to completely overhaul the FNCFS Program and cease its discriminatory funding.
- F. By way of consent motion, on March 24, 2022, the CHRT ordered that several immediate measures be taken to reform the FNCFS Program and Jordan's Principle. These measures are intended to begin to alleviate the discrimination faced by First Nations children and families, while work continues toward the full reform of the FNCFS Program and Jordan's Principle.
- G. The immediate measures include that:
- i. Canada will provide prevention funding in a per capita amount of \$2,500 to First Nations and/or FNCFS agencies.
 - ii. Canada will fund post majority care supports for First Nations young adults aging out of care and formerly in care, up to their 26th birthday, at actual costs for the 2022-23 fiscal year.
 - iii. Canada shall consult with the Parties to implement mandatory cultural competency and anti-racism training and performance commitments for Indigenous Services Canada (ISC) employees.
 - iv. Canada shall assess the resources required to provide services to high needs Jordan's Principle recipients past the age of majority.
 - v. Canada will fund the IFSD to conduct needs assessments related to Jordan's Principle and First Nations not served by an agency. Canada will also fund the IFSD's Phase 3 study.
- H. On November 16, 2021, the Canadian Human Rights Tribunal (CHRT) issued 2021 CHRT 41 calling on Canada to fund the purchase and construction of capital assets for the delivery of FNCFS and Jordan's Principle.
- I. Investments in child and family services and Jordan's Principle should be available to all First Nations, whether they are pursuing the path of self-governance under *An Act respecting First Nations, Inuit and Métis children, youth and families*, or for as long as they choose to remain under the FNCFS Program.

DRAFT RESOLUTION # 15 / 2022

AFN Annual General Assembly, July 5-7, 2022

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

1. Direct the Assembly of First Nations (AFN) to make a submission to the Canadian Human Rights Tribunal (CHRT) requesting that they support First Nations right to self-determination by ordering that all funding provided through the 2022 CHRT 8 ruling be disbursed to First Nations in order for them to determine how to allocate this funding between their governments and FNCFS agencies.
2. Call on Canada to ensure that any First Nations exercising jurisdiction under *An Act respecting First Nations, Inuit and Métis children, youth and families* will not receive less funding than they would have received had they remained under the reformed First Nations Child and Family Services Program following the implementation of 2022 CHRT 8.

DRAFT RESOLUTION # 16 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Reform of the On-Reserve Income Assistance Program
SUBJECT:	Social Development
MOVED BY:	Chief Lynda Price, Ulkatcho First Nation, BC
SECONDED BY:	Chief Harvey McLeod, Upper Nicola Band, BC

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.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The On-reserve Income Assistance (IA) Program was developed in 1964 to provide financial assistance to First Nations individuals on-reserve and in the Yukon to meet their basic needs, mirroring provincial and territorial income assistance rates and eligibility.
- C. The IA program has largely remained stagnant and unchanged since its inception, resulting in systemic gaps and insufficient funding to meet the needs of First Nations, leading to a greater dependence on the program instead of supporting transitions to employment or education.
- D. Case management and pre-employment supports are only available for approximately 29% of First Nations outside of Ontario. These supports are crucial to ensure every individual can reach their full potential and access all services or programs available to them.

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- E. In 2018, Indigenous Services Canada (ISC) committed to reforming the IA program with First Nations. First Nations-led engagements on IA Program reform were held between 2018 and 2020 and identified critical areas for program reform including: higher income assistance rates to meet needs, expanding case management and pre-employment supports as well as administrative supports, strengthening wrap around supports for client wellbeing, and encouraging First Nation determination/governance over the program with traditional knowledge embedded to meet First Nations' needs.
- F. Leveraging the results and outcomes of the First Nations-led engagements, the Assembly of First Nations (AFN) Technical Working Group on Social Development (TWGSD) developed policy recommendations that further supports IA program reform:
- i. IA Program rates and eligibility fail to meet the needs of IA clients and their families and does not account for actual costs of living on-reserve as a result of the program mirroring provincial and territorial income assistance programs. The IA Program requires a shift towards a needs-based funding approach that is flexible and culturally appropriate to account for the unique contexts of First Nations and their social-cultural-political development priorities. Recognition of First Nations determination and governance over the IA Program through its administration and delivery provides flexibility for First Nations to determine culturally appropriate approaches to income assistance while also accounting for higher costs of living on-reserve, transportation, high energy costs, reliable childcare, and support for mental health and wellbeing.
 - ii. IA clients and their families with additional and special needs require wrap-around supports and services that meet their needs and enables their wellbeing. Addressing barriers for IA clients and their families with special needs includes providing increased and additional health care access and coverage, reliable childcare and caretaker allowances, enhanced case management supports to navigate social programs, higher cost of living allowances to account for special needs and dietary restrictions. First Nation worldviews and priorities for supporting community members with disabilities is central to ensuring First Nations with special gifts live with dignity.
 - iii. Universal access to case management and pre-employment supports, including enhanced First Nations capacity to support increased services, will assist IA clients with getting ready for work or school and transition to further independence. Meeting the human resource needs of IA Administrators includes industry standard wage comparability for case managers and administrative supports, increased office space and client rooms that are accessible, office supplies, consistent specialized training, and networking.
 - iv. A robust data strategy and First Nations developed national database that prioritizes data collection needs and priorities to ensure First Nations control over data.
 - v. Comprehensive wrap-around programming and services are required to support IA clients through a holistic circle of care model. IA clients face systemic barriers in accessing mental health care, addictions support, reliable childcare, navigating the justice system, etc. A tiered approach to services will assist in meeting service and program needs and help to prioritize individuals away from the IA program by providing early support and prevention services.

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- G. Policy recommendations developed by the AFN's TWGSD aim to assist in addressing the longstanding shortcomings of the on-reserve IA Program that have been identified during the First Nations-led engagements. Self-governing First Nations will continue to have sole determination and jurisdiction over their agreements with the federal government and its program.

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

1. Support the reform of the On-reserve Income Assistance (IA) Program as directed and determined by First Nations to address longstanding gaps and shortcomings in the IA program, including:
 - a. First Nation governance over the IA Program to meet IA client and family needs;
 - b. A provision of IA rates that account for the true cost of living on-reserve;
 - c. Wrap-around and comprehensive supports for IA clients and families with special and additional needs;
 - d. Increased resources and resourcing to support administration and case managers;
 - e. First Nations designed data strategies and collection;
 - f. Infrastructure investments to enable First Nations to administer their own IA program; and,
 - g. Strengthening wrap-around programming and services to support clients in a multi-faceted way.
2. Call on Canada to use First Nation-created policy recommendations for their Memorandum to Cabinet in the Fall of 2022 on IA Program reform, including recommendations developed through individual First Nations and their regional decision-making processes.
3. Call on the Assembly of First Nations Technical Working Group on Social Development to conduct and oversee an assessment of the long-term financial investments required to fill the gaps within the on-reserve IA Program.

DRAFT RESOLUTION # 17 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Early Learning and Child Care Legislation
SUBJECT:	Social Development, Health, Education
MOVED BY:	Chief David Crate, Fisher River Cree Nation, MB
SECONDED BY:	Chief Rebecca Knockwood, Fort Folly First Nation, NB

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 14 (3): States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
 - 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 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The First Nations Early Learning and Child Care (ELCC) Framework was developed and supported by the First Nations-in-Assembly in 2017 via Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*. The Framework identifies the vision, goals and outcomes of a First Nations ELCC system, with a focus on First Nations governance and control over ELCC.
- C. In Budget 2021, the Government of Canada committed to tabling federal ELCC legislation “to enshrine the principles of a Canada-wide child care system in law.”
- D. In February 2022, the Government of Canada sought input from Indigenous stakeholders on an approach to federal ELCC legislation, including seeking input from the AFN; however, the AFN asserted that Canada must properly engage with First Nations leadership on ELCC legislation, including funding to support First Nations-led community- and regional-level engagements.

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AFN Annual General Assembly, July 5-7, 2022

- E. First Nations have a sacred obligation to care for their children. Federal ELCC legislation must respect First Nations jurisdiction over ELCC and must account for the unique practical considerations of First Nations when developing legislation.

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

1. Assert that federal Early Learning and Child Care (ELCC) legislation must respect and uphold First Nations rights to self-determination and jurisdiction over ELCC.
2. Direct the Assembly of First Nations (AFN) to call upon the Minister of Families, Children and Social Development to directly engage with rights holders on the development of federal ELCC legislation, including providing funding for First Nations-led regional engagement.
3. Direct the AFN and the National Expert Working Group (NEWG) on First Nations ELCC to develop recommendations on a First Nations position on federal ELCC legislation versus First Nations-specific ELCC legislation for the First Nations-in-Assembly to consider to be presented to the First Nations-in-Assembly by December 2022.

DRAFT RESOLUTION # 18 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Federal Housing Investment Needed
SUBJECT:	Housing
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON

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 require 25 to 50 year commitments of predictable federal community infrastructure and housing investment both to raise quantity and quality to minimum standards and to sustain them into the future.
- C. The Assembly of First Nations (AFN) has worked jointly with Canada since 2016 resulting in a professionally developed 2021 cost estimate of the minimum needs to resolve the First Nations housing crisis as supported by Chiefs-in-Assembly in December 2021 through resolution 31/2021 and presented to the Minister of Finance in the pre-budget submission (PBS) process.
- D. AFN 's 2022 Pre Budget Submission requested a federal investment of \$44 billion for immediate needs, including expected migration, and a further \$16 billion for future needs for a total of \$60 billion.
- E. Federal Budget 2022 made housing a top priority for Canadians while it committed an additional investment of approximately \$3 billion over 5 years to First Nations housing, which is a minimal downpayment towards the total First Nations needs.
- F. An average federal government investment of \$3.3 billion each year until 2040 is required to close the First Nations housing gap, which is a minimum federal investment of \$23 billion by 2030 to meet this timeline.
- G. Many First Nations will need additional investments in community infrastructure to match the additional housing to be built.
- H. First Nations are experiencing significant increases on construction, labour, transportation and other related areas caused by the global COVID-19 pandemic and other global events.
- I. The Minister of Indigenous Services and Minister of Housing, Diversity and Inclusion spoke to the AFN's National Housing Forum on March 23, 2022, indicating a federal commitment to make immediate and long-term investments to close the housing gap by 2030.

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

AFN Annual General Assembly, July 5-7, 2022

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

1. Direct the AFN to urge the federal government to fully fund the the full balance of the cost estimate left outstanding as a result of the insufficient funding included in the 2022 federal budget, plus the anticipated results of future research that will identify updated housing needs.
2. Direct the AFN to urge the federal government to invest in the community infrastructure, especially serviced lots, water, wastewater systems, and any other public utilities required to support any new housing built through new and future investments to accommodate growth.
3. Direct the AFN to urge the federal government to transition the insufficient federal housing and infrastructure investment commitment timeframes of 5 to 10 years to long-term commitments of 25 to 30 years or more to provide on-going, predictable, and sustainable funding.
4. Direct the AFN to seek funds from the federal government to conduct research and engage First Nations to identify the cost estimates of additional housing needs that have not yet been costed.
5. Direct the AFN to call upon the Prime Minister, the Minister of Finance, the Minister of Housing, Diversity and Inclusion, and the Minister of Indigenous Services to explain to First Nations why the Federal Government in Budget 2022 did not invest the full, multi-year amount needed to resolve the First Nations housing crisis.

DRAFT RESOLUTION # 19 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	First Nations Involvement in the Urban Rural and Northern Indigenous Housing Strategy
SUBJECT:	Housing
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, 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 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. Strengthening the nationhood of First Nations depends on all First Nation citizens feeling a sense of belonging, having access to supports from their First Nation governments, and having the ability to contribute to the well-being of their community.
- C. 2016 Census data indicates that First Nations comprise 58% of the Indigenous population in Canada. First Nations represent a majority of urban, rural and northern Indigenous people in Canada.
- D. Many urban and rural housing providers are invaluable in providing housing for First Nations citizens and other Indigenous Peoples, often in challenging situations.
- E. Budget 2022 proposes to invest \$300 million over five years, starting in 2022-23, through the Canada Mortgage and Housing Corporation to co-develop and launch an Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy).
- F. In alignment with the National First Nations Housing and Related Infrastructure Strategy supported by previous AFN resolutions, First Nations have the right and jurisdiction to provide housing services to their citizens/members no matter where they live. An URN Strategy must recognize this and provide for increased capacity and administrative means for First Nations to exercise this right and jurisdiction.

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

AFN Annual General Assembly, July 5-7, 2022

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

- 1.** Direct the Assembly of First Nations (AFN) to urge the federal government to ensure that the Urban, Rural, and Northern Indigenous Housing Strategy (URN Strategy) aligns with the National First Nations Housing and Related Infrastructure Strategy and that it does not derogate from First Nations rights, jurisdiction and nationhood.
- 2.** Urge the federal government to ensure the AFN, First Nations regional organizations and individual First Nations are fully involved in the development of the URN Strategy in a distinctions-based process that is financially supported by the federal government.
- 3.** Urge the federal government to ensure First Nations can easily opt to control the use of funds directed to urban, rural and northern housing providers in relation to their members/citizens, and to ensure that First Nations have adequate resources to meet the housing needs of their citizens no matter where they live.
- 4.** Urge the federal government and their partners in the development of the URN Strategy to accommodate the unique circumstances of Dene Nation communities and Yukon First Nations in a manner directed by them.

DRAFT RESOLUTION # 20/2022

AFN Annual General Assembly, July 5-7, 2022

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

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 Nation 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 Nation Governments, Indian Bands and First Nation organizations because they cannot meet the minimum condition of providing millions of dollars in security bonds.
- C. First Nation 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 Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to urge the Canadian Mortgage and Housing Corporation (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 # 21 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Targeted Support to Improve First Nations Fire Protection
SUBJECT:	Infrastructure, Emergency Services
MOVED BY:	Chief Delores Kakegamic, Sandy Lake First Nation, ON
SECONDED BY:	Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in areas of education, employment, vocational training, housing, sanitation, health and social security.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous Peoples for such conservation and protection, without discrimination.
- B. First Nations continue to be at a greater risk of experiencing fatal fires, due to continued insufficient funding and fewer fire protection services. In some First Nations across the country, there are no fire services available to respond to a fire.
- C. For years First Nations Chiefs and community members from across the country have been calling for adequate funding and fire protection services to protect their First Nations from the growing threat of fatal fires.
- D. In 2021, the Ontario Coroner's Table on Understanding Fire Deaths in First Nations released a review that examined fire deaths in First Nations communities in Ontario over a ten-year period from 2008 to 2017. The review identified 56 deaths in 29 fires that occurred in 20 First Nations across Ontario.
- E. The First Nations Advisory Group of the Review raised several issues and concerns about housing structures and funding, which require further consideration and action to prevent fire fatalities, including funding for housing, allocation of funds to meet First Nations community needs, role of fire and building codes, status of structure maintenance, and jurisdictional issues and responsibilities.
- F. Between 2008-2017, Indigenous Services Canada (ISC) provided only \$29 million annually for fire protection services to be dispersed amongst 634 First Nations. Budget 2022 announced \$39.2 million over five years to ISC to support the purchase of firefighting equipment by First Nations, which continues to remain insufficient to address First Nation fire protection issues.
- G. The lack of access to fire protection services and inadequate community infrastructure that First Nations have been exposed to for decades has left many First Nations systematically more at risk to fire fatalities, without the required resources necessary to respond to a fire.

DRAFT RESOLUTION # 21 / 2022

AFN Annual General Assembly, July 5-7, 2022

- H. With increasing numbers of forest fires across Canada due to climate change, some First Nations do not have access to the modern resources needed to address fire incidents at the wildland urban interface.
- I. With the completion of the Joint First Nations Fire Protection Strategy (2016-2021), the Assembly of First Nations has commenced work on a new First Nations Fire Protection Strategy with immediate goals to improve fire protection for First Nations with work supported by a National Working Group of First Nations Fire Chiefs located across Canada.

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

- 1. Direct the Assembly of First Nations (AFN) to seek funding and resources to support a National First Responders Gathering to help identify priorities in addressing and improving fire protection for First Nations and informed by new First Nation Fire Protection Strategy goals.
- 2. Direct the AFN to urge the federal government to immediately invest in firefighting equipment to improve First Nations fire departments to respond to capacity issues, climate change-related weather events, and fire incidents at the wildland urban interface.
- 3. Direct the AFN to advocate to Indigenous Services Canada for targeted, comparable and sustainable funding for First Nations-led fire protection services to support First Nation fire departments, including fully remunerated First Nation fire department positions so First Nations can better respond to their fire incidents..
- 4. Direct the AFN to urge the federal government to make long-term and sustainable funding commitments towards First Nations community infrastructure to improve First Nation fire department accessibility, such as critical road infrastructure and access to water services..

DRAFT RESOLUTION # 22 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Post-Pandemic Support for National First Nations Assets Needs
SUBJECT:	Infrastructure
MOVED BY:	Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, ON

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 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) 2021 Healing Path Forward states:
- i. Ensure that First Nations have access to sufficient infrastructure stimulus funds for shovel-ready projects in First Nations communities as part of a post-pandemic recovery plan for First Nations.
- C. The federal government has repeatedly committed to closing the infrastructure gap experienced by First Nations by 2030, as outlined in the 2020 Speech from the Throne and the Minister of Indigenous Services subsequent mandate letters.
- D. The Minister of Indigenous Services' 2021 mandate letter states:
- i. Immediate priority is to enhance opportunities for economic recovery and to continue delivering distinctions-based supports in response to COVID-19 as needed. To achieve equity, you will continue to collaborate with Indigenous partners—by working together to close socio-economic gaps and improve access to high-quality services.
- E. As the world economy attempts to rebound from the negative impacts of the pandemic, First Nations across Canada face new socioeconomic challenges and risk a widening of their current infrastructure gap as they encounter higher construction costs, supply-chain issues, and aging infrastructure services that require immediate upgrading and sustainable operations and maintenance funding to account for growth in their population.
- F. The AFN Infrastructure Sector has completed the National First Nations Assets Needs Study, which defined the 20-year investment needs across the 634 First Nations for asset renewal, upgrades, expansion and new builds to improve their community infrastructure.

DRAFT RESOLUTION # 22 / 2022

AFN Annual General Assembly, July 5-7, 2022

- G.** The First Nations Assets Needs Study also analyzed and provided the quantifiable investment needs to support the safe, effective, and sustainable operation and maintenance of First Nations federally funded infrastructure assets.
- H.** The limitations outlined in the First Nations Asset Needs Study indicate that inadequate Indigenous Services Canada data and insufficient First Nation infrastructure asset management records warrant further costing exercises related to climate change adaptation and improved levels of service standards, as well as to quantify the remaining infrastructure gaps in First Nation core and essential infrastructure services.

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

- 1.** Direct the Assembly of First Nations (AFN) to ensure the federal government includes First Nations immediate infrastructure needs as part of Canada's post-pandemic recovery plan and have these infrastructure investments incorporated into its 2023 federal budget.
- 2.** Direct the AFN to call on Canada to work in full partnership with First Nations to ensure that First Nations perspectives and priorities are included in Canada's post-pandemic recovery plan.
- 3.** Direct the AFN to ensure the federal government commits to making long-term and sustainable funding commitments to invest in First Nations infrastructure investment needs as defined by the National First Nations Assets Needs Study, including the use of the Study's findings to inform federal investments in growth, upgrades, and level of service standards improvements, and adequate operations and maintenance funding for all applicable First Nation assets.
- 4.** Direct the AFN to urge the federal government to improve capacity building programs available to First Nations for infrastructure planning and program delivery to enable First Nations to be stewards in the effective management of their own current and future infrastructure assets.
- 5.** Direct the AFN to work with the Chiefs' Committee on Housing and Infrastructure, AFN Technicians, and appropriate technical bodies to assist First Nations in predicting and quantifying the costs of climate change adaptation for applicable First Nation assets that ensures an improved level of service standard to maintain infrastructure resilience.

DRAFT RESOLUTION # 23 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Support for First Nations Impacted by Flooding and Droughts
SUBJECT:	Environment
MOVED BY:	Chief Jason Daniels, Swan Lake First Nation, MB
SECONDED BY:	Chief Cornell Mclean, Lake Manitoba First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Climate change is causing once seasonal weather patterns, especially droughts and flooding, to become unpredictable, severe, and frequent, resulting in increasing costs for response and recovery.
- C. Severe and frequent seasonal and climate-induced droughts and flooding has had disastrous and disruptive impacts on the lives and livelihoods of affected First Nations, resulting in food and water insecurity, environmental impacts, forced relocation, and loss of traditional ways of life.
- D. The Assembly of First Nations (AFN) has supported First Nations in Manitoba to mitigate climate impacts, such as flooding, in AFN Resolutions 45/2011, *Support for Manitoba First Nations Experiencing Flooded Lands* and 20/2014, *Support for Manitoba First Nations Affected by Flooding*.
- E. First Nations impacted by droughts and flooding must have all available preventative and mitigative options available to them, including relocation, to ensure their health, safety, and security. New programs, policies and legislation must be created to protect the environment from further degradation and ensure that First Nations have access to a healthy diet, including traditional food.
- F. Swan Lake, located in Manitoba, has supplied the people of Swan Lake First Nation with an abundance of fish for food.
- G. Since the early 1970's the level of the lake has declined, resulting in a decrease in oxygen levels and a severe decline in the fish population.
- H. The people of Swan Lake First Nation have suffered a great loss of a traditional food supply and recreational opportunity as a result of the decline in the lake level.
- I. Of the past seven years the First Nation has had only two winter fishing seasons, with limited numbers of fish being taken. The shallowness of the lake also creates problems for recreational access and navigation, particularly in near-shore areas.

DRAFT RESOLUTION # 23 / 2022

AFN Annual General Assembly, July 5-7, 2022

- J. The Swan Lake First Nation in partnership with the Tri-Lakes Group, as represented by the Pembina Valley Watershed District, and surrounding stakeholders and users have conducted a feasibility study on options to save the lake. Of the five recommendations Swan Lake First Nation and its' partners support the following recommendations:
- i. Recommendation #1: Build a control structure at the outlet of Swan Lake to raise the water level resulting in:
 - a. An increase in habitat diversity, benefitting desirable species such as Northern Pike, Yellow Perch, Walleye, and White Sucker;
 - b. An increase in overwintering habitat for fish;
 - c. An improvement of buffering of water temperatures in summer; and,
 - d. An improvement of access and navigation.
 - ii. Recommendation #4: Developing and implementing a Carp exclusion program on Swan Lake. as Carp are factors in deteriorating water quality, aquatic habitat quality and diversity, and species richness. Reducing the population of Carp in Swan Lake would remove a significant detriment to the health of the ecosystem in Swan Lake and the Pembina River.

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

1. Direct the Assembly of First Nations (AFN) to call on the relevant ministries to immediately engage Swan Lake First Nation and its partners in restoring the Swan Lake to a healthy condition.
2. Direct the AFN to engage with relevant ministries to provide funding to the First Nation to continue the engagement with the stakeholders of Swan Lake and implement the recommendations supported by Swan Lake.
3. Direct the AFN to advocate to Indigenous Services Canada (ISC) to work jointly with the AFN and impacted First Nations in the development of a National Flooding Working Group on First Nations' Community Relocation.
4. Call upon ISC to adequately fund a National Flooding Working Group on First Nation Community Relocation for a period of five years to develop:
 - a. a literature review;
 - b. an environmental scan;
 - c. a First Nations engagement strategy; and,
 - d. a draft framework to assess flooding in impacted First Nations
5. Direct the AFN to work with First Nations to support relocations, where supported, to resolve impacts related to recurrent seasonal and climate-reduced flooding.

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

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6. Direct the AFN to report back to the Chiefs in Assembly within three years on the establishment of a National Flooding Working Group on First Nation's Community Relocation and any draft framework to assess flooding and impacts for First Nations.

DRAFT RESOLUTION # 24 / 2022

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TITLE:	Establishing a Chiefs' Committee on Justice
SUBJECT:	Justice
MOVED BY:	Chief Harvey McLeod, Upper Nicola Band, BC
SECONDED BY:	Chief Ken Watts, Tseshaht First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
 - iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. There is an urgent need for a coordinated approach to transforming the justice system by dismantling colonial justice structures and reawakening Indigenous legal orders and traditions, consistent with the standards of Indigenous self-determination and self-government in the UN Declaration.
- C. The implementation of the Calls to Action of the Truth and Reconciliation Commission and commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) remain delayed, further demonstrating the continued existence of systemic anti-Indigenous racism, that upholding Indigenous rights in relation to justice are still not a national priority, and that the lives affected by this crisis are less worthy of intervention.
- D. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent crises in the justice system.

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- E. On January 15, 2021, the Minister of Justice and Attorney General of Canada was given a revised Mandate Letter with direction to “develop, in consultation and cooperation with provinces, territories and Indigenous partners, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the justice system” supported the Minister of Crown-Indigenous Relations, the Minister of Indigenous Services, the Minister of Northern Affairs and the Minister of Public Safety and Emergency Preparedness.
- F. Assembly of First Nations (AFN) Resolution 36/2021, *Call for Recruitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, directs:
- i. The AFN to advocate and work with the Minister of Justice and Attorney General of Canada and relevant ministries to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy with adequate funding to support regional and community-based, self-determined holistic approaches to justice that are grounded in First Nations principles, protocols, laws, and traditions, including ensuring the framework is consistent with the minimum standards in the UN Declaration; and
 - ii. The AFN to draw from existing work for transformation of the justice system being championed by First Nations across the country, including, for example, the BC First Nations Justice Strategy, as the national justice strategy is developed.
- G. In February 2021, a Justice Sector was created within the Rights and Justice Branch of the AFN Secretariat to support work on social justice and justice reform. A Chiefs’ Committee on Justice is needed to provide direction to the work that the Justice Sector is undertaking with respect to First Nations legal traditions and customary laws.
- H. Article 7 (3) of the AFN Charter states:
- i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
 - a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
 - b) The Chiefs' Committee shall draft a terms of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
 - c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
 - d) The portfolio holder shall select a Co -Chair from the members of the Chiefs' Committee and the Co -Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.

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- e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations -in -Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.
- I. As directed by AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timelines for Development and Implementation of a National First Nations Justice Strategy*, AFN has obtained funding to conduct engagement on the development of a National First Nations Justice Strategy.

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

1. Direct the Assembly of First Nations (AFN) to continue working with the Minister of Justice and Attorney General of Canada and relevant ministries to carry out engagement on a National First Nations Justice Strategy.
2. Direct the AFN to appoint a Chiefs' Committee on Justice, in accordance with Article 7 (3) of the AFN Charter, to provide advice and direction on matters relating to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.

DRAFT RESOLUTION # 25 / 2022

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TITLE:	Call for Full First Nations Participation in Implementation of the UN Declaration
SUBJECT:	UN Declaration; Rights and Justice
MOVED BY:	Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YK
SECONDED BY:	Chief Roland Willson, West Moberly First Nations, BC

WHEREAS:

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

- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination, and good faith.
- ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- iii. Article 2: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.
- iv. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- v. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self- government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- vi. Article 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.
- vii. 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.
- viii. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well- being of the Indigenous Peoples of the world.

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- B. The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
 - ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.
- C. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, call upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (such as the UN Declaration and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- D. The Chiefs-in-Assembly have passed numerous Resolutions calling for implementation of the UN Declaration in Canada including:
- i. 38/2015, Canadas Obligation to Develop with Indigenous Peoples a National Action Plan for Implementation of the UN Declaration on the Rights of Indigenous Peoples;
 - ii. 28/2016, United Nations Declaration on the Rights of Indigenous Peoples 10 year Anniversary;
 - iii. 128/2016 , UN Declaration Legislative Framework and Interpretation of Canadian Laws;
 - iv. 97/2017 , Support for Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;
 - v. 14/2018, United Nations Declaration on the Rights of Indigenous Peoples-Legal Standing Implementation;
 - vi. 32/2019, Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title;
 - vii. 86/2019, Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
 - viii. 17/2021, National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples
- E. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent. The Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- F. The 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 per Section 5;
 - ii. Prepare a National Action Plan (“Action Plan”) to achieve the UN Declaration’s objectives within two years of Royal Assent, table that National Action Plan in Parliament as soon as practicable thereafter, and make that plan public per Section 6; and

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- iii. Prepare within 90 days of each fiscal year-end an annual report for the previous fiscal year on the measures taken under section 5 and the preparation and implementation of the action plan referred to in section 6 per Section 7.

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

1. Call on Canada to publicly confirm to the Chiefs-in-Assembly at the next Assembly that full and meaningful First Nations leadership and participation in all aspects and processes of implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) are an absolute and unreserved requirement for success now and in the future.
2. Reiterate that Canada, as a colonial Nation, does not acquire directly or indirectly any of the rights, privileges, responsibilities, or sacred relationships affirmed in the UN Declaration by virtue of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (the Act).
3. Remind all colonial governments that the UN Declaration does not require colonial legislations such as the Act to operationalize and apply the UN Declaration within Canada's colonial legal systems.
4. Call on the Government of Canada to immediately deploy further resources to First Nations, as the rights-holders, to ensure meaningful and consent-based First Nations participation in the co-development the National Action Plan that must be completed in less than one year from this Assembly.
5. Direct the Assembly of First Nations (AFN) to advocate for meaningful and fully resourced First Nations participation in all the operative provisions of the Act, specifically Sections 5, 6, and 7 on an ongoing basis.
6. Direct the AFN to provide quarterly updates to all Chiefs henceforth on the status of Canada's activities under the consistency of laws provision at Section 5, the progress on the National Action Plan development and implementation at Section 6, and the annual reporting process at Section 7 of the Act.
7. Direct the AFN to immediately and on an ongoing basis advocate for First Nations free, prior, and informed consent, including fully resourced and meaningful participation in all activities Canada undertakes to achieve consistency of its laws with the UN Declaration under Section 5 of the Act.
8. Direct the AFN to immediately and on an ongoing basis advocate for a meaningful and fully resourced co-development process with the rights holders to ensure that First Nations voices and views are included in the development, deployment to Parliament, and implementation of the annual reporting process on UN Declaration implementation under Section 7 of the Act.

DRAFT RESOLUTION # 26 / 2022

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TITLE:	First Nations Priorities to Guide the Crown's Implementation of the UN Declaration on the Rights of Indigenous Peoples
SUBJECT:	Rights
MOVED BY:	Chief Sheldon Kent, Black River First Nation, MB
SECONDED BY:	Chief Rene Chaboyer, Cumberland House Cree Nation, SK

WHEREAS:

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

- i. Preambular paragraph 19: Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,
- ii. Preambular 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,
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

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- ix. 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.
 - x. 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.
 - xi. 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.
 - xii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and 24 appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
 - xiii. Article 36 (1) Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - xiv. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B.** The *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 per Section 5.
 - ii. Prepare a National Action Plan to achieve the UN Declaration's objectives within two years of royal assent that includes measures for monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration per Section 6.
 - iii. Prepare within 90 days of each fiscal year an annual report on the measures Canada has taken under the Act, and to table that annual report in parliament as soon as practicable thereafter and make that plan public per Section 7.
- C.** The First Nations-in-Assembly have passed numerous Resolutions calling for the immediate and principled implementation of the UN Declaration in Canada including:
- i. 32/2019, *Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title;*
 - ii. 86/2019, *Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples; and,*

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- iii. 17/2021, National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples*
- D. Many First Nations have been forced to put forth explicit Declarations, Statements, Policies and other expression of their inherent rights to their territories because of the Crown's colonial policies regarding the sacred natural resources of our territories at the federal, provincial and territorial levels.
- E. One example of these First Nations' expression of their inherent rights to their territories in the face of provincial disregard for First Nations rights is the Declaration on Natural Resources on Treaty 5 Territory which states:
 - i. We declare, we have a right to the lands, territories and resources which we have traditionally owned, occupied or otherwise uses or acquired as per Article 26 (1) of the UN Declaration on the Rights of Indigenous Peoples, 2007. Furthermore, we have an inherent and treaty right to continue with our mode of life to make a living as articulated in our Treaties. With certainty, this includes an unfettered right to trade and commerce. We further vow to protect our territories so our children may continue to hunt, fish, and gather the medicines forever from our territories.
 - ii. [...] The Crown at both the federal and the provincial levels have taken a unilateral approach in the interpretation of the Treaties that only serves to benefit them. This violates the articles of our sacred Treaties and our basic human rights to access our own resources to sustain our peoples and our governments.

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

1. Affirm that the Crown, in all of its forms whether federal, provincial, or territorial, is obliged to respect, uphold and protect the human rights of First Nations including self-determination as articulated in the UN Declaration.
2. Affirm that First Nations Declarations, Statements, Policies and other expression of their inherent rights to their territories that must necessarily be respected as the Crown implements the UN Declaration.
3. Acknowledge the Declaration on Natural Resources on Treaty 5 Territory as one such expression of inherent rights; and, to advocate for this Declaration and all others to be considered and respected in the National Action Plan the UNDA National Action Plan co-development process over the coming year.
4. Call upon the Crown, in all of its forms whether federal, provincial or territorial, to take every action necessary to immediately ensure their laws and policies are consistent with the UN Declaration.
5. Remind the Crown, in all of its forms whether federal, provincial or territorial, that the unilateral imposition of provincial and territorial boundaries on First Nations requires the Crown, in all of its forms, to ensure its differing laws, policies and practices that impact First Nations are consistent with the UN Declaration.
6. Declare that those provincial and territorial governments that refuse to cooperate with the federal government in implementing the UN Declaration are intentionally denying First Nations human rights as expressed in the UN Declaration.

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7. Direct the Assembly of First Nations (AFN) to establish an ad-hoc National Expert Panel on the United Nation Declaration on Indigenous Peoples Act National Action Plan to support research and analysis for First Nations interested in contributing to the National Action Plan creation and implementation over the next two years.
8. Direct the AFN to ensure that members of the National Expert Panel be selected from each AFN region and that they be tasked with considering issues of aboriginal rights, title, use and management of First Nations territories, homelands and waterways with a focus on identifying tangible steps for the Crown, in all of its forms whether federal, provincial, or territorial, to ensure that their laws are consistent with the UN Declaration.
9. Direct the National Expert Panel once convened to undertake an analysis on the purported “cede, release, surrender and yield” provision in the text of Treaties #1-11 for their consistency with the UN Declaration and to present this analysis back to the First Nations-in-Assembly for their consideration as soon as practicable.
10. Direct the AFN to continue international advocacy on behalf of First Nations by advocating for the repeal of States and other internationally influential body’s doctrines, laws, and policies that are inconsistent with the UN Declaration; specifically advocating to the Catholic Papacy to formally rescind the Doctrine of Discovery during their visit to Canada and to advocate to the Catholic Papacy and the Canadian Government to formally rescind and repudiate the Doctrine of Discovery by the end of this calendar year.

DRAFT RESOLUTION # 27/2022

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TITLE:	First Nations Self-Determination over Citizenship
SUBJECT:	Rights
MOVED BY:	Chief Carol Dee Potter, Bear River First Nation, NS
SECONDED BY:	Chief Maureen Chapman, Skawahlook First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
 - iv. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. (...)
 - v. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
 - vi. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- B. Since time immemorial, First Nations have exercised their jurisdiction to determine and define their citizenship regardless of Canada's unilateral imposition of the *Indian Act*.
- C. The imposition of the *Indian Act* on First Nations is a continued denial of First Nations' inherent right to self-determination.
- D. Gender-based discrimination in the 'registration' provisions of the *Indian Act* for status 'Indians' continues to cause severe and lasting harm to generations of First Nations women and their descendants.
- E. Despite the coming into force of Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada*, Canada has not yet fully addressed these impacts.

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- F. Canada must address residual and ongoing impacts from the preceding decades of discriminatory policies and gender-based inequalities within the *Indian Act* that resonate to this day.
- G. There is a need to ensure that legislative changes to ‘Indian’ registration under the *Indian Act* are communicated clearly and effectively to First Nations and affected individuals.
- H. First Nations and Canada agree that existing approaches to First Nations’ identity and citizenship must be reformed. Canada has expressed a desire to get out of the business of *Indian Act* registration, most notably by the passage of *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*.
- I. Canada, in all its imposed forms, must work in full and meaningful consultation and collaboration with First Nations to develop options to recognize First Nations’ exclusive responsibility to determine their citizenship structures.
- J. These options must explicitly respect First Nations’ own approaches, the appropriate funding models and modalities that First Nations require for Canada to respect their human rights, and for First Nations to reclaim their inherent capacity to identify their members and bring their people home to what are currently chronically and systemically underfunded communities.

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

1. Affirm and assert First Nations’ inherent right to exercise jurisdiction over citizenship.
2. Direct the Assembly of First Nations (AFN) to engage the Government of Canada to end the practice of legislative assimilation and to immediately provide adequate funding to First Nation governments to establish their own citizenship laws and processes.
3. Direct the AFN to engage the Government of Canada to address all remaining impacts of gender discrimination arising from the *Indian Act* past and present.
4. Direct the AFN to engage First Nations on issues of citizenship, seek input on how best to support First Nations citizenship approaches, and examine and convey back to the Chiefs-in-Assembly at the next National Assembly on options, approaches and funding structures that support First Nations’ jurisdiction over citizenship.

DRAFT RESOLUTION # 28 / 2022

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TITLE:	First Nations Participation at the Fifth International Marine Protected Area Congress (IMPAC 5)
SUBJECT:	Water, Environment, Fisheries
MOVED BY:	Judith Sayers, Proxy, Toquaht First Nation, BC
SECONDED BY:	Chief Terry Richardson, Pabineau First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions
 - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - iv. Article 29 (1): Indigenous peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.
 - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - vi. Article 32 (2): States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. The Fifth International Marine Protected Area Congress scheduled for February 3-9, 2023, in Vancouver, British Columbia, will be co-hosted by Canada and the International Union for the Conservation of Nature (IUCN), to bring together ocean conservation professionals, Indigenous Peoples, and high-level officials on the use of Marine Protected Areas (MPAs) as a key tool for the conservation of marine biodiversity.

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- C. IMPAC 5 will be the first major international marine conservation event following the final negotiation of the Post-2020 Global Biodiversity Framework at the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-15) in Kunming, China, where Parties are expected to commit to protecting 30% of the world's oceans by 2030.
- D. Domestically, Canada has committed to protecting 25% of the ocean by 2025 and working towards 30% by 2030. The federal government is increasingly recognizing that these conservation targets cannot be met without the support, consent, and leadership of First Nations.
- E. Assembly of First Nations (AFN) Resolutions 03/2019, *The Convention on Biological Diversity (CBD)*, and 07/2019, *First Nations' Oceans Priorities at the Convention on Biological Diversity*, directs the AFN to advocate for First Nations involvement both domestically and internationally to prevent biodiversity loss and to ensure that First Nations inherent and Treaty rights, Title, jurisdiction, and responsibilities to their traditional territories, including in marine environments, are recognized and respected.
- F. Additionally, AFN Resolution 41/2021, *Marine Indigenous Protected and Conserved Areas (IPCAs)*, mandates the AFN to seek a federal commitment to support the establishment of IPCAs in both terrestrial and marine environments, as a means to further Indigenous reconciliation in Canada while contributing to Canada's conservation targets.
- G. IMPAC 5 is expected to include a high-level leadership event on the last day of the Congress to share results from the event and discuss opportunities for partnership on global marine conservation. Leaders from all over the world, including responsible Ministers are anticipated to make commitments towards marine conservation.
- H. The event provides a significant opportunity for the AFN to secure a federal commitment to recognize and support the establishment of marine IPCAs and to ensure the full and effective participation of First Nations in policy, program, and regulatory decision-making processes related to Canada's conservation targets.

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

1. Direct the Assembly of First Nations (AFN) to advocate for a federal commitment to First Nations' leadership in marine conservation, such as through the establishment of marine Indigenous Protected and Conserved Areas, during the Fifth International Marine Protected Area Congress (IMPAC 5), scheduled for February 3-9, 2023, in Vancouver, British Columbia.
2. Direct the AFN to work with the Advisory Committee on Climate Action and the Environment and other relevant Chiefs' and technical bodies to identify appropriate First Nations delegates to participate alongside other Indigenous leaders and federal Ministers at the IMPAC 5 Leadership Event on February 9, 2023.

DRAFT RESOLUTION # 29 / 2022

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TITLE:	First Nations Nature Table
SUBJECT:	Environment, Lands and Waters
MOVED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YT

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - iii. Article 26 (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 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.
 - v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has assessed the global state of biodiversity and ecosystem services provided to society and determined that nature is declining at rates unprecedented in human history. One million plant and animal species are now threatened with extinction.
- C. The United Nations Convention on Biological Diversity (CBD) will adopt the Post 2020 Global Biodiversity Framework and set new global biodiversity and conservation targets to the year 2030 at COP-15 in Kunming, China.
- D. Canada's National Biodiversity Strategic Action Plan and Nature Agenda are driven by its international commitments under the Convention on Biological Diversity (CBD). Historically, this led to the establishment of the federal Species at Risk Act (SARA) and the Pathway to Canada Target 1, including Indigenous Protected and Conserved Areas (IPCAs).

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- E. First Nations have protected, conserved, and sustainably managed our environments, lands, waters, and the biodiversity within since time immemorial, through exercising our inherent rights and responsibilities, associated knowledge systems, and traditional laws.
- F. First Nations are seeking more formal relationships with all levels of government regarding biodiversity protection and area-based conservation.
- G. The AFN is committed to the promotion and protection of inherent and Treaty rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection, and conservation of the environment.

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

1. Endorse the creation of the First Nations' Nature Table (FNNT) as a technical body to interface with Environment and Climate Change Canada and other relevant departments on the design and implementation of Canada's National Biodiversity Strategic Action Plan and Nature Agenda in national and international fora, as appropriate, and in a manner that addresses, promotes, and respects First Nations' self-determined nature priorities.
2. Direct the Assembly of First Nations (AFN) to develop a Terms of Reference for the FNNT that ensures balanced regional representation, and alignment with the Advisory Committee on Climate Action and the Environment (ACE).
3. Direct the AFN to call upon the Government of Canada to ensure that:
 - a. First Nations are fully involved in all aspects of development and implementation of the National Biodiversity Strategic Action Plan and Nature Agenda;
 - b. These modalities recognize and respect First Nations' assertion of their inherent and Treaty rights;
 - c. Adequate funding and resources for these undertakings are provided; and,
 - d. The FNNT does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional, or national level on issues related to the National Biodiversity Strategic Action Plan or Nature Agenda.

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

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.

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- 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, prior, 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 Chiefs-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.

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TITLE:	Support for an Annual AFN Water Walk
SUBJECT:	Water Stewardship
MOVED BY:	Chief Andrea Paul, Pictou Landing Band, NS
SECONDED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC

WHEREAS:

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- iv. Article 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. Since time immemorial, First Nations women have been traditionally known as water protectors and/or water carriers. First Nations characterize water as more-than-human, in which there exists a reciprocal relationship that must be respected. First Nations women share a sacred connection to the spirit of water through their role as child bearers and have particular responsibilities to protect and nurture water.

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- C. Given the traditional roles of First Nations women and their connection to water, it is imperative that the Assembly of First Nations (AFN) support, uplift, and raise awareness of these traditional roles and responsibilities.
- D. Colonialism has led to a disconnect in the intergenerational transfer of knowledge surrounding the traditional roles of First Nations women.
- E. The establishment of an Annual AFN Water Walk will provide an opportunity to elevate and revitalize the role of First Nations women and the responsibility to keep our sacred waters healthy for seven generations to come.
- F. AFN Resolution 43/2021, *Support for First Nations Inherent Rights, Title and Jurisdiction of Water Stewardship, including the Traditional Roles of First Nations Women*, directs the AFN, with guidance from the Advisory Committee on Climate Action and the Environment, to pursue funding to support First Nations water stewardship priorities related to First Nations' inherent rights, title and jurisdiction.

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

1. Support the Assembly of First Nations (AFN) Water Sector, with guidance from the Advisory Committee on Climate Action and the Environment (ACE) and working with relevant Chiefs' Committees and technical bodies as appropriate, to acquire funding and organize an Annual AFN Water Walk that supports, uplifts, raises awareness of the traditional roles of First Nations women and includes youth and gender-diverse people in water stewardship.
2. Call upon AFN political leadership to participate in the Annual AFN Water Walk.
3. Direct the AFN Water Sector to call on the Government of Canada, and all provinces and territories, to recognize all threats to water, First Nations self-determination and jurisdiction over water, and to restore First Nations rightful place in water governance in their territories.

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TITLE:	Major Investment Needed to Build Fully Accessible First Nations
SUBJECT:	Health
MOVED BY:	Chief Derrick Henderson, Sagkeeng First Nations, MB
SECONDED BY:	Chief Peter Collins, Fort William First Nation, ON

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 8(1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - iii. 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.
 - iv. Article 21 (2): States shall take the effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
- B. The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:
- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
 - ii. Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind".
- C. The Accessible Canada Act received royal assent on June 21, 2019 and came into force on July 11, 2019. The five-year period following the introduction of the Act is for the federal government to consult with Indigenous organizations regarding the legislation and proposed regulations, as well as to propose amendments if necessary.
- D. Canada has set up mechanisms to undertake the work on accessibility standards development, regulations, and implementation of accessibility laws.

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- E. Federally regulated First Nations band councils, Indigenous self-governments, and service delivery agencies, among others will be subject to the Act in 2024. The Act is problematic and does not reference First Nations, offer resources or considers the liabilities of the Act for First Nations.
- F. The AFN works with Employment and Social Development Canada (ESDC) to advocate for resources to advance distinct First Nations accessibility legislation engagements and related work with First Nations.
- G. In 2017, the AFN began to engage with First Nations persons with disabilities and First Nations leadership and regions to identify priorities and options to advance First Nations accessibility legislation.
- H. A Distinct First Nations Accessibility Law Discussion Guide and a survey on four legal options served to gather input from First Nations leaders and others at national dialogues on February 3 and 10, 2022.
- I. First Nations require opportunities to tailor cultural safety approaches on how First Nations are going to approach the Act, including provincial and territorial partnerships and jurisdictional issues to resolve.
- J. Almost all First Nations are not accessible due to underfunding in the areas of health, infrastructure, and education, inequalities in all First Nations public services, and on-going impacts of colonization.
- K. First Nations are concerned that they will be subject to the Accessible Canada Act in 2024, including enforcement and penalties, and that no funding has been allocated by the federal government to aid First Nations in becoming accessible.
- L. The AFN has passed several resolutions calling for distinctions-based approaches specific to enhancing policy and funding capacity for First Nations on accessibility/disabilities: including AFN Resolutions:
 - i. 98/2017, *Distinct First Nations Accessibility Legislation*;
 - ii. 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*;
 - iii. 24/2018, *Increased Focus on Disabilities Centred on Human Rights*;
 - iv. 92/2018, *Social Innovation and Social Finance Framework-Leaving No One Behind*;
 - v. 110/2019, *Funding for First Nations-Specific Programs, Services and Supports for Adults with Disabilities in First Nations*; and,
 - vi. 25/2021, *Strengthen First Nations Distinctions-based Approaches on Accessibility/ Disabilities*.

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

1. Calls on the federal government for further engagement, resources, and to extend the Accessible Canada Act timeline of 2024 for implementation in First Nations.

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2. Calls on the federal government for multi-year commitments and a major funding envelope, through a bilateral agreement with Canada, to enable accessibility pilot projects, timely research/ data collection, determine the state of accessibility/disability in First Nations governments and regions specific to persons with disabilities, and ensure inclusion and access to programs, services, and facilities are built and modified for persons of all abilities.
3. Calls for investments and collaboration with a whole of government approach on accessibility to enable innovative systems changes and to address the critical costs of doing nothing.

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TITLE:	Reforming Non-Insured Health Benefits Travel Policies
SUBJECT:	Health
MOVED BY:	Chief Bob Dickson, Kluane First Nation, YK
SECONDED BY:	Naa Shaade Hani Alex Oakley, Proxy, Teslin Tlingit Council, YK

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 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. AFN Resolutions 74/2018, *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*, 126/2016, *Ongoing Commitment for the Non- Insured Health Benefits Joint Review Process*, and 49/2017, *Non-Insured Health Benefits Equitable Access to Health Services*, have given the AFN a mandate to work directly with the First Nations and Inuit Health Branch (FNIHB) to complete a Joint Review of the Non-Insured Health Benefits (NIHB) program.
- C. First Nations people, particularly those in remote, northern, and isolated areas, are required to travel outside of their communities to large urban centres to receive medical attention.
- D. Travel policies set by NIHB continue to inadequately serve First Nations people by not aligning their reimbursement or per diem rates to the actual cost of travel outside their communities.
- E. These travel policies also restrict the ability of First Nations people to be adequately accompanied and supported, by family members or others, to their medical appointments and treatments outside of their communities.

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

1. Reaffirm support for the Assembly of First Nations (AFN) to continue working with the First Nations and Inuit Health Branch (FNIHB) to complete the Joint Review of the Non-Insured Health Benefits program (NIHB), as outlined in previous AFN mandates.

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2. Direct the AFN and Chiefs' Committee on Health to:
 - a. Ensure the Joint Review of NIHB includes travel policies set by NIHB; and,
 - b. Engage First Nations in isolated, northern, and remote areas, as part of this review, to fully understand the challenges they are facing with existing health policies.
3. Direct the AFN and Chiefs' Committee on Health to provide recommendations for reforming NIHB policies so First Nations people needing to travel outside their communities for medical attention receive the financial and personal supports they need to be adequately cared for.

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

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) 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.
- 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.

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- 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;
- *Indigenous Peoples have the right to specific measures to improve their access to health services and care.*
 - *These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines.*
 - *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.*
 - *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. AFN Resolution 18/2021, *Supporting First Nations Participation in Dialogue on Health Legislation*, directs the Assembly of First Nations (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. The ISC department, 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;
- (a) 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 Constitution Act, 1982 and the implementation of treaties and other agreements with Indigenous peoples;
 - (b) negotiating treaties and other agreements to advance the self-determination of Indigenous peoples; and
 - (c) 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; impacting on adequate and meaningful engagement with

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the First Nations and impacting on 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 Chiefs-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 CIRNAC, 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.

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TITLE:	Supporting First Nations Pandemic Recovery
SUBJECT:	COVID-19
MOVED BY:	Chief Rod Travers, Kinonjeoshtegon First Nation, MB
SECONDED BY:	Chief Cornell McLean, Lake Manitoba First Nation, MB

WHEREAS:

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions
- ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 21 (2): States shall take the effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
- 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. The Truth and Reconciliation Commission of Canada states:

- i. Calls to Action # 19, We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

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- C. Since the smallpox epidemic in North America, the historic patterns of rates of infection and mortality have not been favourable to First Nations in Canada. In the 1918-1919 Spanish flu pandemic, along with the 2009 H1N1 Influenza A pandemic, First Nations populations were over-represented in Canadian case counts.
- D. First Nations have been at greater risk of contracting and developing severe complications from COVID-19 since the start of the pandemic due to the greater health, social and economic inequities faced by First Nations compared to the rest of Canadians.
- E. The First Nations Inuit and Health Branch reported on November 04, 2021, that the rate of cumulative and active cases and rate of death in First Nations communities remains higher than the rate in the general population.
- F. Jurisdictions where data sharing agreements with First Nations are in place have shown that COVID-19 is impacting First Nations in urban and off reserve areas at a higher rate than in the general population.
- G. Public health restrictions and measures to contain the spread of the virus came at a great cost for many Canadians, but for many First Nations, these measures further stressed flawed systems and exacerbated inequities. The long-term impacts of these measures remain unknown.
- H. First Nations responded to the pandemic through the introduction and enactment of public health measures to maintain and protect the well-being of community members. These measures were most effective when supported by federal, provincial, and territorial governments and in coordination with regional health authorities.
- I. Conversations across the country on post-pandemic recovery and an economic restart have begun to take place, and in most cases, provincial and territorial governments have not included First Nations in their discussions. A renewed start requires new relationships with all levels of government and a full acknowledgement of the roll that First Nations play in recovery.
- J. An intersectional gender lens in recovery efforts is required to ensure that no one is left behind, including persons with disabilities, seniors, children, and youth, and gender diverse populations.
- K. As per Assembly of First Nations (AFN) Resolution 03/2020, *Addressing Priority Concerns and Needs of First Nations Around COVID- 19*, the Chiefs-Assembly directed the AFN COVID-19 National Task Force to provide on-going support to the AFN Executive Committee for the duration of the pandemic to support the mitigation of impacts of COVID-19 on First Nations.
- L. The National Chief's 100-day plan emphasized the importance of securing resources from the federal government so that First Nations pandemic plans have strong components for health, economic and social recovery by working with the AFN COVID-19 National Task Force to develop a national advocacy plan.

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

1. Call on Indigenous Services Canada (ISC) and other federal departments to work with provincial and territorial governments to ensure First Nations are included in discussions related to the post-pandemic recovery and the economic restart.

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2. Direct the Assembly of First Nations (AFN) to call upon ISC to provide the necessary funding required by First Nations to guide their own recovery and healing processes.
3. Direct the AFN to call upon ISC to fund First Nations to review and re-design their Pandemic Plans to reflect learnings from the pandemic and a focus on health, economic and social recovery.
4. Direct the AFN to develop a national advocacy plan to support the work of First Nations in reviewing their Pandemic Plans and supporting work focused on recovery.

DRAFT RESOLUTION # 36 / 2022

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TITLE:	Lifting COVID-19 Vaccine Travel Requirements
SUBJECT:	COVID-19
MOVED BY:	Chief Roberta Joseph, Trondëk Hwëch'in, YK
SECONDED BY:	Deputy Chief Maria Benoit, Carcross/Tagish First Nation, YK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. Section 6 of the Canadian Charter of Rights and Freedoms guarantees the right of Indigenous Peoples, Canadian citizens or permanent residents to freely move across provincial and territorial boundaries.
- C. First Nations people have the right to pass freely the borders of the United States of America pursuant to section 1359 of the Immigration and Nationality Act, 8 USCS (1987).
- D. Since March 2022, the Government of Canada has opened its borders to non-essential travelers and continually allows refugees to enter Canada.
- E. The Government of Canada currently requires people 12 years of age (plus 4 months) or older to be fully vaccinated to board a train or domestic and international flights departing from Canada.
- F. Most provinces and territories have lifted mandates requiring the public to show proof of vaccination to access public establishments and services.
- G. Approximately 82 per cent of people in Canada are fully vaccinated.
- H. Other international jurisdictions, such as the United States, no longer require proof of vaccination or marking to board a flight.
- I. First Nations people who are not fully vaccinated, and live in remote, northern, or isolated areas where they must fly to leave their community or region, are limited in their ability to travel because they are ineligible to board a flight in Canada, thus limiting their mobility rights guaranteed by the Canadian Charter of Rights and Freedoms.

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

1. Direct the National Chief and the Assembly of First Nations Executive Committee to call on the federal government to bring an end to the vaccination requirements for passengers traveling by air or train in Canada.

DRAFT RESOLUTION # 37 / 2022

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TITLE:	Prioritize Land Back Through All Federal Laws, Policies, and Programs
SUBJECT:	Lands
MOVED BY:	Chief, Harvey McLeod, Upper Nicola Band, BC
SECONDED BY:	Kupki7, Judy Wilson, Neskonlith Indian Band, BC

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 isn't an apology, it's 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 is currently no effective federal policy mechanisms to facilitate the return of lands to First Nations quickly and efficiently. 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 Chiefs-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.

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TITLE:	Fair Resolution of Claims Over \$150 Million
SUBJECT:	Specific Claims
MOVED BY:	Chief, Harvey McLeod, Upper Nicola First Nation, BC
SECONDED BY:	Chief, Wilfred King, Gull Bay First Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - ii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- B. Justice at Last: A Specific Claims Action Plan included a political agreement between the Government of Canada and the Assembly of First Nations (AFN) to establish a new process to address claims over \$150 million, but no joint process has ever been created.
- C. The existing policy approach requires Cabinet review and approval following negotiations with First Nations. Both the deliberation process and the outcome of Cabinet decisions are cloaked in secrecy. In addition, Central Agencies, Treasury Board, and the Department of Justice play a key role in evaluating and advising the draft settlement agreement. The result is a process that lacks transparency, does not require justification by the Government of Canada for its decision, and places First Nations at a disadvantage rather than as equal partners seeking reconciliation and redress.
- D. The *Specific Claims Tribunal Act* (the Act) prohibits the Specific Claims Tribunal (Tribunal) from awarding compensation over \$150 million to First Nations.
- E. The \$150 million limit has no principled basis and is therefore arbitrary. Additionally, this limit is inconsistent with applicable principles of domestic and international law and prevents First Nations from resolving historical grievances against the Crown.
- F. The pressure of inflation means that the real value of the \$150 million limit has declined significantly since the Act came into force in 2008. In addition, key Tribunal decisions such as *Huu-Ay-Aht*, *Beardy's*

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and *Okemasis*, and the Supreme Court of Canada's decisions in *Williams Lake Indian Band* and *Southwind*, have dramatically changed the landscape for specific claims compensation, pushing many claims above the \$150 million dollar threshold.

- G. First Nations are prevented from resolving these claims through the courts due to the application of technical defenses such as statutes of limitation and the doctrine of laches.
- H. There are no viable or fair options available to First Nations seeking to settle specific claims worth over \$150 million, and the Tribunal, courts, and federal process all push First Nations to accept less. The legal landscape has changed dramatically since 2007 and there are many claims valued at well over \$150 million dollars. It is imperative that the Government of Canada work in partnership with First Nations to identify a fair and transparent process to address large value claims consistent with the UN Declaration.

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

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to remove the \$150 million limit on financial compensation at the Specific Claims Tribunal and ensure that all resolution mechanisms are equitable and consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).
2. Direct the AFN to work jointly with the Government of Canada to establish principled mechanisms to resolve all specific claims regardless of value through a new, fully independent specific claims process consistent with UNDRIP.

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TITLE:	Replacing First Nations Lands Lost Due to Climate Disasters
SUBJECT:	Climate Change and Emergency Management
MOVED BY:	Kupki7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Chief, Lee Spahan, Coldwater Indian Band, BC

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.

THEREFORE BE IT RESOLVED that the Chiefs-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

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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 # 40 / 2022

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TITLE: Support First Nations' Challenges to Métis Rights Assertions in First Nations Treaty and Traditional Territories

SUBJECT: Treaties, Lands, Justice

MOVED BY: Chief Alex Batisse, Matachewan First Nation, ON

SECONDED BY: Chief Murray Ray, Flying Post First Nation, ON

WHEREAS:

- A. Across Canada, Métis organizations are asserting broad s. 35 rights claims, including to resource revenue sharing, and traditional harvesting rights on the traditional and Treaty territories of First Nations.
- B. The Government of Canada and provincial governments have engaged in ongoing negotiations and rights recognition with Métis groups and organizations without adequately consulting First Nations.
- C. Canada and Ontario have taken steps toward recognition of the Métis Nation of Ontario's (MNO) identification of six historic Métis communities in Ontario, despite there being significant evidence that the "new" historic Métis communities do not meet the criteria in *R. v. Powley* and instead are based on assertions that individuals in Ontario have historic ancestors with mixed Indigenous heritage.
- D. These agreements and announcements have led to serious consequences, such as the Crown requiring project proponents to consult with both Métis groups and First Nations about resource developments on Treaty lands and during Treaty Land Entitlement (TLE) processes.
- E. Assertions of Métis rights and support of those assertions by the Government of Canada and provincial governments interfere with First Nation Treaty and inherent rights during the TLE process, diminish Treaty harvesting rights, diminish the benefits First Nations are entitled to in Impact Benefit Agreements, and appropriate First Nations culture and traditional practices.
- F. Prior political efforts to prevent Métis groups from interfering with First Nation territories and rights have not been sufficient.
- G. In November 2021, Resolution 21/44 was passed at the Chiefs of Ontario Special Chiefs Assembly, whereby Chiefs in Assembly recommitted to challenging the governments of Ontario and Canada and supported efforts to commence legal challenges to MNO's asserted Métis rights.

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

- 1. Affirm that Métis rights do not supersede First Nations rights or Treaty rights.
- 2. Reject broad assertions of land interests and *Powley* harvesting rights by Métis organizations in First Nations' Treaty and traditional territories across the country.

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3. Direct the Assembly of First Nations (AFN) to seek resources necessary to challenge any claims by Métis organizations, or agreements between Métis organizations and governments, which make unfounded assertions of land rights and/or *Powley* harvesting rights that could interfere or adversely impact First Nations.
4. Direct the AFN to secure the resources necessary to host a national forum for First Nations Leadership to discuss Métis rights assertions with the goal of coordinating political and legal efforts across regions to challenge First Nations rights infringements.
5. Direct the AFN to secure the resources necessary to solicit legal opinions to be shared with AFN regions about these issues, including the political and legal options available.

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

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.

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- 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 wellbeing 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 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 the Treaty and Aboriginal rights.
- F. The cumulative impacts of Alberta's actions have made the exercise of Treaty and Aboriginal 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 Chiefs-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.

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TITLE:	Support for the First Nations Languages Funding Model
SUBJECT:	First Nations Languages
MOVED BY:	Chief Ira McArthur, Pheasant Rump First Nation, SK
SECONDED BY:	Chief Nelson Genaille, Sapotaweyak Cree Nation, MB

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.
 - iv. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. The purpose of the *Indigenous Languages Act* includes establishing “measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.”
- C. The Department of Canadian Heritage must obtain approval for a Treasury Board Submission for the Indigenous Languages Funding Model in order to unlock the language revitalization funding that Budget 2019 provided for 2023-24 and future years. This amounts to \$115.7 million annually in total for First Nations, Inuit, and Métis Peoples, and for related expenses including the Office of the Commissioner of Indigenous Languages and departmental administration costs.
- D. Following the Assembly of First Nations (AFN) 2021 Annual General Assembly, the Executive Committee approved AFN Resolution 10/2021, *Support for the co-development of a distinctions-based Indigenous Languages Funding Model*, on August 16, 2021.
- E. The Technical Committee on Languages (TCOL) and the AFN developed a draft First Nations Languages Funding Model to inform the distinctions-based Indigenous Languages Funding Model that the Department of Canadian Heritage is developing for Treasury Board.

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- F. The AFN held regional engagement sessions, with approximately 400 participants, to explain the draft First Nations Languages Funding Model and receive input and comments from First Nations.
- G. The TCOL and the AFN have incorporated First Nations' comments and suggestions into the First Nations Languages Funding Model.
- H. AFN Resolution 10/2021, *Support for the co-development of a distinctions-based Indigenous Languages Funding Model*, directed the AFN to return to First Nations-in-Assembly when the First Nations Languages Funding Model is complete to seek ratification of the model.
- I. The Chiefs Committee on Languages has reviewed the First Nations Languages Funding Model.
- J. The Funding Model addresses language revitalization outside the First Nations school system. Indigenous Services Canada provides limited funding for First Nations language revitalization within the education funding for kindergarten to grade 12 classes on First Nations' lands.

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

1. Reaffirm that First Nations self-determination over First Nations languages must be respected as a fundamental principle of any federal language initiative.
2. Ratify the First Nations Languages Funding Model to inform the Treasury Board Submission for an Indigenous Languages Funding Model.
3. Call on the Department of Canadian Heritage to accurately reflect the First Nations Languages Funding Model in the Treasury Board Submission that it is developing to unlock language revitalization funding for 2023-24 and future years.
4. Call on the Government of Canada to honour its commitment to provide adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance and strengthening of First Nations languages, including by means of a whole-of-government approach that includes other federal departments and other governments.
5. Direct the Assembly of First Nations (AFN) to monitor the implementation of the First Nations Languages Funding Model, to periodically review the model, and to recommend amendments, as required, for consideration by the First Nations-in-Assembly.
6. Direct the AFN to advocate for adequate, sustainable, and long-term funding from Indigenous Services Canada for pre-school, elementary school, secondary school, and post-secondary education to strengthen First Nations languages education.
7. Call on the Government of Canada to provide sufficient funding for language revitalization in First Nations schools.

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TITLE:	Education Infrastructure Capital Reform
SUBJECT:	Education
MOVED BY:	Proxy Tyrone McNeil, Kwaw-Kwaw-Apilt First Nation, BC
SECONDED BY:	Chief Wayne Desjarlais, Ebb and Flow First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iii. Article 14 (1): Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iv. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - v. Article 14 (3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
 - vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining, health, housing, and other economic and social programmes through their own institutions.
- B. In accordance with AFN Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and adequately reflect the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.
- C. First Nations have unique needs and circumstances in education that must be reflected in their education infrastructure.

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- D. Safe, adequate, and sustainable education infrastructure provides a fundamental opportunity for building relationships and advancing reconciliation between the Crown and First Nations, as expressed in the Truth and Reconciliation Commission's Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.
- E. Indigenous Services Canada refuses to include or recognize major capital in transformative education agreements with First Nations which directly contradicts First Nations control of First Nations education.
- F. Since the passing of AFN Resolution 34/2019, *First Nations Education Infrastructure Review*, First Nations have expressed an interest in education infrastructure capital reform or models to align learning spaces with the uniqueness of their education programming, languages, weather, seismic activity, and other regionally specific issues not adequately addressed through a national education infrastructure process.
- G. First Nations have an inherent and Treaty right to education, including education infrastructure as part of a lifelong learning process.
- H. The Government of Canada is obliged to uphold and honour the authority of First Nations to exercise control over education and the infrastructure required to implement it.

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

- 1. Reaffirm First Nations inherent and Treaty rights to education, including education infrastructure.
- 2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
- 3. Call on the Government to Canada to improve and strengthen partnerships with First Nations that respects First Nations control of First Nations education and First Nations decision-making in all processes concerning education.
- 4. Support the Chiefs Committee on Education, the National Indian Education Council and the Assembly of First Nations (AFN) to lead a co-development process that would create authorities and reform First Nations education infrastructure capital processes to provide First Nations with the ability to include capital and education infrastructure processes into new or existing education agreements.
- 5. Support First Nations, regions or Treaty territories who may want to independently engage on any processes relating to improving education infrastructure capital processes.
- 6. Affirm that a co-development approach concerning First Nations education infrastructure capital is not intended to detract or hinder First Nations from advancing their current capital processes.

DRAFT RESOLUTION # 44 / 2022

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TITLE:	Right to Education
SUBJECT:	Education
MOVED BY:	Chief Randy Ermineskin, Ermineskin Cree Nation, AB
SECONDED BY:	Chief Stanley Houle, Whitefish (Goodfish) Lake First Nation #128, AB

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 Chiefs-in-Assembly:

1. Reaffirm First Nations inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Call 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 # 45 / 2022

AFN Annual General Assembly, July 5-7, 2022

TITLE:	Affirmation of First Nation Education Sovereignty
SUBJECT:	Education
MOVED BY:	Chief Alan Ozawanimki, Sagamok Anishnawbek, ON
SECONDED BY:	Chief Jacqueline French, Chippewas of the Thames First Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples Act* was given royal assent on June 21, 2021 and states:
- i. Preamble: Whereas the Government of Canada rejects all forms of colonialism and is committed to advancing relations with Indigenous peoples that are based on good faith and on the principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights.
 - ii. Section 5: The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.
- C. 2022 marks the 50th anniversary of the *Indian Control of Indian Education Policy Paper, 1972* and its adoption by the National Indian Brotherhood.
- D. First Nation education systems across the country remain scarcely resourced to meaningfully implement the existing right to self-determination in education.
- E. Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nation Education*, established a new phased funding approach to First Nations education and includes:
- i. An interim funding approach that uses a provincial education funding model as a base to determine allocations with adaptations to address the specific needs of First Nations schools and students;
 - ii. Supports for First Nations to negotiate and conclude regional First Nations Education Agreements that provide funding for the unique needs of First Nation students, communities, and schools; and,
 - iii. The opportunity for First Nations to opt-out of any new education policy or program.

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- F.** The interim funding approach contains significant funding limitations as First Nations do not receive several components or services including, major capital funding, third-level governance, curriculum development, program research supports, and widespread French immersion.
- G.** The First Nations with Schools Collective (FNWSC) is an intergovernmental table between seven First Nations in Ontario and is proposing a pilot be undertaken with Canada called the First Nation Education Self-Determination Framework Initiative.
- H.** The initiative would build on the work to date between the FNWSC, Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada Joint Education Technical Table (JETT), which has included sharing mandates and goals concerning control over education and equity of outcomes funding.
- I.** The JETT reaffirms nation-to-nation relations and First Nation's sovereignty over education.
- J.** The FNWSC invites participation of other First Nations who are exploring opting out of any new education policies and who are in pursuit of addressing outstanding gaps of the interim funding approach process.

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

- 1.** Support First Nations engaging in separate processes for transformative education agreements, including any pilot projects or other tables that seek to address outstanding education gaps.
- 2.** Support the establishment of the First Nations with Schools Collective (FNWSC) Joint Education Technical Table (JETT) and the First Nation Education Self-Determination Framework Initiative which seeks to:
 - a.** Support development of First Nation and Crown leadership on the connection between Indigenous rights and title, Crown-Indigenous relations, community development and learner outcomes as a result of work undertaken at JETT;
 - b.** Increase awareness of education self-determination on-reserve as a legislator issue, not a student capacity issue, and mobilize delegates of the JETT to create problem-solving mechanisms for the full control of education by First Nations within the framing of the United Nations Declaration on the Rights of Indigenous Peoples Act; and,
 - c.** Conclude education jurisdiction agreements with comprehensive funding formulas at duly convened JETT sessions by negotiating teams within pre-determined negotiating terms on behalf of participating First Nations of the Collective and Canada for acceptance and ratification by each of their respective authorities.
- 3.** Direct the Assembly of First Nations (AFN) to write to the Minister of Indigenous Services Canada and Minister of Crown-Indigenous Relations and Northern Affairs Canada confirming the support of the First Nation Education Self-Determination Framework Initiative.

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TITLE:	Support for Sustainable Funding and Accountability for the Implementation of the 231 Calls for Justice
SUBJECT:	Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ and Gender Based Violence
MOVED BY:	Chief Kyra Wilson, Long Plain First Nation, MB
SECONDED BY:	Chief Shirley Ducharme, O-Pipon-Na-Piwin Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous People* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identify.
 - 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 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.
 - iv. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - v. 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.
 - vi. Article 22 (2): States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) on September 1, 2016.
- C. The National Inquiry released its Final Report entitled *Reclaiming Power and Place* on June 3, 2019.
- D. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women and girls. The Final Report also contains:
- i. 4 overarching findings relating to rights recognition, justice, security, health and wellness;

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- ii. *231 Calls for Justice*, including recommendations to governments, institutions, industries, service providers, partners and to all Canadians; and
 - iii. *Seven Principles for Change* to guide the interpretation and implementation of the *231 Calls for Justice* and referred to in the report as, "...the only way forward."
- E. In response to the Final Report, the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (National Action Plan) and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* (Federal Pathway) were released on June 3 and 4, 2021, respectively, and an implementation planning phase is currently in progress.
- F. Assembly of First Nations (AFN) Resolution 37/2014, *Support for Families First*, mandates the AFN to:
- i. Call for the adoption of a national First Nations consensus based on the made in Manitoba Families First initiative to honor the Missing and Murdered Indigenous Women and Girls (MMIWG) and involve and support their families first, and to collaborate on immediate actions and systemic change.
 - ii. Recognize that any process including a national roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support the families and communities in their healing journeys and honor the MMIWG.
- G. AFN Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations*, orders an independent, fair, and impartial review of the AFN to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination".
- H. Since time immemorial, Indigenous women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples have had substantive and sacred roles and responsibilities within their nations' governance systems, laws, and practices.
- I. The *231 Calls for Justice* and National Action Plan outline immediate actions, approaches, and strategies to support the rights of First Nations women, girls, and 2SLGBTQQIA+ peoples and to restore matriarchal and gender roles as integral to nationhood building.
- J. AFN Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, was approved by AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.

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

1. Direct the Assembly of First Nations (AFN) to advocate for long-term sustainable funding to address and prevent all forms of gender-based violence targeting First Nations women, girls, and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) peoples.
2. Direct the AFN to advocate that all levels of government, and all others with obligations to act on the *231 Calls for Justice* from the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Final Report), implement the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People* according to the *Principles for Change* from the *Final Report*, including but not limited to:
 - a. The Principle of, “Nothing about Us, Without Us”, which centers the inclusion of families of Missing and Murdered Indigenous Women and Girls, survivors of gender-based violence, and First Nations women, girls, and 2SLGBTQQIA+ people, with lived experience, and as rights holders and citizens of their self-determining Nations. This approach involves full engagement for guidance according to their lived experience and expertise;
 - b. Distinctions-based through a regional approach accounting for geographical (e.g., northern, remote, isolated, urban, etc.) realities, needs, and priorities. A First Nations-based approach ensures the lived realities stemming from systemic and societal impacts and influences, past, present, and future, are accounted for and considered in determining the best path forward to address distinct needs and actions; and
 - c. Self-determined, sustainable, and resourced First Nations-led solutions and services through the promotion of Indigenous data sovereignty strategies to measure, monitor, and report on the implementation process and outcomes for transformative change.
3. Establish an independent accountability mechanism within the AFN to produce and publish an annual report on the implementation of the *231 Calls for Justice*, including tracking to specifically break down the actions and items that have been undertaken and those still outstanding and report back to the Chiefs-in-Assembly.
4. Establish an accountability mechanism for the development, application, monitoring, and annual reporting on organizational gender-based policies and strategies that promote gender balance and the safety, security, self-determination, and restoring Power and Place of First Nations women, girls, and 2SLGBTQQIA+ peoples. This would include outcomes from “The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination”.

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TITLE:	Support for the Family of Chantel Moore and Implementation of the 231 Calls for Justice
SUBJECT:	Safety and Security of Indigenous Women, Girls, and 2SLGBTQQIA People
MOVED BY:	Chief Carol Potter, Bear River First Nation, NS
SECONDED BY:	Chief Shelley Sabattis, Oromocto First Nation, NB

WHEREAS:

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

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- E. AFN Resolution 67/2019, *Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQQIA*, mandates the AFN to:
- i. Call upon the Federal government to ensure that all engagement on a National Action Plan be carried out using the “Families First” approach.
 - ii. Direct the AFN to seek out appropriate funding and resources to:
 - i. Attend and participate in all Roundtable meetings in every region; and
 - ii. Co-ordinate its own engagement with First Nations on a National Action Plan.
 - iii. Direct the AFN to develop its own First Nations led National Action Plan with input from the regions and first Nations survivors, families and the First Nations Coalition for Grassroots Families and advocate for all governments to adopt it.
 - iv. Call upon the federal government to ensure that AFN Women’s Council participates in the selection process for any representative appointed to implement the National Inquiry’s Final Report *Calls for Justice*, including the development and implementation of a National Action Plan.
 - v. Direct the AFN to ensure the First Nations Action Plan is respective of any Nation, women, or regional-led processes in regard to their planning.
- F. On June 3, 2021, the AFN released its First Nations-led national action plan report called *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People*, which highlights priority areas identified by survivors and families to immediately address violence against First Nations women, girls, and 2SLGBTQQIA+ people.
- G. AFN Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, mandates the AFN to:
- i. Call upon the federal government to ensure that all activities with respect to the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people be carried out using a “Families First” and distinctions-based approach.
 - ii. Direct the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of implementation of the Nation Action Plan to end violence against Indigenous women, girls and 2SLGBTQQIA people.
- H. On June 3, 2021, Canada released their *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (National Action Plan) and the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People* (Federal Pathway).
- I. To date, progress to implement the National Action Plan, Federal Pathway, and 231 Calls for Justice has been slow, and many First Nations people have yet to see real on the ground changes to end violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

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- J. Tragically on June 4, 2020, Chantel Moore, a mother, and member of the Tla-o-qui-aht First Nation, was shot and killed by police dispatched to her apartment in New Brunswick to conduct a “wellness check”.
- K. On May 19, 2022, a New Brunswick coroner’s inquest into the fatal shooting of Chantel Moore ruled her death as a homicide.
- L. The AFN Women’s Council strongly condemns any acts of violence perpetrated against any Indigenous women, girls, and 2SLGBTQQIA+ people.

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

1. Call upon the federal government to accelerate implementation of the National Action Plan and 231 Calls for Justice and to disclose in a transparent manner how the funding for implementation of the National Action Plan is being allocated.
2. Call upon the federal government to establish an independent third-party oversight body mandated to provide accountability for the implementation of the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.
3. Call on the federal government to work with the provinces and territories in a role as a convener to ensure that the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People* is implemented fully, and that this work is prioritized equally as the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*.
4. Call upon the Assembly of First Nations (AFN) to strongly denounce any acts of violence perpetrated by police against Indigenous women, girls, and 2SLGBTQQIA+ people, and advocate for greater police reform and accountability.
5. Direct the AFN to advocate for greater RCMP accountability and justice for the family of Chantel Moore.

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TITLE:	Support for Small Modular Reactors in New Brunswick
SUBJECT:	Economic Development
MOVED BY:	Chief Gabriel Atwin, Kingsclear First Nation, NB
SECONDED BY:	Chief Alvery Paul, Esgeñoôpetitj First Nation, NB

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 of the *United Nations Declaration on the Rights of Indigenous Peoples* confirms that 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 of the *United Nations Declaration on the Rights of Indigenous Peoples* confirms that 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.

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

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

1. Support the right of First Nations in New Brunswick to explore the deployment of Small Modular Reactors (SMRs) in their Region, in support of greater economic development.