



**ASSEMBLY OF FIRST NATIONS
2024 ANNUAL GENERAL ASSEMBLY
DRAFT RESOLUTIONS**

#	Title
01	Addressing National Chief Election Voting Deadlocks
02	Clarifying Rules and Procedures for Establishing Quorum at AFN Assemblies
03	Amendment to Charter Re: Establishment of an Accessibility and Disability Council as a Recognized “Principal Organ” Under Article 5 of AFN Charter
05	Financial Security for AFN Regional Offices
06	Support for Increased Attendance of Members at AFN Assemblies
07	Bill C-61 First Nations Clean Water Act
08	Support for First Nations-Led Responses to Chronic and Unsheltered Homelessness
09	Transition of the First Nations Market Housing Fund to First Nations Control
11	Advancing Additions to Reserve Reform
12	Ensuring Access to Justice for Specific Claims through Policy Reform
13	Urgent Support for the Repatriation of First Nations Lands
14	Support for the Pehta Foundation and First Nations Involvement in the Pehta Framework
15	First Nation’s Self-Determination of Cannabis Sale and Community Safety
16	Inherent Right to Community Development Planning
18	First Nations inclusion in the transformation of the Freshwater Fish Marketing Corporation
19	First Nations’ Continued Inclusion in Canada’s Oceans Protection Plan
20	2024 <i>Fisheries Act</i> 5-Year Review to Ensure Alignment with the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i>
21	First Nations Wild Atlantic Salmon Conservation Approaches
22	Treaty-protected Rights Based katiyik / katew (glass eel) Fishery Governance
24	Establishment of and Funding for a First Nations Healing Fund
25	First Nations with Disabilities Across the Lifespan Services On-Reserve
26	Work to Address Misdiagnosis in First Nations
27	Treaty Medicine Chest Clause Political and Legal Strategy
28	Supporting Public Education on First Nations Cultures and Histories
29	Advancing First Nations Rights through Sustainable Funding: Implementing the UN Declaration on the Rights of Indigenous Peoples
30	Advancing First Nations’ Self-Determination by Reforming Indian Act Registration
31	Amendments to the First Nation’s Election Act to Allow Electronic Voting
32	Bringing Our Own Children Home Under Our Governance
33	Call for Crown Support of First Nations Developed Consultation and Accommodation Guidelines
34	Support for Sufficient, Predictable and Sustainable Funding for First Nations
35	Creation of a Chiefs’ Committee on Treaties
36	Exercise of Inherent and Treaty Rights on All Treaty/Crown Lands

#	Title
37	Support for the Assembly of First Nations 2SLGBTQQIA+ Council Mandate and Funding
38	Treaty Right to Tax Exemption
39	Treaty Annuities Value
40	Call for Co-developed Decarceration Strategy and Full Implementation of the Correctional Investigator's Recommendations
41	Call for Renewed Support of the Co-Development and Implementation of the Indigenous Justice Strategy
42	Support for Recognition of First Nations Jurisdiction over Policing
43	Call for Prosecution and Enforcement of First Nations Laws On-Reserve
44	Call for International Collaboration on MMIWG2S+ and Rescinding Support for Leonard Peltier
45	Call for Acceleration of MMIWG2S+ National Action Plan and Calls for Justice Implementation
47	Support for First Nations Accessing ICMP Expertise for Missing Children, Unmarked Graves, and Burial Sites Associated with the Former Indian Residential Schools
48	Advocating for full and effective participation of Indigenous Peoples at the United Nations
49	Adding Section 35 of the Constitution to the federal <i>Statutory Instruments Act</i>
50	Advocating for an ambitious, fully funded, and implemented First Nations Climate Leadership Agenda (FNCLA)
51	Ensuring First Nations Full and Effective Participation in the Development of a Right to a Healthy Environment Implementation Framework and an Environmental Justice Strategy
52	Ensuring the Full and Effective Participation of First Nations throughout Implementation of the NBSAP and Nature Accountability Bill
53	A National Strategy on Animal Care and Control in First Nations
54	Full and effective participation of First Nations in the negotiations of an international, legally-binding Plastics Treaty
55	Removing Impacts and Reasserting First Nations Jurisdiction and Authority in Carbon Pollution Pricing
56	Chronic Underfunding in Education
57	Equitable Funding for Language Revitalization
58	Support for a Consensus-based Federal Language Regional Allocation Formula
59	National School Food Program
60	State of First Nations Education Sovereignty in Canada & Globally
61	Support for First Nations Schools Class Action
62	Income Assistance Program Reform and Poverty Reduction for First Nations
63	Political Support for Energy Security for First Nations in Saskatchewan
64	Protection of the Bathurst Caribou [Herd]
65	Call for Independent Inquiry into the Deaths of Rebecca Contois, Morgan Harris, Mercedes Myran, and Mashkode Bizhiki'ikwe
66	Continued Rejection and Denouncement of Métis Illegitimate Rights Assertions
67	Support for Dene First Nations to Address Contamination from the Exxon Imperial Oil Limited Kearl Mine Site
68	Protection of Drinking Water for Anishinaabe
69	Support for Burns Way Partnership

#	Title
73	Ensuring Justice for First Nations Children: Support for the CHRT Non-Compliance Motion on Jordan's Principle
75	Extending the Age of Eligibility for Jordan's Principle from the Age of Majority to 30 Years of Age
76	Remote Airport Infrastructure Funding for Required Upgrades

DRAFT CHARTER RESOLUTION
0 1 / 2 0 2 4

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Addressing National Chief Election Voting Deadlocks

SUBJECT: AFN Charter

MOVED BY: Chief David Monias, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Matt Pasco, Oregon Jack Creek Band, BC

WHEREAS:

- A. The Chiefs' Committee on Charter Renewal (CCoCR) continues to identify and discuss potential amendments to the Charter of the Assembly of First Nations (AFN).
- B. Recent and recurring concerns involving deadlocks or prolonged repeated voting requirements by Chiefs when there are only two candidates remaining on the ballot are areas identified by the CCoCR for improvement. Specially, Article 22(1) and the Appendix "A" (1990) ELECTORAL RULES FOR THE OFFICE OF NATIONAL CHIEF, which do not provide a clear and time-effective means for resolving voting deadlocks in the instances that the final two candidates fail repeatedly to reach the 60% qualified majority threshold.
- C. There have been previous National Chief elections where multiple rounds of non-decisive voting continued through the evening into the next day, and where the 'deadlock' could only be resolved through a voluntary concession. Such voting deadlocks undermine morale and are a risk to the health and wellbeing of participants to the Assembly.
- D. The December 2023 Special Chiefs Assembly (SCA) saw another prolonged election that included 2 rounds of non-decisive voting for the final two candidates, which has renewed calls to amend the AFN Charter provisions.
- E. This AFN Charter Resolution seeks to improve and clarify the National Chief Election provisions within the Charter by amending the Appendix "A" (1990) provisions to address voting deadlocks when only two candidates remain, and amending Article 22(1) to refer specifically to Appendix "A" for electoral rules.
- F. This AFN Charter Resolution also presents an opportunity to address other outstanding Charter amendment recommendations, particularly regarding campaign expenses and recognition of virtual and hybrid Assembly formats.

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

- 1. Direct that the following amendments be made to AFN Charter Appendix "A" (1990), Electoral Rules for the Office of the National Chief:
 - a. To amend B. 1(b) Functions of the Chief Electoral Officer to now read, "e-mailing the names and brief particulars of the candidates to the Chiefs (using the official list of Chiefs at the

DRAFT CHARTER RESOLUTION
0 1 / 2 0 2 4

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

National Office) at least four (4) weeks before the election, and posting the same information on the AFN website;"

- b.** To amend E. 1 Campaign Expenses by replacing "\$35,000" with "\$100,000";
 - c.** To amend F.2 under Conduct of Election, to add a second sentence that reads, "The vote may be cast in-person at the Assembly or virtually/online."
 - d.** To amend F. 7 Conduct of Election, to read, "Subject to F.10, The winner of the election shall be that person who first gains a majority of sixty (60) per cent of the votes of members who cast ballots who are registered at the Assembly."
 - e.** To amend F. 10 Conduct of Election to add a second sentence, to read, "When there are only two candidates remaining, the Chief Electoral Officer shall announce that a final ballot will be conducted and the candidate with the most votes shall be declared the winner even if that candidate does not reach the 60% benchmark."
 - f.** To update the title of the Appendix to, "AFN Charter Appendix "A" (2024), Electoral Rules for the Office of the National Chief."
- 2.** Direct that Article 22(1) of the Charter of the Assembly of First Nations (AFN) be amended to read "The National Chief shall be elected by the First Nations-in-Assembly as per AFN Charter Appendix "A" (2024), Electoral Rules for the Office of the National Chief."

DRAFT CHARTER RESOLUTION
0 2 / 2 0 2 4

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Clarifying Rules and Procedures for Establishing Quorum at AFN Assemblies
SUBJECT:	Charter Renewal
MOVED BY:	Chief Sidney Peters, Glooscap First Nation, NS
SECONDED BY:	Chief Matt Pasco, Oregon Jack Creek Band, BC

WHEREAS:

- A. It is essential that the rules and procedures for establishing, maintaining and questioning quorum at Assembly of First Nations (AFN) Assemblies are made clear, transparent, and practical to enforce.
- B. Questions pertaining to quorum at AFN Assemblies are frequent, contentious, and encroach on the limited and valuable time available for First Nations-in-Assembly to provide direction to the AFN.
- C. Prior to the July 2021 AFN Annual General Assembly (AGA) in Ottawa (virtual), the Rules of Procedure for AFN Assemblies contained an explanation of the process by which quorum is established and maintained through the full duration of an Assembly. This longstanding process was consistent with the Charter of the Assembly of First Nations (the Charter) provisions on quorum.
- D. AFN Resolution 03/2021, *Clarification of Designated Representative and Proxy* mandated a change to the Charter and the Rules of Procedure introducing a new description of quorum intended to prevent misunderstandings. However, this change presented new challenges and misunderstandings by:
 - i. Being insufficiently detailed;
 - ii. Removing description of the quorum process from the AFN Rules of Procedure;
 - iii. Introducing a description of quorum that is arguably inconsistent with those longstanding processes; and
 - iv. Being impractical to uphold through the full duration of an Assembly in a manner that is consistent, transparent, accurate, and time efficient.
- E. Neither the current nor previous versions of the Charter properly accounted for the fact that Assemblies are now often held remotely or in hybrid, and that Chiefs and Proxy Representatives participating virtually must also be counted as “present” on the Assembly floor. The new proposed description for quorum should clearly account for virtual participation.
- F. In the current version of the Charter, under the heading of Decision Making, Article 8 (1) describes the rules for both quorum and voting for the First Nations-in-Assembly. For increased clarity, it is proposed that the new Charter description for quorum be provided in an amended Article 8 (1), and the rules for voting be retained separately as new Article 8 (2).

DRAFT CHARTER RESOLUTION
0 2 / 2 0 2 4

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- G.** This resolution seeks to replace AFN Resolution 03/2021, *Clarification of Designated Representatives and Proxy*.

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

- 1.** Direct that Article 8 (1) of the Charter of the Assembly of First Nations (AFN) be amended to read,
“Quorum for Assemblies will be established as follows:
 - a)** On each day of the Assembly, a count will be conducted of Chiefs and Proxy Representatives present on the floor of the Assembly room, including those who are present in the designated virtual Assembly room.
 - b)** On each day of the Assembly, a quorum will then be maintained so long as the number of Chiefs and Proxy Representatives present on the floor of the Assembly room (including those attending virtually) is equal to at least 51% of that initial count for that day.
 - c)** On each day of the Assembly, quorum must be established prior to decision-making by the First Nations-in-Assembly.”
- 2.** Direct that a new Article 8(3) be inserted, and reads as, “Decisions of the First Nations-in-Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving a consensus have been exhausted without success, a positive vote of 60% of the Chiefs and Proxy Representatives of First Nations present in the Assembly room shall be sufficient to constitute a decision.”

DRAFT CHARTER RESOLUTION
03 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Amendment to Charter Re: Establishment of an Accessibility and Disability Council as a Recognized “Principal Organ” Under Article 5 of AFN Charter
---------------	---

SUBJECT:	AFN Charter, Advisory Council, Accessibility and Disability
-----------------	---

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

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

WHEREAS:

- A. The Assembly of First Nations (AFN) has supported First Nations leaders and First Nations persons with disabilities (FNPWD) for decades to empower their voices and participation in the drafting of text for the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the Organization of American States Declaration on the Rights of Indigenous Peoples and the Preamble of the United Nations Convention on the Rights of Persons with Disabilities, (UN-CRPD) among others.
- B. The UN Declaration states in Article 21(2) *Particular attention shall be paid to the rights and special needs of Indigenous Elders, women youth, children, and persons with disabilities.*
- C. The preamble of the UN-CRPD stresses that persons with disabilities "are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, Indigenous or social origin, property, birth, age or other status." The CRPD is the only UN human rights instrument with an explicit sustainable development dimension.
- D. The World Conference on Indigenous Peoples in 2014 called on relevant United Nations entities and bodies to take action to include Indigenous peoples/persons with disabilities in their respective areas of work and to support the creation, strengthening and capacity development of organizations of Indigenous peoples/persons with disabilities.
- E. An Inter-governmental federal framework established in 1997, IN UNISON: A Canadian Approach to Disability Issues, demonstrated a commitment to the following vision: "Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."
- F. In the 1980's-90's economic recession, funding for First Nations regional disability networks were unfunded and funding has not since been restored.

DRAFT CHARTER RESOLUTION
03 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- G. Given this void, First Nations disability networks are often replaced with pan-Canadian groups and pan-Indigenous funding models that often lack accountability to First Nations rights-holders. This colonial policy and ongoing budgetary constraints continue to disregard the distinct political, health, legal, economic, social, and cultural institutions and policies and fundamental human rights of FNPWD.
- H. Moreover, Federal Budget 2024 continues to apply fiscal constraints at the expense of Canada's human rights obligations to FNPWD, and the federal government applauds the Canada Disability Benefit (CDB) as a budget win, when in principle this policy will further impoverish FNPWD and others.
- I. The close relationship between state public budgets and human rights mechanisms has been recognized in international human rights instruments where states budgets must be adhering to their human rights obligations; this is fundamental to upholding the rights of FNPWD, among others.

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

- 1. In accordance with Article 5.1, (Principal Organs) amend the Charter of the Assembly of First Nations (AFN): to include an AFN Accessibility and Disability Council under Article 5.1, include its Composition under Article 23(E), and its Role and Function under 24(E).
- 2. Direct the AFN to advocate for sustained resources to support the establishment of an AFN Accessibility and Disability Council, including sufficient funding.
- 3. Adopt the following description of the AFN Accessibility and Disability Council including the Composition and Role and Function:

The Accessibility and Disability Council

ARTICLE 23 (E)

COMPOSITION

- 1. The Accessibility Disability Council shall consist of the lived experience of First Nations persons and Knowledge Keepers with disabilities and First Nations care givers and representatives from the First Nations Blind and Deaf community, among others. The Accessibility and Disability Council shall be inclusive of male, female, and 2SLGBTQQIA peoples with lived experience with a disability. Each Region shall appoint and can remove one member to serve on the Council in accordance with the process and procedures governing that Region.
- 2. The Chairperson will be selected by the representatives of the Accessibility and Disability Council; each representative will serve for a term of three years and shall be eligible for re-appointment.

DRAFT CHARTER RESOLUTION
0 3 / 2 0 2 4

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

ARTICLE 24 (E)

ROLE AND FUNCTION

1. The role of the Accessibility and Disability Council is to provide assistance, guidance, and support to the National Chief, Executive Committee and First Nations-in-Assembly to support the creation, strengthening, and capacity development of the AFN with respect to FNPWD.
2. The Accessibility Disability Council may discuss any question or any 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 AFN Executive Committee or to any subsidiary organ on any such question or matter.

DRAFT RESOLUTION #05/2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Financial Security for AFN Regional Offices
SUBJECT:	Governance
MOVED BY:	Naa Sháade Hani Eric Morris, Teslin Tlingit Council, 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 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 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.
 - iii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. The Assembly of First Nations (AFN) is a national organization, established to advocate and advance the Aboriginal and Treaty rights of its First Nations membership, as directed by the First Nations in Assembly and carried out by the Executive Committee and Secretariat, in accordance with the Charter of the Assembly of First Nations, originally adopted in 1985 and recently consolidated in December 2022 (the "Charter").
- C. Article 2.5 of the Charter provides:
- The Assembly of First Nations shall remain at all times an instrument to advance the aspirations of First Nations and shall not become greater in strength, power, resources or jurisdiction than the First Nations for which it was established to serve.
- D. The Executive Committee represents one of the eight organs within the national organization as set out in Article 5 of the Charter.
- E. Regional Chiefs supported by their respective Regional Offices advocate and support the interests and priorities of the rights holders within their respective regions and provide important historical, cultural, political and geographical perspectives while supporting the work of the Executive Committee and the Office of the National Chief when implementing directive established by the First Nations-in-Assembly.
- F. Regional Chiefs and their Regional Offices need the First Nations-in-Assembly's support to achieve financial security in the form of core funding to properly fulfil their duties and responsibilities as

DRAFT RESOLUTION #05/2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

Executive Committee members and to carry out the work of the Assembly of First Nations. The financial stabilization and investment in AFN Regional Offices is an investment in the work of the Assembly of First Nations.

- G.** The Government of Canada provides annual funding in the form of core funding to the Assembly First Nations national office that supports core areas such as Finance, Records, IT, Human Resources, CEO and other Senior staff positions required to administer and operate the organization. The core funding provided to the AFN has not increased for 7 years and is inadequate to meet the needs of the growing organization.

- H.** Article 2.7 of the Charter provides:

The resources allocated to the Assembly of First Nations Secretariat shall be distributed and utilized for the great benefit of all Member First Nations in efforts that are truly in form and substance national in scope and for which consensus has been achieved by the member First Nations.

- I.** The financial stability of the AFN Regional Offices should be treated as a priority by the AFN National Office and National Chief, and the AFN Regional Offices' annual funding requirements should not be treated as a secondary priority to the financial needs of the AFN National Office.

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

- 1.** Direct the Assembly of First Nations (AFN) Secretariat, the National Chief and Executive Committee to work together to establish a core funding formula to identify a regional base amount for the AFN Regional Offices.
- 2.** Direct the AFN and the National Chief to advocate to Canada for long-term sustainable financial resources to support the core operations of AFN Regional Offices for the year 2025–2026 and beyond.
- 3.** Direct the AFN and the National Chief to develop and commence a lobby strategy to secure federal funding that will respond to the annual funding needs of the AFN Regional Offices.
- 4.** Direct the AFN to provide a report back to the First Nations-in-Assembly in December 2024.

DRAFT RESOLUTION # 06 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for Increased Attendance of Members at AFN Assemblies
SUBJECT:	Governance
MOVED BY:	Chief, Sean Smith, Kwanlin Dün First Nation, YK
SECONDED BY:	Deputy Naa Sháade Hani, Alex Oakley, Teslin Tlingit Council, YK

WHEREAS:

- A. The Assembly of First Nations (AFN) is a national advocacy organization that supports and advances the collective interests of its membership, approximately 600+ First Nations across Canada.
- B. The AFN typically hosts two Assemblies a year (Summer and Winter) where mandates and directives for the organization are established through resolutions directed and supported by the First Nations-in-Assembly.
- C. Considering the importance and implications of the decisions achieved at the AFN Assemblies, the scheduling and accessibility of AFN Assemblies should be responsive to the needs and interests of its membership to support high attendance rates.
- D. The AFN Summer Assembly is held during one of the hottest months in the year (July) and with the ongoing impacts of climate change, as seen with increasing floods and fires, the period of May to August requires First Nations leadership to be physically available to their families and communities, affecting their ability to attend the AFN Summer Assembly.
- E. To support and increase membership attendance at the Assemblies and support the needs of First Nations it is recommended that the AFN Summer Assembly be rescheduled to be held in the Spring during the month of either March or April to be an AFN Spring Assembly.
- F. Leadership travel from rural northern communities to anywhere in Canada to attend AFN Assemblies in-person, which is expensive and time consuming at a cost to their First Nations communities.
- G. There is a precedent to support membership to attend AFN Assemblies virtually.
- H. To support the northern and rural First Nations Chiefs to attend the AFN Assemblies, it is recommended that there be virtual attendance options.
- I. To provide for an exception in the year that a National Chief is elected, require members to attend the Assembly to promote and support more meaningful engagements amongst the membership.
- J. The First Nations-in-Assembly have the Inherent authority to establish its own rules to govern the operations of AFN Assemblies.

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

- 1. Support the spirit and intent of this resolution and recognize that the recommendations may require Charter amendments.

DRAFT RESOLUTION #06/2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

2. Directs the Chiefs Committee on Charter Renewal to examine and provide recommendations at the December 2024 Special Chiefs Assembly to the First Nations-in-Assembly specifically addressing:
 - a. technical requirements and a cost benefit analysis to change the AFN Summer Assembly to become an AFN Spring Assembly to support First Nations leadership to attend to local matters during the summer period;
 - b. cost considerations for members to attend assemblies in person in election years, when the First Nations-in-Assembly are selecting their National Chief; and
 - c. any other considerations that the First Nations-in-Assembly may need to consider when making a decision to realize the objectives of this resolution.

DRAFT RESOLUTION # 07 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Bill C-61 First Nations Clean Water Act
SUBJECT:	Infrastructure, Water and Wastewater
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Daniel Manuel, Upper Nicola Band, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- Article 18: Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to obtain and develop their own Indigenous decision-making institutions.
 - 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.
 - 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.
 - Article 26 (1): Indigenous Peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.
- B. On July 28, 2010, the United Nations General Assembly recognized access to water and wastewater as a human right.
- C. Assembly of First Nations (AFN) Resolution 53/2019, *Human Right to Clean Drinking Water*, recognized and affirmed the human right to clean drinking water.
- D. AFN Resolution 23/2022, *Re-Commitment to Co-Development of Replacement Legislation for Safe Drinking Water for First Nations*, directed the AFN to co-develop legislation that includes at a minimum the following critical requirements identified by the AFN through engagements conducted with rights-holders since 2019:
- Recognition of First Nations rights and jurisdiction over waters;
 - Mandatory requirements for Canada to provide water and wastewater treatment that meets minimum national standards (or where requested, the more stringent of the federal requirements or provincial standards governing residential water quality);
 - A commitment to adequate and sustained funding (including at a minimum, capital, operations and maintenance and inspections) to address water and wastewater;

DRAFT RESOLUTION # 07 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- iv. Mechanisms for transboundary agreement-making;
 - v. Liability protection for owners and operators; and,
 - vi. Governance structures that ensure First Nations are decision-makers in the provision of water and wastewater services.
- E. Since December 2022, the AFN and the federal government have engaged in a co-development process to draft appropriate legislation.
- F. In February 2023, Indigenous Services Canada (ISC) released draft legislation that did not meet the critical requirements listed above. The AFN recommended that the Minister of ISC ensure that the legislation address First Nations' needs.
- G. In July 2023, First Nations-in-Assembly passed Resolution 47/2023 to reject the consultative draft legislation titled *An Act respecting drinking water, wastewater and related infrastructure, on First Nations lands*, to address the critical requirements identified by First Nations and to bring back the draft legislation for approval at a future Assembly.
- H. All decisions made under the purview of any new legislation must be guided by the principle of free, prior and informed consent referred to in the UN Declaration.
- I. On December 11, 2023, Bill C-61, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands*, the First Nations Clean Water Act (FNCWA) was introduced in Parliament.
- J. The AFN and First Nations must be included as co-development partners with the federal government on the implementation of the legislation, including, but not limited to, regulations, standards, funding formulas, and water advisories.

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

1. Urge Canada to prioritize the implementation of the First Nations Clean Water Act (FNCWA) in full partnership with First Nations, and to ensure the legislation comes into force on the day of enactment.
2. Call on the federal government to affirm its commitment to fully implement Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* by consulting with potentially impacted First Nations and obtaining their free, prior, and informed consent before adopting and implementing any legislative or administrative measures that may affect them.
3. Urge the federal government to ensure adequate funding for First Nations to participate throughout the implementation of the FNCWA and to immediately begin co-development of, at a minimum, a funding framework for the First Nations Water Commission and regulations under the Act.
4. Urge the federal government to immediately prioritize resolving drinking water advisories and long-standing water issues.

DRAFT RESOLUTION #08/2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for First Nations-Led Responses to Chronic and Unsheltered Homelessness
SUBJECT:	Housing and Infrastructure
MOVED BY:	Chief Daniel Manuel, Upper Nicola Band, BC
SECONDED BY:	Chief R. Donald Maracle, Mohawks of the Bay of Quinte, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for: (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.
 - 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.
 - 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.
 - Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Canada's National Housing Strategy Act (2019) recognizes that the right to adequate housing is a fundamental human right affirmed in international law. The right to housing is also upheld in First Nations' Inherent and Treaty rights.
- C. First Nations-in-Assembly approved the National First Nations Homelessness Action Plan in December, 2023 with the vision that First Nations control and deliver holistic and culturally safe supports and services so their citizens can access safe and supportive housing no matter where they live.
- D. First Nations citizens are significantly overrepresented in the unhoused population, including those living in encampments, and comprise the large majority of the population experiencing homelessness in many regions across Canada.
- E. First Nations homelessness is a direct consequence of colonial practices and policies that have dispossessed First Nations of their traditional territories, economies, governance systems, histories,

DRAFT RESOLUTION #08/2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

languages, and worldviews. Many First Nations people are experiencing homelessness on their own traditional territories and homelands.

- F.** The Federal Housing Advocate (the Advocate) is mandated by the National Housing Strategy Act (2019) to conduct comprehensive reviews of systemic housing issues, and on February 13, 2024 released the final report from her review of homeless encampments, calling on the federal government to establish a National Encampments Response plan by August 31, 2024. The report calls on Canada to commit new resources commensurate with the scale of the problem, and to recognize First Nations' jurisdiction to determine, develop and administer housing and homelessness programs and services.
- G.** The 2024 Federal Budget committed \$250 million to address chronic and unsheltered homelessness, intended to be cost-matched by provinces and territories for a total of \$500 million.

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

- 1.** Call on the federal government to fully implement the Calls to Action from the Advocate's report on homeless encampments, and to develop a National Encampments Response Plan by August 31, 2024.
- 2.** Call on the federal government, as well as provincial and territorial governments to ensure the National Encampments Response Plan includes measures to meaningfully engage First Nations, including dedicated resources for engagement with First Nations on an ongoing basis, and support for First Nations jurisdiction over funding, supports and services aimed at addressing First Nations homelessness.
- 3.** Call on all levels of government, including municipalities, to end the forced eviction and displacement of First Nations citizens living in encampments, and to ensure that encampment residents are provided with safe, adequate and culturally appropriate housing and social services.
- 4.** Call on the federal government to meaningfully engage the Assembly of First Nations (AFN) and First Nations in the development of its National Encampments Response plan, and to ensure that a proportionate amount of the funding committed in Budget 2024 as well as any future investments to address chronic and unsheltered homelessness are allocated to First Nations on an opt-in basis, and through a process that respects First Nations rights and jurisdiction.
- 5.** Call on provinces and municipalities to engage directly with the unhoused people who are most impacted when implementing measures to address encampments, as well as with the local First Nations whose citizens are overrepresented and on whose traditional territories encampments exist.

DRAFT RESOLUTION # 09 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Transition of the First Nations Market Housing Fund to First Nations Control
SUBJECT:	Housing and Infrastructure
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Sidney Peters, Glooscap First Nation, NS

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- B. On March 28, 2008, the federal government represented by the Canada Mortgage and Housing Corporation (CMHC) signed an Indenture of Trust agreement with the Board of Trustees of the newly created First Nations Market Housing Fund (the Fund) whose purpose was to facilitate the construction of individually owned homes and help create or expand housing markets on-reserve for all First Nations in Canada. The agreement provides for the eventual transfer of the fund's control from the federal government to the First Nations.
- C. Assembly of First Nations (AFN) Resolution 16/2013, *Transition of the First Nations Market Housing Fund to First Nations Control*, supported the concept of the Fund and directed the AFN to urge the federal government to honor its intent to transition the Fund to First Nations control.
- D. The Fund developed a Credit Enhancement Facility and worked closely with several hundred First Nations by helping them prepare for home ownership and overall housing systems management.
- E. The Fund's board of trustees and senior management are all First Nations citizens and are supportive of helping First Nations assume control of the Fund and working to significantly improve its housing services and outcomes for First Nations. As of 2024, the Fund supported an estimated 533 home loans to purchase, build, or renovate a home on-reserve.

DRAFT RESOLUTION # 09 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. The AFN, the Fund and CMHC are working together on a plan to seek Cabinet approval of a First Nations-preferred transfer of control option. While the Fund and CMHC are seeking a fall 2024 Cabinet consideration, the AFN is requesting engagement sessions for First Nations to consider options for assuming control of the Fund.

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

1. Renew their 2013 call on the federal government to co-develop with the Assembly of First Nations (AFN) requirements for the transfer of control of the First Nations Market Housing Fund (the Fund) to First Nations without delay.
2. Call on the Fund and the Canada Housing and Mortgage Corporation (CHMC) to hold regional engagement sessions, as soon as possible, to consider First Nations control options, and to seek First Nations' views on the role of the Fund.
3. Call on the Fund and CMHC to delay the submission of recommendations to Cabinet until the results of these engagement sessions can be included.
4. Call on the federal government to transfer the Fund to First Nations with maximum flexibility to determine its priorities, in line with the full co-implementation of the *10-Year National First Nations Housing and Related Infrastructure Strategy*.

DRAFT RESOLUTION # 11 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Advancing Additions to Reserve Reform
SUBJECT:	Lands, Additions to Reserve
MOVED BY:	Chief Gordon Bluesky, Brokenhead Ojibway Nation, MB
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
 - ii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - iii. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - iv. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. The Government of Canada's Additions to Reserve (ATR) policy and process have been largely ineffective in adding lands to First Nations' reserves in a timely or efficient manner.
- C. The ATR policy and process must respect First Nations' diverse priorities, land regimes and regional realities and facilitate the efficient addition of lands to reserve for all First Nations. This includes ensuring recognition of the distinct needs of First Nations with self-government agreements and the fulfilment of the Government of Canada's outstanding legal obligations such as Treaty Land Entitlement.
- D. There are three persistent longstanding realities that consistently undermine First Nations' ability to add lands to reserve:
- i. Impoverished policies and processes that position reserve lands as a legal and financial risk for the Government of Canada, resulting in structural barriers to creating new reserve lands, even when required by the Government of Canada's own legal obligations or agreements.

DRAFT RESOLUTION # 11 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- ii. A failure by the Government of Canada, the Provinces, and Territories to make suitable Crown lands available for acquisition by First Nations.
 - iii. The continued prioritization of third-party interests and federal risk management over First Nations' need for lands.
- E. Federal Budget 2021 committed \$43 million over three years to support ATR policy and process reforms, including \$33 million for Indigenous Services Canada (ISC) to help address a massive backlog, and \$10 million for Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to facilitate First Nations driven policy reform.
- F. In December 2022, the Minister of CIRNAC, Marc Miller, told the First Nations-in-Assembly that "the (ATR) process is largely broken, glacial in its pace, and a terrible way to get land back."
- G. In 2022 CIRNAC initiated a staged approach to ATR reform, beginning with a pre-engagement with select First Nations and First Nations representative organizations, followed by a proposal driven engagement process in 2023 which provided \$4 million to over 50 First Nations to facilitate First Nations analysis and positions on ATR reform.
- H. First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 37/2023, *Returning First Nations Lands through Additions to Reserve Reform* calling on the Government of Canada to co-develop with First Nations, a clear, effective, and transparent ATR process and mandates the AFN to advance the many different priorities First Nations have respecting ATR, including through policy and legislative reforms.
- I. CIRNAC has initiated a Technical Advisory Committee (TAC) to guide the co-development of ATR reforms. The TAC will be comprised of representatives of key government departments, First Nations partner organizations, and First Nations technical experts. The AFN was invited to participate on March 27, 2024.
- J. The AFN Chiefs' Committee on Lands, Territories and Resources (CCoLTR) advised the AFN on March 21, 2024, to participate on the TAC and seek a mandate to co-develop ATR reforms consistent with the need for an ATR Policy and process that quickly and efficiently creates reserve lands for First Nations reflective of their diversity of priorities, land regimes, and circumstances.

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

1. Direct the Assembly of First Nations (AFN) to participate in the co-development of reforms to the Additions to Reserve (ATR) Policy and process consistent with First Nations priorities and the need for a fast, effective, and efficient process to add reserve lands to their communities, and to ensure that such process respects the diversity of First Nations priorities, land regimes, and regional realities.
2. Direct the AFN to continue engaging with First Nations on co-development objectives and ensure ATR reform meets the minimum standards outlined in the *United Nations Declaration on the Rights of Indigenous Peoples*.

DRAFT RESOLUTION # 11 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Direct the AFN to advocate to ensure ATR reform remains a key federal priority, including the need for significant investments to support implementation and to work with First Nations to co-develop substantive reforms.

DRAFT RESOLUTION # 12 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Ensuring Access to Justice for Specific Claims through Policy Reform
SUBJECT:	Lands, Specific Claims
MOVED BY:	Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON
SECONDED BY:	Chief Calvin Bruneau, Papaschase Band, AB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 27: States shall establish and implement, in conjunctions 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. In November 2022, the Government of Canada and the Assembly of First Nations (AFN) entered a co-development process to transform the Specific Claims Policy and Process, including by establishing an Independent Centre for the Resolution of Specific Claims (Independent Centre).
- C. In March 2024, Deputy Minister of Crown-Indigenous Relations Valerie Gideon met with the AFN Chiefs' Committee on Lands, Territories and Resources (CCoLTR) and reiterated the Government of Canada's commitment to establish an Independent Centre, while acknowledging the narrow legislative timeline. The CCoLTR advised the AFN to continue work towards an Independent Centre, while also pursuing immediate policy reforms, including to address the significant shortfall in funding for the research and development of specific claims.
- D. In June 2024, the AFN and the Government of Canada published a joint discussion paper setting out the key elements of a proposed Independent Centre for the Resolution of Specific Claims.
- E. While the co-development work to create an Independent Centre has been underway, First Nations have expressed concern about elements of the Specific Claims Policy that continue to impede access to justice. The Government of Canada has an obligation to ensure that all historic grievances of First Nations, regardless of value and size, are resolved in a fair, just, and equitable manner without the imposition of technical defences.

DRAFT RESOLUTION # 12 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. The compensation criteria set out in the Specific Claims Policy do not result in equitable settlements for all First Nations. The compensation criteria are deficient in three significant areas and must be reformed:
- i. First, the Specific Claims Policy should provide an option for interim restitution pending final settlement, particularly for large claims. The Government of Canada has provided an advance payment to claimant First Nations pending settlement in a small number of cases. However, the Government of Canada has not openly and fairly made advance payments available to other First Nations and arbitrarily denies other First Nations engaged in settlement negotiations this opportunity. The Government of Canada also refuses to consider other forms of financial instruments that could be used by First Nations as interim restitution measures pending the settlement of a claim, which is unreasonable, unfair, and contrary to reconciliation because it denies First Nations from applying settlement funds to pursue time-sensitive economic opportunities while the claim is being negotiated.
 - ii. Second, the Government of Canada's refusal to compensate for harm to First Nation's sacred, unique and *sui generis* connection to the land prevents equitable settlements. The Specific Claims policy states: "Compensation shall not include any additional amount based on "special value to the owner" unless it can be established that the land in question had a special economic value to the claimant band, over and above its market value." This is contrary to Supreme Court of Canada jurisprudence that recognizes the sacred and unique connections that First Nations have to their traditional lands. Valuing First Nation lands as equivalent to fee simple lands in the compensation formula for specific claims is neither equitable nor does it accord with Canadian jurisprudence or the UN Declaration.
 - iii. Third, the Specific Claims Policy's imposition of a 10% financial cap on acquisition of replacement lands prevents the fair and just resolution of claims. Canada's policy states, "Where compensation received is to be used by the First Nation for the purchase of other lands, such compensation may include reasonable acquisition costs, but these costs must not exceed 10% of the appraised value of the lands to be acquired." The actual acquisition costs to purchase replacement lands far exceed 10% of the appraised current unimproved market value of our lands, which ultimately requires First Nations to pay out of pocket for the remainder of the costs to acquire lands that were unlawfully taken in the first place. This criterion is contrary to the principles of equitable compensation.

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

1. Direct the Assembly of First Nations (AFN) to prioritize policy reform as part of the ongoing AFN-Canada Specific Claims co-development process in anticipation of the Government of Canada seeking authority this fall to enact changes to the Specific Claims Policy and Process.
2. Direct the AFN to continue working jointly with the Government of Canada to develop a fully independent specific claims process through the enactment of legislation to establish an Independent Centre for the Resolution of Specific Claims, and to report back to First Nations-in-Assembly on these efforts.

DRAFT RESOLUTION # 12 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Call on the Government of Canada to work directly with the AFN and the Chiefs' Committee on Lands, Territories and Resources (CCoLTR) to amend the Specific Claims Policy to facilitate access to justice for First Nations, including by:
 - a. formalizing interim restitution measures pending final settlement, particularly for large claims;
 - b. making available other forms of financial instruments that could be used by claimant First Nations as interim restitution measures pending the settlement of claims;
 - c. removing obstacles to compensation for cultural losses and harms to First Nations' unique connection to their traditional lands; and,
 - d. removing the arbitrary 10% financial cap on the acquisition of replacement lands that prevents the fair and just resolution of claims.

DRAFT RESOLUTION # 13 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Urgent Support for the Repatriation of First Nations Lands
SUBJECT:	Lands, Additions to Reserve
MOVED BY:	Chief Joe Miskokomon, Chippewas of the Thames, ON
SECONDED BY:	Chief Calvin Bruneau, Papaschase Band, AB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - 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.
 - 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. Land is central to First Nations' identities, cultures, economies, governance, and laws. Throughout history, the Government of Canada has dispossessed First Nations of their lands through unlawful surrenders, land alienation, and outright theft. The return of lands to First Nations is essential to the exercise of self-determination and to remedy the impacts of colonization.
- C. The federal policy framework that emerged following the 1973 *Calder* decision recognizing the existence of Indigenous Title has largely failed to advance the restitution of, and self-determination over, First Nations lands, territories, and resources. This framework includes the Comprehensive Land Claims (CLCP), Inherent Right to Self-Government (IRSG), Specific Claims, and Additions to Reserve (ATR) Policies and related processes.
- D. The Government of Canada holds up the Recognition of Indigenous Rights and Self-Determination Discussion Tables (RIRSD) as the alternative to the CLCP and IRSG. However, the RIRSD process lacks transparency in its mandates, and was not developed or approved by First Nations.

DRAFT RESOLUTION # 13 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E.** Assembly of First Nations (AFN) mandates clearly reject both the CLCP and IRSG, and call for First Nations driven engagement to identify alternative approaches that are consistent with the UN Declaration, distinctions based, and meet the many unique needs of First Nations.
- F.** Both the ATR and Specific Claims Policies have been identified by First Nations as a persistent barrier to the return of their lands, territories and resources, and the Government of Canada has committed to co-developing fundamental reforms with First Nations. In the interim, these policies largely remain a persistent barrier to the return of First Nations lands.
- G.** The ATR Policy, in particular, is a deeply bureaucratic process that is burdened with severe delays and an enormous backlog of proposals from First Nations. The ATR Policy does not respond to the needs of First Nations to add lands to their reserves in an efficient and timely manner. This persistent failure impedes First Nations from taking advantage of opportunities for economic and social development.
- H.** Chippewas of the Thames (COTT) is seeking to advance a unique Pilot Project that would enable it to retain lands through a new form of First Nations land tenure. This would enable COTT to control and manage its land before going through the arduous and lengthy ATR process, and could swiftly unlock opportunities for social and economic development. This Pilot Project would include all relevant jurisdictions and levels of government to coordinate the timely repatriation of lands to COTT.

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

- 1.** Support efforts by First Nations to advance distinctions-based Nation-to-Nation approaches to the restitution and return of their lands, territories and resources, and call on the Assembly of First Nations (AFN) to support these approaches wherever possible through political and policy advocacy.
- 2.** Support the Chippewas of the Thames (COTT) proposed Pilot Project which will advance regional economic reconciliation and prosperity through the restitution of COTT lands. This will be accomplished through the targeted and strategic removal of elements of federal policy barriers such as the Additions to Reserve (ATR) Policy and the Specific Claims Policy, and in doing so will support and contribute to ongoing efforts to redesign federal policy and process.
- 3.** Direct the AFN to support the COTT Pilot Project and call on the Government of Canada to support novel approaches to the repatriation of lands to First Nations.

DRAFT RESOLUTION # 14 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for the Pehta Foundation and First Nations Involvement in the Pehta Framework
SUBJECT:	Governance, Impact / Benefit Reporting
MOVED BY:	Chief Trevor John, Kehewin Cree Nation, AB
SECONDED BY:	Chief, Kelsey Jacko, Cold Lake First Nations, AB

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 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. Industry and government report their claimed impacts and benefits on First Nations communities using metrics like employment, procurement, and community benefits. These metrics often fail to reflect the true context of industry and government relationships with our Nations and lack true utility to our Nations or the general public.
- C. Disparate data collection and reporting methods by industry and government lead to a lack of comparability, confidence, and credibility.
- D. The federal government has created reporting standards for companies with respect to greenhouse gas reporting and forced labour and for financial institutions under the Office of the Superintendent of Financial Institutions (OSFI) and related legislation.
- E. The provincial and territorial governments and their securities (Canadian Securities Administrators) and financial regulators have created reporting standards under securities and other financial legislation. The accounting, audit, and sustainability standard setters (Financial Reporting and Assurance Standards Canada/Chartered Professional Accountants Canada) have created reporting standards for accounting, audit, and sustainability.
- F. First Nations are the authorities on what evidence of impact ought to be collected, how to collect and aggregate it, and what and how to report to achieve the desired outcomes our Nations expect.

DRAFT RESOLUTION # 14 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- G.** The Pehta Foundation was established to create, govern, and steward the standards by which industry and government report to First Nations, ensuring metrics align with our Nations' desired outcomes. Metrics must resonate with our Nations first before they resonate with anyone else.
- H.** The Pehta Foundation is open to any First Nation in Canada, offering direct governance, insight, and input into the standards and disclosure topics we demand.
- I.** The Pehta Framework provides structure around commonly used metrics by industry and government, such as Indigenous employment, benefits and contributions, and procurement and offers additional practical requirements such as public commitments to our communities and honouring our voices in industry and government reporting.

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

- 1.** Direct the Assembly of First Nations (AFN) to work with the Pehta Foundation to share information on the Pehta Framework with First Nations, governments, and relevant stakeholders, and to provide First Nations with information about how to become signatories to the Pehta Foundation.
- 2.** Direct the AFN to assist and advocate for funding for First Nations who choose to work with the Pehta Foundation in defining the standards and metrics to be included in the Pehta Framework.
- 3.** Direct the Chiefs Committee on Economic Development to engage with the Pehta Foundation to consider the Pehta Framework and make recommendations to the First Nations-in-Assembly on the Pehta Foundation, as determined by the Chiefs Committee on Economic Development.

DRAFT RESOLUTION # 15 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	First Nation's Self-Determination of Cannabis Sale and Community Safety
SUBJECT:	Cannabis
MOVED BY:	Chief Sidney Peters, Glooscap First Nation, NS
SECONDED BY:	Chief Gerald Toney, Annapolis Valley First Nation, NS

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - 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 decisions-making institutions.
 - 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. Canada enacted the *Cannabis Act* in 2018 without consultation with First Nations communities and governments, and subsequently, provinces and territories enacted their own regulatory legislation regarding cannabis without consultation with their local First Nations communities.
- C. First Nations were therefore denied participation in decision making related to the legalization of the sale and use of cannabis, and denied free, prior, and informed consent about the impacts of legalization and participation in economic incentives related to cannabis legalization.
- D. Many First Nations communities are experiencing high rates of ungoverned and unregulated cannabis stores opening on-reserve, with no enforcement by police.
- E. Many First Nations communities are also experiencing increased rates of organized crime and violence due to the influx of unregulated and unenforced cannabis stores on-reserve, and the safety of community members is being compromised.

DRAFT RESOLUTION # 15 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Direct the Assembly of First Nations to advocate to the federal government for consultation with First Nations communities about the implementation of the *Cannabis Act* to allow space for First Nations to make decisions about cannabis sale and its enforcement in their communities according to their own needs and self-determination.
2. Direct the Chiefs' Committee on Economic Development (CCoED) to conduct a study analyzing rates of violence, organized crime, gang activity, and substance abuse in First Nations communities pre- and post-legalization of cannabis.
3. Direct the CCoED to provide recommendations to the First Nations-in-Assembly on mechanisms to ensure community and individual access to economic participation in cannabis sale, with the intent of ensuring the safety of community members and reducing organized crime in-community.

DRAFT RESOLUTION # 16 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Inherent Right to Community Development Planning
SUBJECT:	Economic Development, Treaties
MOVED BY:	Chief Larry Ahenakew, Ahtahkakoop Cree Nation, SK
SECONDED BY:	Chief Peter A. Beatty, Peter Ballantyne Cree Nation, SK

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 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 the inherent right to self-government including the right to plan, develop and maintain communities for their members.
- C. Prior to the imposition of the *Indian Act*, First Nations were excellent community planners.
- D. First Nations face complex challenges in their communities which impact both the lives of their members and the ability to allocate and coordinate inadequate resources to support their members.
- E. Indigenous Services Canada established the Community Development Initiative (CDI) in 2016 to assist First Nations to develop grassroots-level community plans intended to address these challenges through a participatory process guided by community navigators.
- F. There are 43 First Nations in Saskatchewan that are successfully using the CDI.
- G. Indigenous Services Canada cut CDI funding to First Nations by 50% in 2023-24 and has not made a commitment to fund the initiative in 2024-25.
- H. Failure to adequately fund community development planning creates a disparity in capacity compared to towns and cities and is a human rights issue contrary to the spirit of reconciliation.

DRAFT RESOLUTION # 16 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Support Saskatchewan First Nations in calling on Canada to rectify the impacts caused by underfunding, and commit to comprehensive, needs-based funding to the Community Development Planning Initiative for the 2024-25 fiscal year.
2. Support Saskatchewan First Nations in calling on Canada to commit to the long-term, predictable and sustainable funding for this initiative to enable sustainable planning and development for any First Nation choosing to opt into this funding initiative.

DRAFT RESOLUTION # 18 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	First Nations inclusion in the transformation of the Freshwater Fish Marketing Corporation
SUBJECT:	Fisheries, Economic Development
MOVED BY:	Chief Cameron Catcheway, Skownan First Nation, MB
SECONDED BY:	Chief Peter A. Beatty, Peter Ballantyne Cree Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Assembly of First Nations (AFN) passed Resolution 29/2003, *Freshwater Fish Marketing Corporation* that noted the Department of Fisheries and Oceans Canada (DFO) enacted legislation in 1969, establishing the Freshwater Fish Marketing Corporation (FFMC) to regulate the marketing and trade of freshwater fish in interprovincial and export markets, effectively devolving federal powers to the Corporation without meaningful consultation with affected First Nations, and northern aboriginal fishing communities.
- C. AFN Resolution 29/2003 also noted constraining government legislation, market monopolies, centralized processing, and restricted access to the fishery that severely infringed upon the Aboriginal and Treaty rights of First Nations to make a modest living from the fishery, and in some cases caused significant damage to the size, health, and composition of regional fish resources affecting the ecosystem and all harvesters.

DRAFT RESOLUTION # 18 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D.** AFN Resolution 73/2023, *First Nations Rights-based Inland Fisheries Framework* instructed the AFN to hold a meeting on November 21, 2023, at which DFO Senior officials committed to solicit Requests for Information and Proposals for the disposition of the Freshwater Fish Marketing Corporation as a federal asset.
- E.** In the spirit of cooperation and business partnership, Saskatchewan and Manitoba First Nations fishery organizations met at the Dakota Dunes Resort in Whitecap Saskatoon on April 7, 2024, forming an Interprovincial Working Group to coordinate a response to the FFMC “request for proposal” and to reach out to other interested parties in Alberta, Northwest Territories and Nunavut.

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

- 1.** Direct the Assembly of First Nations (AFN) to develop an advocacy strategy to support First Nations inland fishers who are seeking full control of their own commercial fisheries and business models.
- 2.** Direct the AFN to support the National Fisheries Committee and their technicians in monitoring the Interprovincial Working Group comprising Indigenous fishery organizations interested in acquiring the Freshwater Fish Marketing Corporation (FFMC).
- 3.** Direct the AFN to monitor the status of the transformation of the FFMC and report back to the National Fisheries Committee annually.

DRAFT RESOLUTION # 19 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, Québec

TITLE:	First Nations' Continued Inclusion in Canada's Oceans Protection Plan
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Chief Darlene Bernard, Lennox Island First Nation, PEI

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The Assembly of First Nations (AFN) passed Resolutions 93/2016, *Marine Emergency Information Management Protocol*, 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas*, 06/2018, *Engaging First Nations on Marine Vessels and Salvage Operations*, and 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan* that address issues of First Nations' roles in marine safety and their responsibility to protect and manage oceans and waterways.
- C. In 2016, the Government of Canada launched the Oceans Protection Plan (OPP), a \$1.5 billion investment to protect Canada's coasts and waterways, improve marine safety and responsible shipping, protect Canada's marine environment and offer new possibilities for Indigenous and coastal communities. In 2022, the Government of Canada renewed the OPP, investing an additional \$2 billion over 9 years with \$50 million to directly support Indigenous partnerships.

DRAFT RESOLUTION # 19 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, Québec

- D.** First Nations were not sufficiently included at the outset of the OPP.
- E.** First Nations have Inherent rights to govern and manage ocean resources related to fisheries, navigation, energy, protection, monitoring, transportation, economics and transboundary issues, including international law of the sea.
- F.** First Nations have Inherent rights to protect their distinctive spiritual and cultural relationships with the land, water and resources for future generations, which are threatened by marine shipping and transportation activities.
- G.** While First Nations have Inherent jurisdiction, their marine plans and role in marine safety was not respected and properly integrated in the rollout of the OPP.
- H.** First Nations are often not adequately consulted, and their free and informed consent obtained prior to projects being implemented that affect their coastal territories, traditional waters and marine resources.
- I.** First Nations are often not provided just and fair redress, compensation, or mitigation measures for adverse environmental, economic, social, cultural, or spiritual impacts resulting from marine shipping and transportation related activities.

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

- 1.** Direct the Assembly of First Nations (AFN), subject to the availability of adequate financial resources, to collaborate with Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard to assess First Nations partnerships under the Oceans Protection Plan (OPP) with respect to capacity, co-development, co-design, co-delivery, and co-governance.
- 2.** Direct the AFN, subject to the availability of adequate financial resources, to collaborate with Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard to address funding needs (i.e., flexible arrangements, core and long-term capacity funding) for First Nations in areas and regions relevant to the OPP.
- 3.** Call on the AFN to advocate that any legislative, regulatory, policy and program reform related to the OPP must respect First Nations' Inherent rights, Treaties, title and jurisdiction, and must recognize First Nations Inherent and everlasting responsibilities to their traditional territories.

DRAFT RESOLUTION # 20 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: 2024 *Fisheries Act* 5-Year Review to Ensure Alignment with the *United Nations Declaration on the Rights of Indigenous Peoples Act*

SUBJECT: Fisheries, Legislation

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

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

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.
 - ii. Article 20 (1): Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - iii. Article 20 (2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - iv. Article 26 (1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - v. Article 26 (2): Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - vi. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.
- B. Reforms to the *Fisheries Act* were enacted in 2019, which included a mandatory 5-year review, in accordance with section 92, by the committee of the Senate, the House of Commons, or both.
- C. The House of Commons Standing Committee on Fisheries and Oceans passed a motion on February 9, 2024, to “undertake a study of up to eight meetings to conduct a comprehensive review of the *Fishery Act*, 2019.”
- D. The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) was proclaimed on June 21, 2021, and affirms, among other matters, that the Government of Canada is committed to taking effective measures—including legislative, policy and administrative measures—at the national

DRAFT RESOLUTION # 20 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

and international level, in consultation and cooperation with Indigenous peoples, to achieve the objectives of the UN Declaration.

- E. In keeping with the UNDA, the Government of Canada engaged Indigenous peoples to identify necessary measures to ensure federal laws are consistent with the UN Declaration and subsequently published the National Action Plan on June 21, 2023, as the main strategy to achieve the objectives of the UN Declaration.
- F. Action Plan Measure 3 commits the Government of Canada to, where a statute requires periodic review, conduct that review in a manner that ensures consistency with the UN Declaration and meets applicable consultation and cooperation requirements in the UNDA.
- G. Action Plan Measure 36 commits the Government of Canada to pursue amendments and reforms to fisheries legislation, regulation, or policies to support self-determination and the meaningful implementation and exercise of Indigenous fishing rights, including Aboriginal and Treaty rights.
- H. Action Plan Measure 37 commits the Government of Canada to enhance collaborative tools, agreements, and transparent approaches to better deliver on the collaborative design, development, delivery, and management of fisheries, as well as conservation and protection of fish habitat.
- I. Action Plan Measure 38 commits the Government of Canada to provide predictable and flexible funding to ensure First Nations have the capacity to meaningfully participate in advisory, co-management, and decision-making processes tied to fisheries, aquatic resources and oceans management.
- J. Action Plan Measure 42 commits the Government of Canada to advance marine Indigenous Protected and Conserved Areas (IPCAs) through meaningful consultation, collaboration, and partnerships with Indigenous Peoples to support Canada's commitments to reconciliation and marine conservation.

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

- 1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to properly fund the engagements needed for First Nations' full engagement and collaboration and consultation in the statutory 5-year review of the *Fisheries Act* in alignment with Action Plan Measure 38.
- 2. Direct the AFN to advocate that the statutory 5-year review of the *Fisheries Act* be undertaken in full cooperation and consultation with First Nations, including appropriate timelines, and with the purpose of implementing amendments to achieve the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*.
- 3. Direct the AFN to engage with the Department of Fisheries and Oceans (DFO) and propose amendments to enable the *Fisheries Act* to be a legal instrument for the proper recognition and affirmation of Inherent and Treaty-protected rights-based fisheries, in addition to the protection and conservation of marine and coastal waters.

DRAFT RESOLUTION # 21 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	First Nations Wild Atlantic Salmon Conservation Approaches
SUBJECT:	Fisheries, Economic Development
MOVED BY:	Chief Gerald Toney, Annapolis Valley First Nation, NS
SECONDED BY:	Councillor/Proxy, Wendell Metallic, Listuguj, QC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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. First Nations in the Atlantic and Quebec regions have specialized knowledge on the depletion and conservation of wild salmon in these regions. Wild Atlantic salmon is and has been one of the most important food staples for First Nations in Atlantic Canada. Since time immemorial, First Nations across Canada have had their own ways of knowing and care taking as stewards to preserve the earth's resources for the generations to come.
- C. In 2021, the Minister of Fisheries and Oceans Canada (DFO) was mandated by the Prime Minister to "work in close collaboration with provincial and territorial authorities, Indigenous partners, fishing and stewardship organizations and implicated communities to make new investments and develop a conservation strategy to restore and rebuild wild Atlantic salmon populations and their habitats".
- D. The Atlantic Policy Congress (APC) passed resolution 01-2024 Atlantic First Nations Chiefs Support for Wild Atlantic Salmon Conservation and the Wild Atlantic Salmon Conservation Strategy. The resolution directed that the APC member Chiefs compel the Minister of DFO to implement the Wild Atlantic Salmon Conservation Strategy and fund \$40 million for Indigenous-led engagement of the strategy for wild Atlantic Salmon.
- E. The Assembly of First Nations (AFN) was mandated by Resolution 21/2017, *Respecting Inherent Rights-Based Fisheries in Parallel with the Review of Canada's Fisheries Act*:
- To call on the federal government to recognize and respect First Nations jurisdiction over fisheries, and the positions and perspectives of First Nations in the ongoing review process have been considered and will be integrated into proposed legislative, policy and program reforms in relation to the Fisheries Act.

DRAFT RESOLUTION # 21 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- ii. To pursue legislative drafting and/or a parallel legislative reform process specifically for First Nations that will address issues specific to First Nations fisheries and will integrate respect for the inherent right of First Nations to govern fisheries into the *Fisheries Act*.
 - iii. To call on Prime Minister Trudeau and the Government of Canada to work jointly with First Nations in a full review of the legislation unilaterally imposed on Indigenous peoples where there are contradictions, as well as to call on the Prime Minister to ensure that the required mechanisms and processes are in place to ensure legislation is not unilaterally imposed on Indigenous peoples.
- F. Ten of sixteen wild Atlantic salmon (*Salmo salar*) populations are listed as at risk or under consideration for addition to Schedule 1 under the *Species at Risk Act* and the Lake Ontario population was designated as extinct in 2010.
- G. The “Principles respecting the Government of Canada’s relationship with Indigenous peoples” was published on September 1, 2021, and commits the Government of Canada to achieve reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government relationship based on recognition of rights, respect, co-operation and partnership.
- H. DFO has not been transparent with its engagement process regarding the implementation of the Wild Atlantic Salmon Conservation Policy in the Quebec region; rather, DFO has excluded the Abenaki, Algonquin, Attikamekw, Cree, Huron-Wendat, Mohawk, Malecites, Innus, Mi'qmaq and Naskapi in its implementation and engagement processes to implement wild Atlantic Salmon conservation strategies.

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

1. Direct the Assembly of First Nations (AFN) to advocate for the Government of Canada to provide adequate funding and resources to First Nations in the Atlantic and Quebec regions to fully engage with DFO to implement First Nations conservation strategies, engage in the Atlantic Salmon Conservation Policy and Strategy, and ensure respect of First Nations’ Inherent and Treaty rights.
2. Call on the AFN to advocate that Fisheries and Oceans Canada (DFO) ensure that the Atlantic Salmon Conservation Policy (WASCP) and Strategy (WASCS) are consistent with and support the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*, and that engagement meets consultation and collaboration requirements in the *United Nations Declaration on the Rights of Indigenous Peoples Act*.
3. Direct the AFN to work with DFO to ensure that findings from the WASCP/WASCS engagement processes are shared with First Nations.
4. Direct the AFN to advocate for necessary changes to the *Fisheries Act* to ensure respect for First Nation approaches to fisheries stewardship and wild Atlantic salmon conservation.

DRAFT RESOLUTION # 22 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Treaty-protected Rights Based katiyik / katew (glass eel) Fishery Governance
SUBJECT:	Fisheries, Rights
MOVED BY:	Chief Ross Perley, Tobique First Nation (Neqotkuk), NB
SECONDED BY:	Chief Gerald Toney, Annapolis Valley First Nation, NS

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - 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.
 - 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.
 - 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 Wolastoqey Nation of New Brunswick has reminded the Department of Fisheries and Oceans (DFO) of its Aboriginal and Treaty-protected rights and that they be respected and accommodated, as supported by Section 35 of the *Constitution Act, 1982* and Canada's Supreme Court on numerous occasions.
- C. Since time immemorial, katiyik / katew (*Anguilla rostrata* or American eel) has been a culturally and spiritually significant species for First Nations peoples in Atlantic Canada.
- D. Through federal negotiations and consultation processes, Mi'kmaw and Wolastoqey Nations presented strategies for sustainable rights-based harvesting of juvenile katiyik / katew (glass eel or elver), which included increasing the overall commercially viable total allowable catch (TAC) and First Nations access based on First Nations-led monitoring and data collections on traditional waterways significant to their Nations, as supported by western science and Indigenous Knowledge systems.

DRAFT RESOLUTION # 22 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E. DFO does not have the required legislative tools to recognize and authorize Mi'kmaw and Wolastoqey rights-based fishing activities. DFO has been offering or imposing Communal Commercial Licences in an attempt to recognize Mi'kmaw and Wolastoqey members exercising Treaty-protected fishing activities including katiyik / katew or glass eel and elver harvesting.

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

1. Support all Mi'kmaw and Wolastoqey First Nations in their public statement regarding their Treaty and Aboriginal rights to participate in the katiyik / katew glass eel fishery and the right to develop governance, fisheries management and related science and Indigenous Knowledge systems to support sustainable rights-based harvesting.

DRAFT RESOLUTION # 24 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Establishment of and Funding for a First Nations Healing Fund
SUBJECT:	Health, Mental Health, Reconciliation
MOVED BY:	Chief Angela Levasseur, Nisichawayasihk Cree Nation, MB
SECONDED BY:	Chief Gordon Bluesky, Brokenhead Ojibway Nation, MB

WHEREAS:

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

- i. 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.
- ii. Article 11(1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- iii. Article 11(2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- 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 *Truth and Reconciliation Call to Action* number 21 states:

We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

C. Canada's Action Plan on the *United Nations Declaration on the Rights of Indigenous Peoples Act* under the priority for economic, health and social rights, Action Plan Measure 81 states:

- i. Improve health equity through access to culturally-appropriate health and wellness services and support for holistic approaches to healing, including community-based, land-based, culturally relevant and trauma informed mental health services addressing—among other things—suicide and addictions crises. (Indigenous Services Canada)

DRAFT RESOLUTION # 24 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice states:
- i. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
- E. Assembly of First Nations (AFN) Resolution 36/2022, *Reopening of Indian Residential Schools Settlement Agreement*, called on the Government of Canada to allocate further financial resources to First Nations-led measures and institutions for the purpose of addressing the ongoing harmful effects of Residential Schools. There remains a lack of committed long-term funding.
- F. AFN Resolution 24/2021, *Call for the Permanency of the Indian Residential Schools Resolution Health Support Program*, (IRS RHSP) called on Canada to establish a permanent and enhanced version of the IRS RHSP and to ensure that the work retains its distinct focus of supporting Survivors and their families.
- G. Numerous reports from the AFN found that First Nations continue to experience the negative impacts from Residential Schools, experiencing poorer health outcomes as a result. Reports have highlighted the important work of the Aboriginal Healing Foundation (AHF) and how sustained funding and attention can support the healing of Indian Residential School Survivors.
- H. The AHF was created to foster sustainable healing strategies to First Nations in Canada to address the impacts of the Residential School System. While the AHF closed on September 14, 2014, First Nations across Canada are still reeling from personal, historical, and multi-generational and inter-generational trauma from Residential Schools.
- I. In 2014, a report from the AHF stated the Government of Canada made a mistake in creating tight parameters of the AHF where it could not sustain itself, contributing to its disestablishment. The AHF was a successful model for First Nations healing. Survivors who accessed its programs and services were able to experience improvements in their overall health and wellbeing.
- J. There remains widespread trauma also perpetrated through the Indian Day School System, the Sixties Scoop, the child welfare system and the ongoing genocide of Missing and Murdered Indigenous Women and Girls and Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Asexual Plus (MMIWG2SLGBTQQIA+) for which there is a lack of committed, long-term funding to provide opportunities for healing to deal with the present state of self-medication, widespread addiction, suicide and violence that is collectively plaguing our nations.
- K. Distinctions and needs-based, sustainable funding is required to support Survivors, their families, and communities in continuing to heal from the impacts of colonization including the Residential School System through a dedicated First Nations Healing Fund.

DRAFT RESOLUTION # 24 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Direct the Assembly of First Nations (AFN) to call on Canada to fully fund and support the creation of a First Nations Healing Fund, that will be governed and administered by First Nations, aimed at improving the physical and mental health of First Nations that addresses the ongoing multi- and inter-generational trauma from Residential Schools, Day Schools, the Sixties Scoop, the Child Welfare System, and Missing and Murdered Indigenous Women and Girls and Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Asexual Plus.
2. Call on the AFN to advocate for this fund to provide resources from all levels of government to support First Nations in creating culturally appropriate and trauma-informed healing centres, whereby healing programs, services and activities are developed and implemented by First Nations, including the preservation and revitalization of cultural traditions and languages.
3. Direct the AFN, when engaging in discussions with Indigenous Services Canada regarding Action Plan Measure 81 of Canada's Action Plan on the *United Nations Declaration on the Rights of Indigenous Peoples Act*, to seek to secure support and long-term, sustainable, and dedicated funding for the First Nations Healing Fund.

DRAFT RESOLUTION # 25 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	First Nations with Disabilities Across the Lifespan Services On-Reserve
SUBJECT:	Health, Social, Disabilities
MOVED BY:	Chief Shirley Ducharme, O-Pipon-Na-Piwin Cree Nation, MB
SECONDED BY:	Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* 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 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- iv. Article 22(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

B. The Convention on the Rights of Persons with Disabilities asserts: States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- i. Article 25(a): Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- ii. Article 25(b): Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- iii. Article 25(c): Provide these health services as close as possible to people's own communities, including in rural areas.

DRAFT RESOLUTION # 25 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- C. There is currently no data available on the disability rate in First Nations. Many estimates suggest disability rates on-reserve are significantly greater than in the general population due to intergenerational trauma, compounded trauma, colonization, and significant lack of access to the determinants of health.
- D. First Nations adults with disabilities living on-reserve face significant barriers in accessing adequate and culturally sensitive supports and services, including extreme limitations for capacity and infrastructure.

The absence of services and supports on-reserve causes considerable harm for adults with disabilities on-reserve and can lead to forced relocation to access health and social programs and services off-reserve, resulting in isolation and disconnection from home, family, community, culture, and language.
- E. Assembly of First Nations (AFN) Resolution 55/2018, *First Nations Disabilities Programs on Reserve*, calls on Canada to work with First Nations to develop and fund an on-reserve disability services program. To date, the Government of Canada has not met this call to action.
- F. Jordan's Principle is the primary vehicle through which First Nations children with disabilities currently access services and supports, however, recipients of Jordan's Principle "age out" at the age of majority in each province and territory in which leaving they reside, a critical gap in services for adults with disabilities. Moreover, Jordan's Principle also faces shortfalls in its current implementation and was not designed to replace the delivery of social and health programming to First Nations children.
- G. With a critical gap in support and services for First Nations persons with disabilities on-reserve, there is a need to immediately develop and implement a comprehensive continuum of Disability Services for First Nations persons with disabilities on-reserve across the lifespan from pre-conception to end of life.
- H. Supports and services for persons with disabilities are vital for the improved overall health, well-being, and quality of life, and would ensure First Nations with disabilities on-reserve have the supports to live independently with dignity, respect, and inclusion.

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

- 1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to work directly with First Nations to determine the needs for an on-reserve disabilities program.
- 2. Direct the AFN to call on the Government of Canada to work with the provincial/territorial governments and First Nations to develop and implement comprehensive Disability Services for First Nations citizens on-reserve. This would include capacity building and training for First Nations and all service providers, infrastructure investments for the determinants of health, including accessible housing and community facilities, and reform policy to address systemic barriers and inequities.
- 3. Direct the AFN to call on the Government of Canada to encourage provincial/territorial governments to invest in on-reserve disabilities programs for First Nations.
- 4. Direct the AFN to call upon the Government of Canada and the provincial/territorial governments to develop pathways to the utilization of the "Investing in Canada Infrastructure Program", under the Rural and Northern Communities Infrastructure stream to improve education or health facilities (specific to the Truth and Reconciliation Commission's Calls to Action).

DRAFT RESOLUTION # 25 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

5. Direct the AFN to advocate for a distinct First Nations pathway to removing systemic barriers to First Nations underutilization of the federal, "Enabling Accessibility Fund."
6. Direct the AFN to call on the Government of Canada to provide long-term and sustainable funding for an on-reserve disabilities programs for First Nations.

DRAFT RESOLUTION # 26 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Work to Address Misdiagnosis in First Nations
SUBJECT:	Health
MOVED BY:	Chief James Hobart, Spuzzum First Nation, BC
SECONDED BY:	Chief Rachel Manitowabi, Wiikwemkoong First Nation, ON

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 21 (2): States shall take the effective measure and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.
- B. 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:
- Adopt cross-sectorial strategies with a view to combatting 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.
- C. The *Accessible Canada Act* (ACA) came into force in 2019. The ACA is a federal law that aims to identify, remove, and prevent barriers facing people with disabilities. The ACA established a five-year period of exemption regarding First Nations and the ACA, extending the deadline for the ACA's implementation in First Nations to 2026.
- D. The Assembly of First Nations (AFN) is advocating for a further extension of ACA implementation in First Nations to ensure equitable services and supports are provided to First Nations to become accessible, and to address the barriers and harms caused by misdiagnosis in First Nations to ensure First Nations can build strong distinct First Nations Accessibility Legislation.
- E. The ACA relies heavily on diagnosis used to develop accessibility standards, regulations, and measure successful implementation in two main areas:
- disability data including disability prevalence rates
 - barriers identified by persons with accurately diagnosed disability conditions.

DRAFT RESOLUTION # 26 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. Assessment and treatment tools currently used throughout the health and healing professions are not culturally appropriate and may incorrectly lead to First Nations people being diagnosed incorrect conditions or illnesses, given that intergenerational trauma and impacts of colonization are not culturally or meaningfully informed in the diagnostic process. For example, when culturally sensitive tools are not used with First Nations populations, First Nations people can often be misdiagnosed with depression or anxiety when the person may in fact be suffering with Post Traumatic Stress Disorder (PTSD).
- G. Assessment and treatment tools need to be informed, normed and validated in partnership with First Nations. When culturally sensitive tools are not used with First Nations populations.
- H. Accessibility in First Nations requires resolving the core issues of misdiagnosis, un-diagnosis, and eliminating barriers to access to culturally valid and reliable processes from referrals and assessments to treatments, services, and policies for First Nations persons with disabilities and others.
- I. In the 2018 report, Psychology's Response to the Truth and Reconciliation Commission of Canada's Report, the Canadian Psychological Association and the Psychology Foundation of Canada acknowledges that they are currently in violation of their own code of ethics in their treatment of Indigenous populations.
- J. Joyce's Principle aims to guarantee to all Indigenous Peoples the rights of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional, and spiritual health. Joyce's Principle requires the recognition and respect of Indigenous people's traditional and living knowledge in all aspects of health.
- K. A study is needed on the feasibility of a National Action Plan on Accessibility, Misdiagnosis, and Un-diagnosis of First Nations to ensure continued adequate response to this issue.

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

1. Direct the Assembly of First Nations (AFN) to advocate for adequate and appropriate funding from the federal government to build capacity to undertake a feasibility study to inform a National Action Plan on Accessibility, Misdiagnosis, and Un-diagnosis of First Nations. The study will identify knowledge gaps and biases within the field of healthcare to assess the prevalence and impact of misdiagnosis and un-diagnosis in First Nations.
2. Direct the AFN to advocate and secure resources to address the unmet needs of misdiagnosis by developing culturally responsive referral and assessment toolkits. Based on the outcomes of the feasibility study, the AFN will support interested First Nations in developing, equitable services and programs to address colonization-induced traumas linked to the ongoing detrimental impacts of intergenerational trauma and Post-Traumatic Stress Disorder (PTSD).
3. Direct the AFN to establish a horizontal Permanent Working Group on Accessibility to guide the feasibility study to inform a National Action Plan on Accessibility, Misdiagnosis, and Un-diagnosis of First Nations and to report back to the First Nations-in-Assembly on its results.

DRAFT RESOLUTION # 26 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

4. Direct the AFN to call on the Canadian Psychological Association and the Psychology Foundation of Canada to provide an update and action plan for the implementation of their 2018 report on implementation of the Truth and Reconciliation Commission's Calls to Action.

DRAFT RESOLUTION # 27 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Treaty Medicine Chest Clause Political and Legal Strategy
SUBJECT:	Health, Treaties
MOVED BY:	Chief John Waditaka, Wahpeton Dakota Nation, SK
SECONDED BY:	Chief Peter A. Beatty, Peter Ballantyne Cree Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
 - i. 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. First Nations have Treaty Rights to the Medicine Chest which includes all traditional and western medicines, treatments, therapies, medical procedures and equipment to treat illness, chronic disease and disabilities.
- C. The Government of Canada has limited and reduced the coverage of medicines, treatments, therapies, medical procedures and equipment for First Nations under the Non-Insured Health Benefits (NIHB) Program thereby eroding the Treaty Right to the Medicine Chest.
- D. This breach of Treaty is an undue hardship on First Nations peoples – especially Elders when they are required to pay for medicines and equipment out-of-pocket.
- E. In 2009, the Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly passed Resolution #1615 calling for a moratorium on delisting and the reinstatement of benefits, emphasizing the need for a thorough examination of the program.
- F. Canada continues to unilaterally delist coverage under the NIHB program thereby breaching the Treaty Right to the Medicine Chest

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

- 1. Direct the Assembly of First Nations (AFN) to draft a list of all delisted or excluded medicines, treatments, therapies, mental health services, medical imaging, dental and medical procedures and equipment to the Government of Canada demanding that they be covered under Treaty, and ensure that those in Northern First Nations have access to professional and sufficient medical services, western medicine and Traditional healers.
- 2. Direct the AFN to immediately develop a political and legal strategy to address these breaches of Treaty including redress for all out-of-pocket expenses incurred by First Nations for medicines, treatments, therapies, medical imaging, medical procedures and equipment.

DRAFT RESOLUTION # 28 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Supporting Public Education on First Nations Cultures and Histories
SUBJECT:	Culture and Rights
MOVED BY:	Chief Maureen Brown, Opaskweyak Cree Nation, MB
SECONDED BY:	Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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 they have otherwise acquired.
 - Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. The Truth and Reconciliation Commission Calls for Action include Call to Action 57:
- We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan includes Action Plan Measure 14, which calls on the Government of Canada, in consultation and cooperating with Indigenous Peoples, to:
- Develop and implement foundational training co-created by Indigenous subject matter experts, including with the Canada School of Public Service, for federal public servants that will build fundamental understanding and competence about the history, rights and title of Indigenous peoples, treaties, the UN Declaration, the UN Declaration Act, the dynamics of respectful relations, Indigenous-specific systemic racism, and meaningful reconciliation.

DRAFT RESOLUTION # 28 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. Prior to European contact, First Nations existed on the lands now known as Canada since time immemorial with our own unique laws and rights derived from the Creator. This truth is echoed across the sacred Creation stories of First Nations in the land now called Canada. Creation stories have multiple versions, each of which are true. They are passed down over generations by Elders who teach us to know who we are and to understand our spiritual relationship with the land.
- E. In more recent history, First Nations have exercised their own sovereignty alongside the Crown's assumed sovereignty through negotiated Treaties in respect of our sovereign nationhood. In contrast, the Métis people, many of whom are our relatives, arose only after contact with the Europeans. This distinction cannot be overlooked, as it informs the rights and obligations that First Nations owe and are owed.
- F. In *R. v. Desautel*, 2021 SCC 17, the Supreme Court of Canada confirmed that "the Aboriginal peoples of Canada under s. 35(1) are the modern successors of those Aboriginal societies that occupied Canadian territory at the time of European contact". At the same time, the Court clarified that there are distinctions between First Nations and Métis section 35 rights, "[because Métis communities arose after contact between other Aboriginal people and Europeans".
- G. The same Court has emphasized, in its earlier opinion in *R. v. Van der Peet*, [1996] 2 SCR 507, that "the manner in which the aboriginal rights of other aboriginal peoples are defined is not necessarily determinative of the manner in which the aboriginal rights of the Métis are defined".
- H. Likewise, in *R. v. Powley*, 2003 SCC 43, the test for addressing First Nations assertion of Aboriginal rights laid out in *R. v. Van der Peet* was adapted for the determination of Métis Aboriginal rights by modifying the time requirement element of the test. Out of acknowledgement of the origin of Métis people, the time requirement was revised from a period prior to contact with Europeans to a time preceding the establishment of effective European control.
- I. This approach accords with the Court's subsequent decision in *R. v. Desautel*, which recognizes the distinctions between the section 35 rights of First Nations and Métis peoples based on their history of land use, occupation, and governance.
- J. It is clear that First Nations and Canadian law are consistent in this matter: First Nations have lived and governed these lands since time immemorial, while the Métis originated after European contact. Ignoring this fact promotes insensitive overgeneralizations and prioritizes the use of inclusive language over truth. Such actions are contrary to Canada's reconciliation efforts and the Truth and Reconciliation Commission of Canada's assertion that "[without truth, justice and healing, there can be no genuine reconciliation".
- K. Time immemorial refers to the fact that First Nations thrived on the land long before the arrival of the first European settlers, since "time immemorial" means before written or tradition history. This concept is deeply rooted in First Nations oral histories, traditions, and cultural practices.

DRAFT RESOLUTION # 28 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Call on the Assembly of First Nations (AFN) to provide education broadly on the concept of “time immemorial” and its distinct relationship to First Nations land use, occupation, and governance of the lands now known as Canada.
2. Call on the Government of Canada to ensure that reference to the concept of “time immemorial” in the context of Indigenous land use, occupation and governance for legislative purposes and other considerations reflects the truth rooted in both First Nations and Canadian law, that First Nations have been practicing our traditional governance, culture and ceremony since time immemorial.
3. Call on the AFN to work with the Department of Justice and the Canada School of Public Service to support the development of training for federal public servants on First Nations histories, rights and title, treaties, the *United Nations Declaration on the Rights of Indigenous Peoples*, the dynamics of respectful relations, Indigenous-specific systemic racism, and meaningful reconciliation.

DRAFT RESOLUTION # 29 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Advancing First Nations Rights through Sustainable Funding: Implementing the UN Declaration on the Rights of Indigenous Peoples
SUBJECT:	Rights, UNDA Implementation
MOVED BY:	Chief Nicole Tom, Little Salmon Carmacks First Nation, YK
SECONDED BY:	Chief Don Tom, Tsartlip 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 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.
 - 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 the Declaration.
- B. The UN Declaration was adopted by the General Assembly of the United Nations in 2007. Canada endorsed the UN Declaration without qualification in 2016.
- C. In 2021, the Government of Canada enacted Bill C-15, *the United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
- D. Section 5 and 6 of the UNDA provides that 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 UN Declaration and prepare and implement an action plan to achieve the objectives of the UN Declaration.
- E. To date, funding for the implementation of the UNDA has been inadequate. More investments are needed to support co-development, consultation, co-operation, and collaboration with First Nations. Adequate investments are necessary to support First Nations to appropriately coordinate, engage and monitor the implementation of the UN Declaration.

DRAFT RESOLUTION # 29 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. Budget 2022 allocated a total of \$37 million over five years (\$11 million annually for 2023-24 and 2024-25, \$5.5 million annually for 2025-26 and 2026-27, \$4 million for 2027-28 and on-going) to Justice Canada to provide funding to support Indigenous Peoples' continued participation in the various implementation, monitoring and oversight processes described in the Action Plan.
- G. Part of the funding was allocated through targeted grants administered by Justice Canada. A total of 207 funding proposals, exceeding \$19 million, were received through this call which points to a substantial demand for this funding.
- H. On March 20, 2023, the Department of Justice released its Action Plan, containing 181 Action Plan Measures (APMs) and a *What We Learned to Date: Report on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*.
- I. The report indicated that without adequate funding to support First Nations' full participation in implementation, monitoring and evaluation, the results will be modest to minimal, and systemic change will remain elusive.
- J. There are currently 28 federal departments that are responsible for supporting the implementation of the UNDA through specific APMs with the full and equal participation of First Nations and their representatives and institutions ensuring First Nations rights holders' free, prior, and informed consent through effective consultation and cooperation.
- K. Funding is needed to support culturally based policy research, communications, participation in consultations, legislative and policy development, decision-making and relationship building that contributes to UNDA implementation.
- L. Assembly of First Nations (AFN) Resolution 12/2022, *Call for Full First Nations Participation in the Implementation of the UN Declaration*, calls on the AFN to advocate for meaningfully and fully resourced First Nations participation in the operative provisions of the UNDA, specifically sections 5, 6 and 7 on an ongoing basis.
- M. AFN Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, calls on the AFN to support First Nation and region-specific approaches that uplift First Nations rights-holders and advance the implementation of the Declaration.
- N. First Nations continue to call for core capacity funding, rather than time-limited, proposal-based project funding, to ensure First Nations are able to effectively lead on implementing the UN Declaration.
- O. The AFN and the Chiefs' Committee on the UNDA continue to call on Canada, including the Department of Justice, for adequate funding to support First Nations' affirmation of their inherent and Treaty rights, title, jurisdiction and Section 35 rights through the UNDA and through other means as identified by them.

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

- 1. Reiterate that full and meaningful First Nations leadership in implementing their rights, including through the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), requires sufficient, predictable, and sustainable funding as an absolute and unreserved requirement for the success of the implementation of the UNDA.

DRAFT RESOLUTION # 29 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

2. Call on the federal government to provide core capacity funding to First Nations and their representative governments and institutions dedicated to UNDA implementation as an alternative to time-limited, proposal-based project funding that does not provide the adequate funding required for First Nations to implement their Inherent and Treaty rights, title, jurisdiction and Section 35 rights.
3. Direct the Assembly of First Nations (AFN) and the Chiefs' Committee on the UNDA to call on all federal departments, including the Department of Justice and the Department of Finance to co-develop with First Nations sufficient, predictable, and sustainable funding models for First Nations and their representative governments and institutions to participate meaningfully and effectively in the implementation of the UNDA.
4. Direct the AFN and the Chiefs' Committee on the UNDA to call on all federal ministries associated with Action Plan Measures to adequately fund and support the direct engagement of First Nations and their representative governments and institutions to participate meaningfully and effectively in the implementation of all Action Plan Measures.

DRAFT RESOLUTION # 30 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Advancing First Nations' Self-Determination by Reforming Indian Act Registration
SUBJECT:	Civil and political rights
MOVED BY:	Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Lynda Price, Ulkatcho First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.
 - 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.
- B. Assembly of First Nations (AFN) Resolutions 14/2022, *First Nations Self-Determination over Citizenship*, and 30/2017, *Inherent Authority to Define Citizenship*, affirm and assert First Nations Inherent right to exercise jurisdiction over citizenship. These resolutions call on the Government of Canada to end the practice of legislative assimilation and to provide adequate funding to First Nation governments to establish their own citizenship laws and processes.
- C. First Nations and Canada recognize the *Indian Act* as a colonial-era legislation designed to exert control over First Nations, which inherently conflicts with the principles of the UN Declaration and cannot fully comply with the UN Declaration's international standards.
- D. Fundamental changes to the *Indian Act* registration, especially concerning registration and band membership provisions, are necessary for Canadian laws to be aligned with the UN Declaration.
- E. In 2023, Canada released the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, which includes commitments to make the *Indian Act's* registration and band membership provisions more consistent with the UN Declaration as part of a broader goal of reconciliation and enhanced self-governance for First Nations.
- F. To address the diversity of First Nations needs and realities, all legislative amendments to registration and band membership must include opt-in measures that enable First Nations to opt-in to alternatives to the current systems until a comprehensive change or the *Indian Act's* repeal is possible.
- G. Any legislative solutions must explicitly respect First Nations' own approaches, must include adequate

DRAFT RESOLUTION # 30 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

funding to support First Nations' rights, and must support First Nations in reclaiming their Inherent capacity to identify their members to Nations.

- I. This resolution aims to solidify the AFN's commitment to achieving true autonomy and recognition of First Nations peoples, aligning Canadian law with international human rights standards, and ensuring that the rights to Indigenous self-determination and self-governance are fully realized and respected.

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

1. Direct the Assembly of First Nations (AFN) to meaningfully engage with the Government of Canada on the co-development of a suite of registration and band membership reforms and support the Government of Canada's direct engagement and consultation with First Nations rights holders on these reforms.
2. Direct the AFN to develop a broad engagement strategy with Canada to engage and support First Nations to co-develop opt-in alternatives to *Indian Act* registration and citizenship.
3. Direct the AFN to advocate for legislative, regulatory, and policy reforms, and co-develop these options with Canada so that elements of the Indian Act surrounding enfranchisement, deregistration, and second-generation cut off will:
 - a. Create opt-in alternatives to the *Indian Act's* registration system with a framework developed and controlled by First Nations, supporting their right to self-determination and recognition of Indigenous identity, and;
 - b. Ensure that any person registered by a First Nation is automatically eligible for recognition under the federal Indian Registration system, thus affirming First Nations' autonomy in fully determining their citizens without any separate system for receiving Indian Registration.
4. Direct the AFN to call on the Government of Canada to support these legislative changes to be implemented before October 2025.
5. Direct the AFN to bring back co-developed legislative, regulatory, and policy changes for consideration and endorsement by the First Nations-in-Assembly.

DRAFT RESOLUTION # 31 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Amendments to the First Nation's Election Act to Allow Electronic Voting
SUBJECT:	Governance
MOVED BY:	Chief Ted Williams, Chippewas of Rama First Nation, ON
SECONDED BY:	Chief Darcy Bear, Whitecap Dakota First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
- B. The *First Nations Elections Act* (FNEA) is an opt-in piece of federal legislation designed to provide a framework for First Nations Band Council elections. Between 2008 and 2011, the Assembly of Manitoba Chiefs and the Atlantic Policy Congress of First Nations Chiefs worked on recommendations and consulted with other First Nations leaders to improve the election process for First Nations. The FNEA is the result of their research and recommendations and was created to address challenges under the *Indian Act*.
- C. Section 41(f) of the FNEA allows for the Governor in Council to make regulations with respect to elections, including the manner in which voting is to be carried out. Currently the FNEA does not specifically provide for online voting.
- D. First Nations have the option for mail-in voting in many of our communities. Mail-in ballots are useful for band members living off-reserve, allowing for all members to participate in First Nation elections. As First Nations communities develop, so should their use of election technology. Online voting can enhance participation, self-determination, and governance.
- E. After the recent global pandemic, the importance of remote and electronic voting is evident. During the pandemic, many First Nations were encouraged to postpone elections, potentially leaving a governance gap. First Nations should be taking steps now to prevent this from happening again in the future.
- F. Studies have shown the effectiveness of electronic voting in First Nation communities—participation is increased and elections become more accessible to those living on and off-reserve.
- G. Online voting would allow for more First Nations to take control of membership and membership rules under section 10 of the *Indian Act* by making elections more accessible, as consent under the *Indian Act* is only achieved when a “double majority” voting threshold is met.

DRAFT RESOLUTION # 31 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Call on Canada to work with First Nations on adding a regulation under section 41 to the *First Nations Elections Act* allowing for participating First Nations to use electronic and remote voting in First Nations elections where they so choose.
2. Once engagement with First Nations has occurred, urge the Governor in Council to make a regulation under section 41(f)(iv) of the *First Nations Elections Act* with respect to electronic and remote voting, allowing First Nations under the Act to opt-in to electronic and remote voting in their elections.

DRAFT RESOLUTION # 32 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Bringing Our Own Children Home Under Our Governance

SUBJECT: Children and Families

MOVED BY: Chief Desmond Bull, Louis Bull Tribe, AB

SECONDED BY: Chief Vernon Saddleback, Samson Cree Nation, AB

WHEREAS:

- A. Recalling and agreeing with the Chiefs in Canada 1981 Declaration, stating as follows.
- i. "We the original peoples of this Land know the Creator put us here. The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind. The Laws of the Creator define our rights and responsibilities. The Creator gave us our spiritual beliefs, our Languages, our culture, and a place on Mother Earth which provided us with all our needs. We have maintained our freedom, our Languages, and other traditions from time immemorial. We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed. The Creator has given us the right to govern ourselves and the right to self-determination. The right and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation."
- B. Acknowledging that international law recognizes the nationhood of the Cree, Dene, Nakota Sioux, Saukteaux/Ojibway in Treaty No. 6 (West) in the official United Nations General Assembly Declaration on the Rights of Indigenous Peoples, the International Labor Organization Convention 169, the International Convention on the Rights of the Child, and the Organization of American States Declaration on the Rights of Indigenous Peoples, among other international normative standards.
- C. Further to Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples*, and specifically noting the internationally and domestically recognized right of Free, Prior and Informed Consent, which requires full disclosure and consultation of all those Indigenous Peoples who may be affected by any action, agreement, policy, legislation or other similar instrument.
- D. The family is a natural and fundamental group unit of society. Indigenous Peoples have the right to preserve, maintain, and promote their own family systems. States shall recognize, respect, and protect the various Indigenous forms of family, in particular the extended family, as well as the forms of matrimonial union, filiations, descent, and family name. In all cases, gender and generational equity shall be recognized and respected. [Sourced from OAS Declaration]
- E. In matters relating to custody, adoption, severance of family ties, and related matters, the best interests of the child shall be a primary consideration. In determining the best interests of the child, courts and other relevant institutions shall take into account the right of every Indigenous child, in community with members of his, her, or their people, to enjoy his, her, or their own culture, to profess and practice his, her or their own religion or to use his, her or their own language and in that regard shall look to the

DRAFT RESOLUTION # 32 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

Indigenous law of the peoples concerned and shall consider their points of view, rights and interests, including the positions of individuals, the family, and the community.

- F. Emphasizing that sections 25 and 35(1) of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal and Treaty rights.
- G. Federal historical legislation that pertains to our ancestors and children in Indian Residential Schools and to our current child family services have been impacted in our livelihood though the ripple effects of residential and intergenerational traumas.

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

1. Request the support of the Assembly of First Nations (AFN) to ensure all Peoples, Tribes and Nations are allowed to exercise their own jurisdiction and sovereignty when bringing their children home, without interference from provincial, territorial and/or federal governments.
2. As First Nations, we hereby recognize and affirm the natural laws, customs, traditions, and protocols of each First Nation and undertake the reciprocal recognition of each First Nation's natural laws, customs, traditions and protocols so as to ensure the proper expression of each Nation's distinct identities through the children, youth, and families of those Nations.
3. Affirm that each Nation can draft and adopt their own child and family service law that pertains to their own mandate and laws with reference to their own constitution and that the individual and collective rights recognized under Treaties bind the Federal Crown to provide goods and services and all other incidental rights required to maintain healthy First Nations in Canada.

DRAFT RESOLUTION # 33 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for Crown Support of First Nations Developed Consultation and Accommodation Guidelines
SUBJECT:	Rights
MOVED BY:	Chief Raymond Flett, St. Theresa Point Ansininew Nation, MB
SECONDED BY:	Chief Dino Flett, Garden Hill Anishininew, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples Act's* Action Plan Measures commit to implementing the UN Declaration into Canadian law and policy. Specifically, Action Plan Measure 68 commits the Government of Canada to:
- i. Strengthen Indigenous peoples' participation in decision-making through an improved whole-of-government approach to consultation and accommodation which is aligned with the UN Declaration by:
 - a. Co-developing consultation arrangements with Indigenous partners that establish agreed-upon duty to consult and engagement processes, in a manner that is consistent with self-determination objectives and free, prior and informed consent.
 - b. Co-developing information on Aboriginal and Treaty rights through a system newly co-managed with Indigenous partners
 - c. Establishing a permanent Indigenous advisory committee to guide the federal approach to consultation and to explore considerations for an Indigenous-managed consultation capacity support fund.
- C. The duty to consult and accommodate obliges the Crown to engage with First Nations, where their rights, as affirmed under section 35 of the *Constitution Act, 1982*, could be affected by Crown conduct.
- D. The Crown has a legal duty to engage in meaningful consultation whenever it has reason to believe that its laws, policies or actions, directly or indirectly, might infringe upon actual or claimed First Nations interests and Treaty, rights, title and jurisdiction.

DRAFT RESOLUTION # 33 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E.** First Nations have frequently raised concerns about the Crown's lack of meaningful consultation through numerous resolutions, including in relation to the assertion of Métis rights in the Treaty land and traditional territories of Assembly of First Nations (AFN) member First Nations, as articulated in AFN Resolution 81/2023, *Urgent Protection of First Nations Inherent and Treaty Rights from Ongoing Illegitimate Rights Assertions*.
- F.** Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) is conducting engagement with Indigenous Peoples to inform a renewal of the "Guidelines for Federal Officials to Fulfill the Duty to Consult – March 2011".
- G.** Instead of CIRNAC attempting to remedy past mistakes through the development of pan-Indigenous guidelines, First Nations rights holders must be provided with the necessary resources to develop their own consultation and accommodation guidelines to ensure their rights are respected and upheld.
- H.** Canada must support and ensure that First Nations have the financial, technical and other assistance they need, in order to address the imbalance of power. These provisions must be afforded freely, absent any type of coercion or attempt to use such assistance to leverage or influence positions in consultations.
- I.** First Nations affirm that free, prior and informed consent requires Canada to provide financial resources for First Nations to develop or revise their own institutions, through their own decision-making procedures and in accordance with their own laws and legal orders, to set up representative structures to facilitate the consultation process.

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

- 1.** Call on Canada to provide adequate resources and funding to the Assembly of First Nations (AFN) to work collaboratively with First Nations rights holders to develop materials to support First Nations' direct engagement on Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) process to update the federal "Guidelines for Federal Officials to Fulfill the Duty to Consult – March 2011", built on the foundation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and free, prior and informed consent.
- 2.** Call on Canada to respect and adhere to existing First Nations protocols that set out consultation and accommodation standards.
- 3.** Direct the Assembly of First Nations (AFN) to call on CIRNAC to affirm its commitment to principles outlined in the UN Declaration by investing and providing equitable funding specifically designated for First Nations to develop their own consultation and accommodation guidelines.
- 4.** Direct the AFN to call on CIRNAC to provide capacity support and adequate funding for interested First Nations rights holders to lead discussions and amendments on CIRNAC's "Guidelines for Federal Officials to Fulfill the Duty to Consult – March 2011".

DRAFT RESOLUTION # 34 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for Sufficient, Predictable and Sustainable Funding for First Nations
SUBJECT:	Fiscal Relations
MOVED BY:	Chief Cornell McLean, Lake Manitoba First Nation, MB
SECONDED BY:	Chief Heidi Cook, Misipawistik Cree Nation, MB

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: Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- v. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

B. The *United Nations Declaration on the Rights of Indigenous Peoples Act's* Action Plan Measures emphasize the importance of implementing the UN Declaration into Canadian law and policy.

C. Canada transfers funds to the provinces to address fiscal disparities, such as through the equalization program. The purpose of the program was set out in the *Constitution Act, 1982*:

- i. Subsection 36(2): Parliament and the Government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of public taxation.

D. The Royal Commission on Aboriginal Peoples, Volume 2, recommended that:

- i. "(...) financial arrangements should reflect the principle that for Aboriginal self-government to be meaningful, fiscal autonomy and political autonomy should grow together. This relationship should be reflected in the proportion of transfers to Aboriginal governments from the federal and

DRAFT RESOLUTION # 34 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

provincial governments that are unconditional. A government cannot be truly autonomous if it depends on other governments for most of its financing. The nature of transfers from other governments, for example, should reflect this principle.”

- E. On May 30, 2024, the Government of Newfoundland and Labrador announced that it is launching a constitutional challenge regarding Canada’s federal equalization program on the grounds that it does not achieve fairness for all citizens. Newfoundland and Labrador assert that the equalization formula:
 - i. does not consider the costs of delivering services;
 - ii. penalizes Newfoundland and Labrador for developing natural resources, including wind energy; and,
 - iii. fails to provide excess funding to all provinces.
- F. The lack of sustainable and equitable funding for First Nations has a significant impact on the ability of First Nations governments to provide adequate services to their citizens. This includes a lack of clean drinking water, emergency management services, social services, housing, and infrastructure, among other disparities.
- G. The orders of government to which federal transfers are made do not include First Nations governments, demonstrating that the Crown does not view First Nations as equal levels of government when it comes to fiscal transfers. As a result, First Nations experience significant unfairness through the federal transfer of funds.
- H. Federal transfer payments are made on a per-capita basis, meaning funding is provided to the provinces and territories to support services for First Nations.
- I. Funding should be transferred directly to sovereign First Nations, in accordance with the Nation-to-Nation relationship between Treaty partners. This would eliminate the need for provinces to act as third-party managers, distributing funding as they see fit rather than in accordance with First Nations’ actual needs.
- J. First Nations-in-Assembly have recognized this need, specifically through Resolution 95/2018, *Inherent and Treaty Based Funding Agreements*, which mandates the AFN to call upon provincial and federal governments to uphold the honour of the Crown and their Treaty obligations by consulting with First Nations before allocating any federal transfer payments to the province for any reason; and to advocate for First Nations to have direct access to funding in a way consistent with First Nations Treaty and Inherent rights.
- K. In 2017, the AFN and Indigenous Services Canada developed the report, *A New Approach, Co-development of a New Fiscal Relationship Between Canada and First Nations*. Developed through regional engagements and supported by the then-Chiefs’ Committee on Fiscal Relations, the report recommended several actions to focus on:
 - i. The effects of both historic and current underfunding, and the need for First Nations governments to catch up with the rest of the country at a foundational level in terms of programs, services, infrastructure, and operations;
 - ii. The need for appropriate escalators to ensure that First Nations governments keep up with the rest of the country on an ongoing basis; and,

DRAFT RESOLUTION # 34 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- iii. The importance of supporting administrative capacity via specific investments in First Nations governments, as well as in First Nations-led institutions and service providers that provide support to First Nations governments.
- L. In 2019, the Joint Advisory Committee on Fiscal Relations released the Interim Report, *Honouring our Ancestors by Trailblazing a Path to the Future*. The report contained 24 recommendations to support a new fiscal relationship between Canada and First Nations, including:
 - i. Recommendation 11: The Committee recommends that First Nations and the Government of Canada develop a regime of optional statutory transfers to be made available to First Nations governments.

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

1. Call on Canada to work with First Nations to co-develop a new opt-in fiscal framework, similar to the federal equalization program and consistent with the principles of reconciliation, respecting the Inherent and Treaty rights of First Nations, and aligning with the *United Nations Declaration on the Rights of Indigenous Peoples*.
2. Direct the Assembly of First Nations (AFN) to seek resources to undertake engagement with First Nations to establish a comprehensive First Nations position that addresses regional perspectives on federal transfer payments and inform its position to implement Resolution 95/2018, *Inherent and Treaty Based Funding Agreements* for future endorsement by First Nations-in-Assembly.
3. Direct the AFN to advocate for immediate increases to First Nations funding to support First Nations governments to provide equitable programs services to citizens.

DRAFT RESOLUTION # 35 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Creation of a Chiefs' Committee on Treaties
SUBJECT:	Treaties
MOVED BY:	Proxy Ted Quewezance, Keeseecose First Nation, SK
SECONDED BY:	Chief Wilfred King, Kiashke Zaaging Anishinaabek, ON

WHEREAS:

- A. The *Royal Proclamation of 1763* recognizes Indigenous land rights and title. It set out the general principles of Treaty-making recognizing First Nations' rights to the land and to self-govern.
- B. Prior to 1982, pre- and post-Confederation treaties were signed between the British Crown and First Nations.
- C. In 1982, Canada repatriated the Canadian Constitution, resulting in the *Constitution Act, 1982*. Section 35 of the Constitution, recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal Peoples of Canada.
- D. Many judicial decisions, beginning with *R v. Sparrow*, [1990] 1 S.C.R. 1075, have interpreted Section 35 and provided the framework for the recognition of First Nations constitutional rights.
- E. Other sources, including the *Royal Commission of Aboriginal Peoples* (RCAP) Report in 1996, called for renewed national reconciliation efforts, and have provided important context to the mistreatment of the Treaty relationship within Canada.
- F. In 2021, Canada passed the *United Nations Declaration on the Rights of Indigenous People Act* (UNDA). In 2023, Canada created a National Action Plan to implement the UNDA, as required by section 6 of that Act.
- G. The identification, protection, and implementation of Aboriginal and Treaty rights is an underlying principle and value of Canada's Constitution.
- H. On May 6, 2024, the Government of Canada announced its intent to create an independent Modern Treaty Commissioner. As an Agent of Parliament, the new Commissioner's role would be to provide oversight to ensure the Government of Canada fulfills its obligations under Modern Treaties.
- I. Article 2 of the AFN Charter states:
 - i. (1) First Nations involved in diplomatic and political relations within the Assembly of First Nations recognize that collective political power and action is a practical imperative for the preservation and integrity of the right of self-determination for each First Nation.
 - ii. (2) In order to achieve political solidarity, diplomatic and political relations between First Nations involved in the Assembly of First Nations shall be characterized by the principles of coexistence and diversity.

DRAFT RESOLUTION # 35 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- iii. (3) The purpose, authority, responsibilities and jurisdiction of the Assembly of First Nations shall be derivative in nature and scope. All actions or initiatives in excess of the delegation from First Nations shall be null and void and of no force or effect.
 - iv. (4) All delegated power, mandates or responsibility derive from the sovereignty of First Nations; and the persons or institutions entrusted to exercise such delegation have a sacred trust and duty, in performance, to comply strictly with the nature and quality of the delegation.
 - v. (5) The Assembly of First Nations shall remain at all times an instrument to advance the aspirations of First Nations and shall not become greater in strength, power, resources or jurisdiction than the First Nations for which it was established to serve.
- J. 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.
 - ii. 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.
 - iii. The Chiefs' Committee shall draft a term 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.
 - iv. 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.
 - v. 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.
 - vi. 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.
- K. Since the creation of the Assembly of First Nations in 1982, First Nations-in-Assembly have passed more than fifty resolutions calling for support to implement their Treaty rights.**

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

1. Direct the Assembly of First Nations (AFN) to seek resources to create a Chiefs' Committee on Treaties to discuss implementation of Pre-Confederation Treaties and Treaties 1 to 11.
2. Direct the Chiefs' Committee to create Terms of Reference, which include the preamble of this resolution to ensure implementation.

DRAFT RESOLUTION # 35 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Direct the AFN to create an opt-in mechanism for First Nations that want to participate in discussions around National Treaty work to do so, and to ensure that any work undertaken shall not affect any First Nation who chooses to opt-out of national discussions.
4. Direct the Chiefs' Committee on Treaties to provide advice to the AFN Executive Committee and First Nations-in-Assembly and facilitate information-sharing on the actioning of AFN resolutions related to Treaties, and to provide support to First Nations, upon request, in order to uphold their Treaty rights.

DRAFT RESOLUTION # 36 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Exercise of Inherent and Treaty Rights on All Treaty/Crown Lands
SUBJECT:	Rights, Treaties, Lands
MOVED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK
SECONDED BY:	Chief Larry Ahenakew, Ahtahkakoop First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- B. First Nations have Inherent and Treaty Rights to their ancestral, traditional and Treaty lands. This includes ensuring that First Nations have access to their lands for the purposes of exercising their Inherent and Treaty rights, setting aside adequate land to fulfil the Crown's lawful obligations under claims or other agreements, and properly consulting with First Nations before making decisions which may impact First Nations' rights.
- C. All lands currently held by federal, provincial, and territorial governments as Crown lands are the ancestral, traditional, and Treaty territories of First Nations. Despite this legal reality, provincial and territorial governments across the country continue to place restrictions on First Nations' access to and use of their lands. These restrictions include the enactment of trespassing legislation and the creation of third-party interests without First Nations free, prior, and informed consent.
- D. The Government of Canada, the provinces, and territories have a legal and moral duty to consult and cooperate in good faith with First Nations in order to obtain their free, prior and informed consent prior to implementing any changes or taking any actions that might impact First Nations ability to exercise their rights on their ancestral, traditional, and Treaty lands and territories.
- E. Some of the actions taken by provincial and territorial governments that undermine First Nations access to their ancestral, traditional, and Treaty lands and territories include the sale of Crown lands with little or no notice to First Nations, long term leases of lands, changes in the legal status of lands preventing First Nations' access, the setting aside of lands for agricultural or conservation purposes without proper consultation, and various mining/mineral staking and sale regimes. These dispositions impede all levels of government in fulfilling their lawful and honour-bound obligations to return lands to First Nations and ensure First Nations can exercise their Treaty rights on their lands and territories.

DRAFT RESOLUTION # 36 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. The sale and long-term lease of lands, as well as reductions in access to lands breach First Nations' ability to exercise their Inherent and Treaty Rights to hunt, fish, trap and gather. The cumulative adverse impacts of these decisions have severely impacted First Nations' Inherent and Treaty rights across the country.

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

1. Direct the Assembly of First Nations (AFN) to advocate and assert that First Nations Inherent and Treaty rights to their ancestral, traditional, and Treaty lands take precedence over all other claims and interests and affirm that federal, provincial, and territorial governments must obtain First Nations free, prior, and informed consent for any activities that may affect First Nations Inherent and Treaty rights to ancestral, traditional, and Treaty lands.
2. Call on the Government of Canada to take immediate and meaningful action, consistent with the Honour of the Crown, to ensure First Nations can exercise their Inherent and Treaty rights on their ancestral, traditional, and Treaty lands.
3. Call on the Government of Canada to create formal processes, inclusive of federal, provincial, territorial and First Nations governments, to address existing approaches to the management of 'Crown' lands and ensure federal, provincial, and territorial decision making is consistent with Canada's obligations under Treaty, and international and domestic law.
4. Direct the AFN to seek funding to ensure the AFN and its regions can fully participate in these processes, including dedicated funding to support regional engagement and participation.

DRAFT RESOLUTION # 37 / 2023

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for the Assembly of First Nations 2SLGBTQQIA+ Council Mandate and Funding
SUBJECT:	2SLGBTQQIA+
MOVED BY:	Chief Allan Polchies, St Mary's First Nation, NB
SECONDED BY:	Chief Shelley Sabattis, Oromocto First Nation, NB

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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. Pre-colonial First Nations worldviews included complex understandings of sexuality and gender outside of the patriarchal, heteronormative male/female binary for many First Nations societies. Two-spirit and gender-diverse peoples were recognized as carrying unique responsibilities vital to the collective wellbeing of First Nations societies.
- C. Colonialism has had a profound impact on the roles and standing of two-spirit and gender-diverse people within First Nations societies.
- D. Two-spirit and gender-diverse First Nations peoples face discrimination and marginalization within and outside of First Nations communities, including lack of access to safe and adequate health and social services, and systemic invisibility.
- E. Action Plan Measure 11 in the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan calls on the Federal Government to "Implement Pillar 3 of the Federal 2SLGBTQI+ Action Plan, "Support Indigenous 2SLGBTQI+ Resilience and Resurgence," focusing on advancing rights and equality of Indigenous 2SLGBTQI+ people through collaboration and cooperation with Indigenous Peoples and national Indigenous organizations, governments, and representative institutions, while recognizing distinct cultural approaches to identity."
- F. The 2SLGBTQQIA+ Council has adopted a Strategic Plan with ambitious goals over the next four years to achieve their mandates from First Nations-in-Assembly and the 2S+ community.

DRAFT RESOLUTION # 37 / 2023

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- G.** The 2SLGBTQQIA+ Councils Strategic Plan includes four priorities: 1. Truth Telling 2. Moving the 2S+ Council Forward 3. Collaboration and Relationship Building 4. Education and Knowledge Translation.

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

- 1.** Reaffirm that two-spirit and gender-diverse peoples are a traditional part of First Nations and carry unique responsibilities vital to the collective wellbeing of First Nations societies.
- 2.** Support the Assembly of First Nations (AFN) 2SLGBTQQIA+ Council in rejecting government policies that directly impact the safety and wellbeing of two-spirit and gender-diverse First Nations people, especially those policies that negatively impact First Nations youth.
- 3.** Direct the 2SLGBTQQIA+ Council to report back to the First Nations-in-Assembly on an annual basis on progress on the strategic plan.
- 4.** Direct the AFN to seek out appropriate funding and resources for the AFN 2SLGBTQQIA+ Council to ensure the implementation of their strategic plan and mandate.
- 5.** Call on Canada to continue to advance and fully implement Action Plan Measure 11 and support the implementation of the Federal 2SLGBTQI+ Action Plan 2022.

DRAFT RESOLUTION # 38 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Treaty Right to Tax Exemption
SUBJECT:	Taxation, Treaties
MOVED BY:	Chief Lloyd Buffalo, Day Star First Nation, SK
SECONDED BY:	Chief Michael Starr, Star Blanket Cree Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous People* (UN Declaration) states:
- i. 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.
 - ii. 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. Treaty Rights were secured in all parts of what is now Saskatchewan between 1871 to 1906 when the Treaties Numbered 2, 4, 5, 6, 8 & 10 were made between the Crown and First Nations.
- C. First Nations were promised exemption from taxation by the Crown.
- D. The imposition of taxation by the federal and provincial governments on First Nations Peoples and First Nations lands is a violation of Treaty.
- E. Treaties are intended to be beneficial to all people in Saskatchewan as they are mutually beneficial arrangements that guarantee a peaceful co-existence between the Treaty parties.
- F. The federal and provincial governments have an obligation to honour and respect Treaty Rights.
- G. This excludes taxation implemented by the *First Nations Land Management Act*.
- H. The federal and Saskatchewan provincial governments have illegally imposed significant taxation on First Nations.

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

1. Call upon the federal and provincial government to fulfil the tax exemption promise made by the Crown under Treaty and exempt all First Nations Peoples from all taxation, including hidden and consumption taxes.
2. Call upon the federal and provincial government to reimburse First Nations Peoples for past taxes paid.

DRAFT RESOLUTION # 38 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Direct the AFN to provide legal and technical support to Treaty Territories and First Nations in commencing legal action on the recognition of the Treaty Right to tax exemption.

DRAFT RESOLUTION # 39 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Treaty Annuities Value
SUBJECT:	Rights, Treaties
MOVED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
SECONDED BY:	Chief Tanya Aguilar-Antiman, Mosquito, Grizzly Bear's Head and Lean Man First Nations, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 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.
 - iii. 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. First Nations have rights that are Inherent Rights that flow from the original occupation of the land that is now Canada.
- C. Treaty Rights were secured in what is now Canada when the Treaties Numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, and their various adhesions, were made between the Crown and First Nations.
- D. First Nations maintain that Treaty First Nations Peoples possess a Treaty Right to Treaty Annuities that maintain the value and purchasing power of said Annuities at the time Treaties were entered into.
- E. Treaty Annuities were intended to benefit Treaty First Nations Peoples by compensating Treaty First Nations Peoples for the loss of the exclusive use of their territory and to ensure the well-being of future generations.
- F. Treaty Annuities were intended to benefit Treaty First Nations people by allowing Treaty First Nations Peoples to purchase goods and resources moving forward and would be maintained for Treaty First Nations Peoples in a fair and equitable manner.
- G. The value of Treaty Annuities has dwindled to a mere nominal or symbolic token.

DRAFT RESOLUTION # 39 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- H. There has been a refusal of federal governments to honour the Treaty relationship by raising the value of Treaty Annuities to reflect inflation, or an amount equivalent to the purchasing power of annuities at the signing of Treaty, whichever is greater, which has significantly reduced the value and worth of Treaty Annuities over time.
- I. The refusal to raise the value of Treaty Annuities for First Nations Peoples is an ongoing breach of Treaty.
- J. The federal and provincial governments have an obligation to honour and implement Treaty Rights.
- K. Several First Nations have initiated a class action lawsuit against the Government of Canada seeking to hold the Government of Canada accountable to its Treaty promises by seeking unpaid and underpaid Treaty Annuities and the regular adjustment of Treaty Annuities moving forward.
- L. The Robinson-Huron Treaty Annuity was recently settled in a court action against the Crown and the Government of Ontario.

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

1. Call on the Government of Canada to stop fighting First Nations in court and negotiate the settlement of such lawsuits in good faith in a manner that supports meaningful and genuine reconciliation.
2. Support First Nations Treaty Annuity lawsuits, such as by First Nations in Saskatchewan regarding Treaty 4, and call for any settlements to be excluded from taxation and are not considered income for the purpose of calculating any benefits, such as Social Assistance or Old Age Security benefits.
3. Direct the Assembly of First Nations (AFN) to support Treaty Territories and First Nations in launching legal action on indexing annuities by providing legal and technical support, including an economic study on the value of Treaty Annuities from the past to the present and in perpetuity for all future generations.

DRAFT RESOLUTION # 40 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for Co-developed Decarceration Strategy and Full Implementation of the Correctional Investigator's Recommendations
SUBJECT:	Justice
MOVED BY:	Chief Jerry Jack, Mowachaht/Muchalaht First Nation, BC
SECONDED BY:	Chief Roderick Gould Jr., Abegweit First Nation, PE

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - 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.
 - Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact First Nations Peoples, with various studies, reports, inquiries, and commissions pointing to systemic anti-Indigenous racism and discrimination in Canada's justice system resulting in the over-criminalization, and over-representation of Indigenous Peoples in correctional institutions.
- C. The Office of the Correctional Investigator's report, *Ten Years Since Spirit Matters: A Roadmap for Reform (Ten Years Since Spirit Matters)*, tabled with Parliament on November 1, 2023, found that although there were overall declines in the incarcerated population in recent years, Indigenous over-representation has increased at an unabated pace increasing by 40.8%.
- D. Despite accounting for approximately 5% of the adult population, Indigenous Peoples are significantly overrepresented in the federal correctional system, accounting for 28% of all federally sentenced individuals, and 32% of all individuals in federal custody.

DRAFT RESOLUTION # 40 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E. Most alarmingly, the overrepresentation of Indigenous women in federal corrections has increased from approximately 32% to 50% over a 10-year period.
- F. The Correctional Investigator recommended in *Ten Years Since Spirit Matters* that Correctional Services Canada (CSC) co-develop indicators and outcomes to reduce Indigenous over-representation in federal corrections with Indigenous stakeholders, including Elders and community leaders, and report yearly and publicly on measurable performance indicators, results and outcomes. It was also recommended that several Ministries work jointly to develop and implement a national Indigenous decarceration strategy.
- G. The National Inquiry into Missing and Murdered Indigenous Women and Girls' Call for Justice 14.1, called on CSC to take urgent action to ensure Indigenous women, girls, and 2SLGBTQQIA+ peoples have options for decarceration through facilities described under section 81 and 84 of the *Corrections and Conditional Release Act*.
- H. As noted in the AFN's 2024 Calls for Justice Progress Report, Public Safety Canada has failed to take action in implementing most of the National Inquiry's Calls for Justice related to Corrections and Policing.
- I. Justice Canada and the AFN are currently co-developing a National First Nations Justice Strategy with the aim to reform the existing criminal justice system and revitalize Indigenous legal systems.
- J. Given the crisis levels of over-representation, urgent action must be taken to work with relevant Ministries to co-develop a national First Nations Decarceration Strategy that specifically targets this issue head on.

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

- 1. Call on Public Safety Canada (PSC) to fully implement all recommendations from the Office of the Correctional Investigator's (OCI) *Ten Years Since Spirit Matters* report (OCI Report).
- 2. Direct the Assembly of First Nations (AFN) to advocate in support of the OCI's recommendation in *Ten Years Since Spirit Matters* to "redistribute a significant portion of the current resources within the federal correctional system to Indigenous communities and groups for the care, custody, and supervision of Indigenous Peoples."
- 3. Call on PSC to fully implement all of the relevant National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice concerning justice, policing, and corrections.
- 4. Direct the Assembly of First Nations (AFN) to advocate and work with the Minister of Public Safety and all relevant ministries to urgently co-develop a strategic framework to develop and implement a national First Nations Decarceration Strategy, to address the overrepresentation of First Nations individuals in federal custody.
- 5. Direct the AFN to seek out appropriate funding and resources to advocate for a national First Nations Decarceration Strategy.

DRAFT RESOLUTION # 41 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montréal, QC

TITLE:	Call for Renewed Support of the Co-Development and Implementation of the Indigenous Justice Strategy
SUBJECT:	Justice
MOVED BY:	Chief Roderick Gould Jr., Abegweit First Nation, PE
SECONDED BY:	Chief Jerry Jack, Mowachaht/Muchalaht First Nation, BC

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact First Nations Peoples, with various studies, reports, inquiries, and commissions pointing to systemic anti-Indigenous racism and discrimination in Canada's justice system, resulting in the over-criminalization, and over-representation of Indigenous Peoples in correctional institutions.
- C. The federal, provincial, and territorial governments of Canada have provided little progress in the implementation of the Calls to Action of the Truth and Reconciliation Commission and implementation of the National Action Plan and Calls for Justice in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+).
- D. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent concerns of the Canadian justice system.
- E. There is a continued need for a coordinated approach to transforming the justice system by dismantling colonial justice structures and implementing First Nations legal orders and traditions, consistent with the minimum standards of First Nations self-determination and self-government in the UN Declaration and legal commitments of the Canadian government through the *United Nations Declaration Act* (UNDA).
- F. In December 2020, First Nations-in-Assembly passed Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice System*, calling for the development of a National First Nations Justice Strategy to be led by the Chiefs of the Assembly of First Nations (AFN).

DRAFT RESOLUTION # 41 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montréal, QC

- G. In December 2021, First Nations-in-Assembly passed Resolution 36/2021, *Call for a Recommitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, calling for the AFN to engage with Justice Canada and the Minister of Justice to set clear principles, funding, and guidelines for the co-development and eventual implementation of a First Nations Justice Strategy.
- H. In July 2022, First Nations-in-Assembly passed Resolution 11/2022, *Establishing a Chiefs' Committee on Justice*, calling for the AFN to create a Chiefs' Committee through Article 7(3) of the AFN Charter, whose objective is to provide guidance on the co-development and implementation of a National First Nations Justice Strategy.
- I. Justice Canada and the AFN carried out three years of concurrent engagement with First Nations stakeholders, regions, and legal scholars across Canada, to gather expertise and input into the development of the First Nations-specific components of an Indigenous Justice Strategy.
- J. The AFN submitted the *AFN Report on Recommendations for a First Nations Justice Strategy* to Justice Canada that culminates the three years of engagement activities to inform the creation of the justice strategy. The report presents two main recommendations: 1. Reform of the Canadian Justice System and, 2. Revitalization of First Nations laws, systems, and legal orders.

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

- 1. Direct the Assembly of First Nations (AFN) to continue working with Justice Canada and the Minister of Justice and Attorney General of Canada in the co-development and implementation of a National First Nations Justice Strategy, that will be incorporated into a broader Indigenous Justice Strategy.
- 2. Direct the AFN to draw from the report, *AFN Recommendations for a First Nations Justice Strategy*, to guide the co-development of a National First Nations Justice Strategy, which will include:
 - a. Regional and demographic considerations that recognize the diversity and unique situation for all First Nations in Canada;
 - b. Reform of the current criminal justice system aimed at helping to reduce or slow down the negative impacts of the justice system until revitalization work is established;
 - c. Revitalization of First Nations traditional laws, creation of First Nations laws, support for the administration of justice, and enforcement of First Nations laws within First Nations; and
 - d. Consistency with the minimum standards in the UN Declaration and legal commitments of the Government of Canada in the UN Declaration Act.
- 3. Direct the AFN to seek funding for the co-development and implementation of the National First Nations Justice Strategy, which includes support for the Chiefs' Committee on Justice and support of regional, community-based, and self-determined holistic approaches to justice that are grounded in First Nations principles, protocols, laws, and traditions.

DRAFT RESOLUTION # 42 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for Recognition of First Nations Jurisdiction over Policing
SUBJECT:	Policing, Public Safety
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Jerry Jack, Mowachaht/Muchalaht First Nation, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- Article 7(1): Indigenous individuals have the right to life, physical and mental integrity, liberty and security of person.
 - 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.
 - 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 Government of Canada committed to implementing the UN Declaration under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2001, c. 14 (UNDA).
- C. The current footprint of the First Nations and Inuit Policing Program (FNIPP) is grossly underfunded and impedes First Nations who wish to exercise their right to self-determination by providing police services for their Nations.
- D. First Nations and First Nations Chiefs of Police have, for decades, raised concerns about unfair negotiation tactics that Public Safety Canada (PSC) employs with respect to funding agreements. First Nations leadership have stated that these so called “negotiations” with PSC are tantamount to “take it or leave it” deals and perpetuates the underfunding and under resourcing of First Nations policing, endangering the communities they serve.
- E. In 2022, in the Dominique decision, the Canadian Human Rights Tribunal (CHRT) found that Canada discriminates against First Nations by underfunding First Nations policing. This decision is now being appealed by Canada to the Federal Court of Canada.
- F. In March 2023, Indigenous Chiefs of Police of Ontario (IPCO) filed a complaint with the Canadian Human Rights Commission (CHRC) alleging discrimination in the funding of First Nations police services under the FNIPP.

DRAFT RESOLUTION # 42 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- G. On June 30, 2023, the Federal Court of Canada found that PSC is deliberately choosing to underfund and apply discriminatory policies to First Nations police services and that PSC's actions and omissions violate the principle of the Honour of the Crown and are contrary to advancing reconciliation.
- H. In February 2024, the Supreme Court of Canada unanimously endorsed the Government of Canada's approach to recognizing and upholding First Nations jurisdiction over child welfare in federal legislation with *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24.
- I. In March 2024, the Auditor General of Canada tabled a report to the Parliament of Canada on the FNIPP, finding that PSC is not working in partnership with Indigenous communities to provide equitable access to policing services tailored to their needs and asserted critical shortcomings in PSC's management of the FNIPP.
- J. PSC officials refuse to acknowledge First Nations Inherent, Treaty, and constitutional rights in accordance with the UN Declaration and UNDA, within the context of co-developing a legislative framework recognizing First Nations policing as an essential service and are intending to table legislation that reaffirms the jurisdiction of provinces and territories in setting standards and regulations and in adopting enabling legislation to allow for the establishment of First Nations police services.
- K. The introduction of federal legislation that would enable provinces and territories to assert jurisdiction over First Nations would be unprecedented and is a regression on recognition of First Nations rights not seen since the White Paper of 1969.
- L. First Nations-in-Assembly passed Resolution 41/2023, *Support for Equitable Funding for First Nations Policing*, directing the AFN to re-engage with PSC to co-develop federal policing legislation based on a set of conditions, which have not been met by PSC.

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

- 1. Call upon the Government of Canada and Public Safety Canada (PSC) to introduce federal legislation that recognizes First Nations Inherent, Treaty, and Constitutional rights over policing and guarantees equitable funding to First Nations police services.
- 2. Reaffirms the following conditions for the Assembly of First Nations (AFN) to re-engage with PSC in the co-development of federal First Nations policing legislation:
 - a. The Minister of PSC agrees to meet as soon as possible with the AFN Policing Taskforce;
 - b. The Minister of PSC commits to appointing a Ministerial Special Representative who has experience engaging with First Nations and possesses an understanding of First Nations rights and policing to engage with the AFN and act as an intermediary between the Minister of PSC and PSC officials;
 - c. PSC commits to co-development of guiding principles that recognize First Nations Inherent rights, Treaty rights, and constitutional rights, as well as sovereignty and jurisdiction over First Nations policing;
 - d. PSC commits to a true co-development process with clear timelines for introduction of a bill in the House of Commons;

DRAFT RESOLUTION # 42 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- e. Representatives from Indigenous Service Canada, Crown-Indigenous Relations and Northern Affairs, and the Department of Justice fully participate in the co-development process to provide support to PSC and the AFN during discussions regarding the legislation; and
 - f. AFN representatives meet regularly with PSC's federal/provincial/territorial working group on First Nations policing to directly participate in discussions regarding the legislation.
- 3. Direct the AFN to reject any proposed legislation in which funding for First Nations policing would flow entirely through provinces and territories.
- 4. Direct the AFN to reject any proposed legislation which would delegate federal authority to legislate over First Nations policing to the provinces and territories.

DRAFT RESOLUTION # 43 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for Prosecution and Enforcement of First Nations Laws On-Reserve
SUBJECT:	Community Safety and Well-being
MOVED BY:	Chief Tim Paul, Woodstock First Nation, NB
SECONDED BY:	Chief George Ginnish, Eel Ground First Nation (Natoaganeg), NB

WHEREAS:

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

- i. Article 1: Indigenous people 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.
- ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- iii. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty, and security of person.
- iv. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children, and persons with disabilities in the implementation of this Declaration.
- v. 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.
- vi. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

B. Under legislation such as the *Indian Act* (R.S.C., 1985, c. I-5), and the *Framework Agreement on First Nations Land Management Act* (S.C. 2022, c 19, s. 121), many First Nation's rights to enact laws are recognized, such as laws to protect the safety and well-being of their members by regulating trespassers on reserve. Many First Nations validly enact laws pursuant to their inherent right to self-governance through the recognition provided by these statutes.

C. The Crown's continued refusal to enforce First Nations laws and bylaws is creating dangerous scenarios where there is no rule of law and where community members are not safe, leading to increased incidents of violence, murder, and an increase in drug use, illegal drug and contraband trafficking.

DRAFT RESOLUTION # 43 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D.** The Crown's continued refusal to enforce or prosecute First Nations laws and bylaws on reserve lands directly undermines First Nations inherent right to self-government and is thereby not consistent with the Crown's legal commitments under the United Nations Declaration Act (UNDA).
- E.** The Crown has no legal basis to refuse enforcement or prosecution of First Nations laws and bylaws on reserve and is thus discriminatory towards First Nations and contrary to the guarantees of equality under federal and provincial human rights legislation.
- F.** The Crown's continued refusal to enforce First Nations laws and bylaws is a direct violation against the rule of law guaranteed to all citizens of Canada through the Canadian Constitution and the Canadian *Charter of Rights and Freedoms*.

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

- 1.** Call upon all levels of government to work with First Nations to enforce and prosecute First Nations laws and bylaws across Canada in a way that addresses the specific needs and concerns of each community to ensure the safety and security of Indigenous communities.
- 2.** Call upon the federal government to allocate necessary funding and resources to support the enforcement and prosecution of First Nations laws, including the training and deployment of enforcement personnel within these communities.
- 3.** Direct the Assembly of First Nations (AFN) to create a permanent collaborative table at the federal level to monitor and advocate for the enforcement and prosecution of First Nations laws and bylaws on reserve with representation from First Nations and all relevant government entities including but not limited to the Department of Justice, the Public Prosecution Service of Canada, Public Safety Canada, Indigenous Services Canada, and the Ministry of the Attorney General.
- 4.** Direct the AFN to monitor and report on the progress of these initiatives, ensuring accountability and transparency of all levels of government.

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

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for International Collaboration on MMIWG2S+ and Rescinding Support for Leonard Peltier
SUBJECT:	MMIWG2S+
MOVED BY:	Chief Annie Bernard-Daisley, We'koqma'q First Nation, NS
SECONDED BY:	Chief Michelle Glasgow, Sipekne'katik First Nation, NS

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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), which concluded in 2019 with the release of the National Inquiry's Final Report entitled *Reclaiming Power and Place* (Final Report).
- C. The Final Report explores the many intersectional issues contributing to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people and produced a supplementary report calling the tragedy a raced-based genocide of Indigenous Peoples that especially targets women, girls and 2SLGBTQQIA+ peoples.
- D. The Final Report also includes 231 Calls for Justice, which include:
- Call for Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - Call for Justice 9.5: We call upon all police services for the standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are thoroughly investigated. This includes the following measures:
 - Improve communication between police and families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from the first report, with regular and ongoing communication throughout the investigation.
 - Improve coordination across government departments and between jurisdictions and Indigenous communities and police services.

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

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E. Countless First Nations women from across Canada are missing or were murdered in the United States, and many families have received no justice or closure, while both countries argue that the other state has jurisdictional responsibility.
- F. Jurisdictional disputes between Canada and the United States bring significant lack of justice, communication, and closure to families of Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ peoples (MMIWG2S+).
- G. Communication with Canadian families during United States criminal trials of offenders who harmed their family members is woefully inadequate.
- H. The remains of Annie Mae Pictou Aquash, a First Nations woman from Canada, were discovered in the United States in 1976. Still today, her family continues to advocate to the Government of Canada for justice, but are met with jurisdictional disputes.
- I. On December 10, 2010, John Graham, a Southern Tutchone Athabaskan from Whitehorse Yukon, was convicted of the felony murder of Annie Mae Pictou Aquash in the United States.
- J. The family and friends of Annie Mae Pictou Aquash have maintained that Leonard Peltier played a role in interrogating Annie Mae Pictou Aquash, whom Peltier suspected of being an FBI Informant, and that Peltier publicly supports her convicted murderer, John Graham.
- K. Leonard Peltier is Ojibway of the Dakota Nation in North Dakota and member of the American Indian Movement who was convicted of two counts of first-degree murder in the deaths of two Federal Bureau of Investigation agents in a shootout on June 26, 1975.
- L. In 1987, the Assembly of First Nations (AFN) passed Resolution 29/1987, *Return to Canada of Leonard Peltier*, demanding that Canada file paperwork to return Leonard Peltier from the United States to Canada for a fair trial.
- M. In 1999, the AFN passed Resolution 26/1999, *Justice for Leonard Peltier*, urging the Minister of Justice Canada to make a formal request to the Attorney-General of the United States for Leonard Peltier to be freed.
- N. The AFN advocates for Distinctions-Based Approaches in its work on addressing MMIWG2S+ and a First Nations-based approach that 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 direct needs and actions.
- O. In 2020, the AFN passed Resolution 13/2020, *Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations*, calling on the AFN to renew itself as a role model organization to end sexual orientation and gender-based discrimination including harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny within the organization.
- P. Reconsideration of previous political support of those convicted of violence against First Nations women, girls, and 2SLGBTQQIA+ peoples and those who publicly support them, is a strong first step to bring truth and healing for survivors and families of those who have experienced gender-based violence.

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

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- Q. In 2021, the AFN passed Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, calling for 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.

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

1. Rescind previous support for the extradition of Leonard Peltier to Canada, including Assembly of First Nations (AFN) Resolution 29/1987, *Return to Canada of Leonard Peltier*, and Resolution 26/1999, *Justice for Leonard Peltier*.
2. Call on the Government of Canada to review mechanisms used for international collaboration on cases of MMIWG2S+ that occur in the United States and to improve communication with survivors and families of those who have experienced gender-based violence while in the United States.
3. Call on the AFN Women’s Council and AFN 2SLGBTQQIA+ Council to establish a sub-working group focused on international collaboration to develop strategies to address MMIWG2S+ survivors and families of those who have experienced gender-based violence while outside of Canada.

DRAFT RESOLUTION # 45 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for Acceleration of MMIWG2S+ National Action Plan and Calls for Justice Implementation
SUBJECT:	MMIWG2S+
MOVED BY:	Chief Constance Big Eagle, Ocean Man First Nation, SK
SECONDED BY:	Chief Joanne Miles, Flat Bay Band, NL

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - Article 22(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. On September 1, 2016, the Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry).
- C. On June 3, 2019, the National Inquiry released its Final Report entitled *Reclaiming Power and Place*, which explores the many intersectional issues that contribute to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ peoples.
- D. In response to the National Inquiry's 2019 Final Report and Call for Justice 1.1, a core working group made up of representatives from the federal government, provincial/territorial governments, distinctions-based National Indigenous Organizations, the 2SLGBTQQIA+ community, and urban Indigenous Peoples released the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan* (MMIWG2S+ NAP).
- E. On June 3, 2021, the Assembly of First Nations (AFN) released its First Nations Chapter of the MMIWG2S+ NAP, a First Nations-led report called, *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People*, highlighting priority areas identified by survivors and families to immediately address violence against First Nations women, girls, and 2SLGBTQQIA+ peoples.

DRAFT RESOLUTION # 45 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. On June 3, 2024, the AFN released a progress report on Calls for Justice implementation, which examined Canada's progress over the past 5-years to address the 231 Calls for Justice, finding that over half of the main Calls for Justice and 2SLGBTQIA+ specific Calls for Justice have made no progress.

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

1. Call upon the Government of Canada to provide stronger leadership and act as an intervenor with the provinces and territories for coordinated action and commitments to advancing the Calls for Justice.
2. Direct the Assembly of First Nations (AFN) to continue monitoring activities in implementing the Calls for Justice and co-draft a National First Nations-Canada Workplan to accelerate implementation.
3. Direct the AFN to seek funding to support research and data collection to help identify the resources needed to support the National Framework Strategies outlined in the report *Breathing Life into the Calls for Justice*.

DRAFT RESOLUTION # 47 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Support for First Nations Accessing ICMP Expertise for Missing Children, Unmarked Graves, and Burial Sites Associated with the Former Indian Residential Schools

SUBJECT: Indian Residential Schools

MOVED BY: Chief David Monias, Pimicikamak Cree Nation, MB

SECONDED BY: Chief Derek Nepinak, Minegoziibe Anishinabe, 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:
 - i. 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;
 - ii. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - iii. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - iv. Any form of forced assimilation or integration;
 - v. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- v. Article 11(1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- vi. Article 12(1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and

DRAFT RESOLUTION # 47 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains; and

- vii. Article 12(2) States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned;
 - viii. 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.
 - ix. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
- B.** The Truth and Reconciliation Commission of Canada (TRC) Calls to Action 71–76, call on churches, the federal government, and civil society to locate all unmarked and/or mass burial sites associated with Indian Residential Institutions (IRI) and to determine the real number of children who died while being forced to attend these institutions.
 - C.** To-date, approximately 2,000 anomalies have been detected using ground penetrating radar on the grounds of, or adjacent to, former IRI sites located across First Nations' territories; and that these anomalies and ground disturbances have been analyzed by experts to be consistent with burials of unidentified and missing individuals who may have died while in attendance at one of the IRIs.
 - D.** First Nations have expressed a need to work with expert agencies and organizations with the proven background and technical expertise in locating and identifying missing persons using appropriate protocols, forensic archaeology, and anthropology, including DNA testing and processing.
 - E.** On June 8, 2022, Crown-Indigenous Relations and Northern Affairs (CIRNA) appointed a Special Interlocutor for Missing Children and Unmarked Burials Sites associated with Indian Residential Schools whose mandate is to recommend a new legal framework to ensure the respectful and culturally appropriate treatment and protection of unmarked graves and burial sites.
 - F.** A National Advisory Committee was created by CIRNA to provide a national source of independent, expert information to support community efforts to locate, identify and commemorate their missing children.
 - G.** On February 17, 2023, CIRNA made a joint announcement with the International Commission on Missing Persons (ICMP) that they entered into a technical arrangement for the ICMP to conduct a cross-country outreach and engagement campaign with Indigenous communities wishing to explore options for identification and repatriation of human remains from unmarked burial sites associated with former IRIs and to develop a National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons.

DRAFT RESOLUTION # 47 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- H. AFN Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, mandates the Assembly of First Nations (AFN) to formally invite the ICMP to work with First Nations to support work as part of an international entity, and seek justice through intervention at the International Criminal Court in this matter, to hold the Imperial Crown, the Government of Canada and the Vatican accountable for their actions, and to seek justice for the crimes against humanity for the victims' families and the international community.
- I. AFN Resolution 29/2022, *Establishment of an AFN Chiefs' Committee on Indian Residential Schools*, directs the AFN to establish a Chiefs' Committee on Indian Residential Schools to, among several mandates, help track and share information between First Nations who are undertaking ground searches for unmarked graves at former Residential Schools and to advocate to fully implement the TRC Calls to Action.
- J. AFN Resolution 29/2023, *Support for Indian Residential School Survivors Organizations*, calls on First Nations-in-Assembly to support regional Indian Residential School Survivors' organizations in their efforts and ongoing work.

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

- 1. Reaffirm Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, directing the Assembly of First Nations (AFN) to:
 - a. immediately begin work with all First Nations in Canada to support the investigation of former Indian Residential School sites with the purpose of identifying crime scenes of children.
 - b. work with all First Nations in Canada to support additional works as required and considered appropriate by each First Nation to conduct archeological investigations, document research and other such methods of investigation as required to collect more information about any gravesites discovered during the investigation.
- 2. Support Pimicikamak Cree Nation and all other First Nations in accessing technical support and expertise from the International Commission on Missing Persons (ICMP), and by extension the objectives and activities of the ICMP Canada Residential Schools Project.
- 3. Direct the AFN and the Chiefs' Committee on Indian Residential Schools, to engage with the ICMP for the benefit of those First Nations that wish to engage and access the technical supports of the ICMP per the technical arrangement they entered with Crown-Indigenous Relations and Northern Affairs.
- 4. Direct the AFN and Chiefs' Committee on Residential Schools to advocate to Canada on behalf of First Nations for the complete independence of the ICMP Canada Residential Schools Project's National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons, while maintaining the collective First Nations' position to seek justice through intervention at the International Criminal Court as per AFN Resolution 02/2021.

DRAFT RESOLUTION # 48 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Advocating for full and effective participation of Indigenous Peoples at the United Nations
SUBJECT:	Rights, Health, Education, Treaties, etc.
MOVED BY:	Chairperson Khelsilem, Squamish Nation, BC
SECONDED BY:	Chief Don Tom, Tsartlip First Nation, BC

WHEREAS:

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

- i. 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.
- ii. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- iii. Article 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 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

B. In 1923, Deshakeh, a Cayuga Chief and speaker of the Six Nations Haudenosaunee Confederacy Council of Chiefs, travelled to Geneva to seek an audience with the League of Nations (the predecessor to the United Nations), to bring attention to rights violations against his people.

DRAFT RESOLUTION # 48 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- C. Since this initial audience, First Nations, and Indigenous Peoples, have been participating actively in many United Nations bodies and mechanisms to advance the protection, safeguarding, and respect for their inherent and treaty rights.
- D. A result of this international advocacy was the formal adoption of the UN Declaration in 2007, twenty-five years following the creation of the Working Group on Indigenous Populations (WGIP) in 1982, the first body created to provide opportunities for Indigenous Peoples to share their experiences and raise their concerns at the United Nations.
- E. Since the adoption of the UN Declaration, Indigenous Peoples have been working actively to breathe life into Article 41, "...ways and means of ensuring participation of Indigenous Peoples on issues affecting them shall be established" through different forums, including the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council (HRC), and the UN General Assembly (UNGA).
- F. The 2013 Outcome Document from the Alta Indigenous Preparatory Conference, a conference hosted by Indigenous Peoples in advance of the 2014 World Conference on Indigenous Peoples, called for the appointment of an Undersecretary General for Indigenous Peoples and "at a minimum, permanent observer status within the UN System enabling our direct participation through our own governments and parliaments." This status has been colloquially understood as 'Enhanced Participation'.
- G. Following this, a concerted effort for Enhanced Participation began in the UNGA and the HRC. An initial round of UNGA negotiations in 2017 was unsuccessful, and the process was delayed by the onset of the Global Pandemic.
- H. However, the process was re-started in the HRC with an intersessional roundtable in 2021, and an Expert Workshop on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council in 2022.
- I. At the UNGA, Co-Facilitators have been newly appointed in 2024, and an informal interactive hearing was hosted by the President of the UNGA and the Co-Facilitators at the 2024 UN Permanent Forum on Indigenous Issues. Both processes are advancing quickly, with 2 intersessionals at the HRC in July and October 2024, and a projected resolution at the UNGA in September 2024.
- J. Indigenous Peoples have hosted their own dialogues on this process to advance concrete proposals and recommendations on the Enhanced Participation status, including in Thailand (2016) and Ecuador (2020). The discussions also created an interim Indigenous Coordinating Body with two members from each of the seven Indigenous sociocultural regions, for consultation and coordination and to facilitate cooperation among Indigenous Peoples.
- K. The Assembly of First Nations (AFN) has been playing a facilitation role within these discussions, in order to create appropriate space for First Nations themselves, through their representative institutions, including, inter alia, their governments, traditional councils and other authorities.
- L. In the federal UN Declaration Action Plan, shared Action Priority Measure 72 speaks to the role of First Nations in the global arena, directing Global Affairs Canada to: ...co-develop with First Nations, Inuit, and Métis right holders or their national designates distinctions-based, whole of government policy guidelines on fully and effectively engaging Indigenous [P]eoples on international issues affecting them,

DRAFT RESOLUTION # 48 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

with a commitment to explore the development of policy in specific areas where appropriate. This work will seek to enhance the participation of Indigenous [P]eoples in decision-making on matters which would affect their rights and to advance Canada's contribution to the work of the entities of the UN system and other intergovernmental organizations in their implementation of Article 41."

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

1. Call on the United Nations (UN), in both the General Assembly and the Human Rights Council, to support the Enhanced Participation of Indigenous Peoples within the UN system, ensuring the direct participation of First Nations through their representative institutions.
2. Reiterate the distinct status and rights of First Nations, as distinct from local communities, vulnerable groups, and ethnic minorities, in line with the minimum standards reaffirmed in the UN Declaration on the Rights of Indigenous Peoples.
3. Direct the Assembly of First Nations (AFN) to advocate, in partnership with rights and title holders, specific priorities for First Nations on venues of participation, participation modalities, selection criteria, and selection mechanisms, in national and international contexts for the Enhanced Participation of Indigenous Peoples in the UN.
4. Direct the AFN to seek funding to hold information sessions and collaborative discussions with First Nations rights and title holders to explore the concept of Enhanced Participation and proposed tangible recommendations to the UN.
5. Direct the AFN to work with First Nations rights and title holders to advocate for sufficient and sustainable funding for First Nations to participate actively in ongoing efforts towards Enhanced Participation at the UN.
6. Direct the AFN to work collaboratively with Indigenous Peoples to see the full implementation of this resolution.
7. Call on Global Affairs Canada to accelerate implementation of Action Plan Measure 72 (APM 72) to enhance the participation of Indigenous Peoples in decision-making on matters which would affect their rights internationally.

DRAFT RESOLUTION # 49 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Adding Section 35 of the Constitution to the federal <i>Statutory Instruments Act</i>
SUBJECT:	Rights, Health, Education, Treaties
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Proxy Tyrone McNeil, Sq'ewlets First Nation, BC

WHEREAS:

- A. The *United Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - 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 *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) preamble states it is used to interpret Canadian law. Section 2(2) affirms that section 35 of the *Constitution Act* will continue to hold Indigenous rights while section 4(b) states the purpose of the act is to act as a 'framework' for implementation. The UN Declaration itself is not a law and has not been tested in any provincial or federal courts. Section 35 supersedes the UN Declaration and would offer greater coverage for existing rights.
- C. The *Statutory Instruments Act* sets out requirements for the making and revocation of regulations.
- D. In Section 3 of that Act, the Privy Council is directed to examine the impact of new regulations proposed by government or departments and states the following:
- 3(1) Subject to any regulations made pursuant to paragraph 20(a), where a regulation-making authority proposes to make a regulation, it shall cause to be forwarded to the Clerk of the Privy Council three copies of the proposed regulation in both official languages.
 - (2) On receipt by the Clerk of the Privy Council of copies of a proposed regulation pursuant to subsection (1), the Clerk of the Privy Council, in consultation with the Deputy Minister of Justice, shall examine the proposed regulation to ensure that (c) it does not trespass unduly on

DRAFT RESOLUTION # 49 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian *Charter of Rights and Freedoms* and the Canadian Bill of Rights.

- E. The federal government's Regulatory Impact Assessment Statements (RIAS) do not consider the effect of new government regulations on the rights of First Nations, Inuit, or Métis.

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

1. Call on the federal government to amend Section 3(2)(c) of the *Statutory Instruments Act* to enshrine the consideration of Indigenous People's rights as a necessary lens when examining the impact of new regulations within the Regulatory Impact Assessment Statements (RIAS).
2. Direct the Assembly of First Nations (AFN) to develop strategies, in collaboration with First Nations, to advance this proposal with the federal government.

DRAFT RESOLUTION # 50 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Advocating for an ambitious, fully funded, and implemented First Nations Climate Leadership Agenda (FNCLA)
SUBJECT:	Climate Change, Environment
MOVED BY:	Proxy Tyrone McNeil, Sq'éwlets First Nation, BC
SECONDED BY:	Chief Chantal Kistabish, Conseil de la Première Nation Abitibiwinni, QC

WHEREAS:

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas, and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- iii. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iv. Article 32(2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water or other resources.
- v. Article 32(3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. The climate crisis continues to alter First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have Inherent rights as entrenched in Section 35 of the *Constitution Act, 1982*, reaffirmed in the UN Declaration, and grounded in Treaties and other constructive arrangements between First Nations and the Crown.

C. In 2022, the Government of Canada, through the 2030 Emissions Reduction Plan and Budget 2022, identified \$29.6 million over three years (2022-23 to 2024-25) to support the development of distinctions-based climate leadership agendas, supporting self-determined action in addressing First Nations, Inuit, and Métis climate priorities. This work has taken place on a distinctions-basis.

DRAFT RESOLUTION # 50 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. In a First Nations context, the funding has been provided to First Nations governments and representative organizations, known as First Nations Regional Leads, to support internal capacity and engagement with their regional communities and leadership. Over 30 Regional Leads from across the country have been identified to advance this work.
- E. The Government of Canada is also dialoguing directly with modern treaty and self-governing First Nations on a bilateral basis, as appropriate.
- F. The outcome of this process will include the development of two documents: i) a First Nations Climate Leadership Agenda (FNCL Agenda), the direct articulation of First Nations' regional and national climate recommendations; and ii) a Memorandum to Cabinet, Canada's proposal to implement the FNCL Agenda and its recommendations.
- G. To provide appropriate governance for the process, a series of technical and leadership meetings between First Nations, Environment and Climate Change Canada, and Crown-Indigenous Relations and Northern Affairs, as well as other relevant federal departments, have been taking place. First Nations regional leadership are meeting with federal Ministers in June 2024, and before the submission of the Memorandum to Cabinet in Fall 2024.
- H. In these sessions, First Nations have communicated their expectation to directly participate in the drafting and decision-making of the Memorandum to Cabinet at, or above, the precedent set in the development and eventual passage of the Species-at-Risk Act, which involved full, direct, and unfettered participation of First Nations.
- I. The commitment to the distinctions-based Indigenous Climate Leadership Agenda has also been captured in the UN Declaration Act's Action Plan. Shared Priority #46 commits to "...ensuring that First Nations, Inuit, and Métis peoples have stable, long-term financing to implement their climate actions, make climate-related decisions with the Government of Canada, and that systemic barriers to Indigenous climate leadership are addressed."
- J. In 2023, the First Nations-in-Assembly passed resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, reaffirming the declaration of a First Nations Climate Emergency and endorsing the AFN National Climate Strategy and the seven priority areas.

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

- 1. Call on the Government of Canada to ensure the full, direct, transparent, and unfettered participation of First Nations in the finalization of the First Nations Climate Leadership process, including in the Memorandum to Cabinet and Treasury Board Submissions.
- 2. Call on all relevant departments in the Government of Canada to commit to fully implementing and funding the recommendations identified in the First Nations Climate Leadership Agenda, including regional-specific recommendations, ensuring stable, adequate, and long-term funding for First Nations rights, title, and Treaty holders to implement their own climate priorities and strategies.
- 3. Direct the Assembly of First Nations (AFN), where appropriate, to support First Nations Regional Leads and First Nations leadership, in the design, development, and articulation of the First Nations Climate

DRAFT RESOLUTION # 50 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

Leadership Agenda, building on regional priorities and the priority elements outlined in the AFN National Climate Strategy.

4. Direct the AFN to work with First Nations rights, title, and Treaty holders to break-down siloes to ensure all relevant departments in the Government of Canada take a whole-of-government approach to implement the recommendations outlined in the First Nations Climate Leadership Agenda in federal climate policy.
5. Direct the AFN to provide an update to the First Nations-in-Assembly on the implementation progress on the First Nations Climate Leadership Agenda.

DRAFT RESOLUTION # 51 / 2024

AFN Annual General Assembly, July 9 – 11, 2024, Montreal, QC

TITLE:	Ensuring First Nations Full and Effective Participation in the Development of a Right to a Healthy Environment Implementation Framework and an Environmental Justice Strategy
SUBJECT:	Environmental Health, Environmental Protection, Environmental Justice
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, 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 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 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 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - iv. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.
- B.** First Nations continue to face the impacts of historical and ongoing environmental degradation, racism, and injustices that stem from colonial policies and practices. As a result, First Nation Peoples, communities, and environments experience disproportionate exposure to pollution from different sources, including industrial activities.
- C.** Bill S-5: *An Act to Amend the Canadian Environmental Protection Act (CEPA)* received Royal Assent on June 13, 2023, with amendments made to the Act. One such amendment was the introduction and recognition of the right to a healthy environment. Pursuant to Bill S-5, the Canadian government is obligated to, within two years of the amendment coming into force, develop an implementation framework to set out how the right to a healthy environment will be considered in the administration of CEPA.

DRAFT RESOLUTION # 51 / 2024

AFN Annual General Assembly, July 9 – 11, 2024, Montreal, QC

- D. Canada has begun a two-year engagement process, including Indigenous-specific engagements, to inform the development of a right to a healthy environment implementation framework (Implementation Framework).
- E. While positive, there are concerns that the Implementation Framework will not appropriately consider the impact on First Nations rights, self-determination, knowledge systems, and priorities, including how it would address environmental injustices and the environmental protection regulatory gap faced by First Nations.
- F. In parallel, Parliament has been considering Bill C-226, *An Act Respecting the Development of a National Strategy to Assess, Prevent and Address Environmental Racism and to Advance Environmental Justice*.
- G. Environmental racism refers to the disproportionate siting of polluting industries and other environmental hazards in Indigenous, Black, and other racialized communities, and uneven access to nature and environmental benefits. The legacy of environmental racism is well documented and can no longer be ignored.
- H. The UN Special Rapporteur on Human Rights and Environment referred to “sacrifice zones” such as pulp mill effluent in Pictou Landing First Nation’s Boat Harbour, mercury poisoning in Grassy Narrows First Nation, and petrochemical facilities surrounding Aamjiwinaang First Nation.
- I. First Nations require effective tools, funding, and capacity to ensure environmental protection for the lands, waters, air, wildlife, and First Nations Peoples.

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

- 1. Call on the Government of Canada to acknowledge the intersecting, cumulative, and gender-based impacts of environmental racism, as well as its intersections with colonialism and the proposed Implementation Framework of a Right to a Healthy Environment, on First Nations.
- 2. Direct the Assembly of First Nations (AFN) to work with the Minister of Environment and Climate Change Canada and the Minister of Health to ensure the full and effective participation of First Nations in the development and implementation of a Right to a Healthy Environment framework, including:
 - a. the integration of First Nations knowledge systems;
 - b. protection of First Nations rights and self-determination, implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, fulfillment of reconciliation commitments; and
 - c. the identification of dedicated resources to enhance First Nations capacity and leadership in the entire process.
- 3. Direct the Assembly of First Nations (AFN) to urge Parliament to pass Bill C-226 as soon as possible and call on Canada to work in full partnership with First Nations, especially those that have faced environmental racism, to develop a First Nations-led environmental justice strategy to address the intersecting, cumulative, and gender-based impacts of environmental racism and injustices faced by First Nations.

DRAFT RESOLUTION # 51 / 2024

AFN Annual General Assembly, July 9 – 11, 2024, Montreal, QC

4. Direct the AFN, with the leadership of the Advisory Committee on Climate Action and the Environment (ACE), to work with the relevant federal departments to establish a bilateral mechanism between the AFN and the Government of Canada for bringing forward the environmental health and protection concerns and priorities of First Nations to the attention of the Prime Minister of Canada, the Minister of Environment and Climate Change Canada, and the Minister of Health.
5. Direct the AFN to work with the appropriate federal departments to expand First Nations environmental health and protection research and communication efforts, including appropriate opportunities for enhanced First Nations environmental health monitoring and the integration of First Nations perspectives, concerns, and knowledge systems into environmental protection risk assessment, management, and decision-making.

DRAFT RESOLUTION # 52 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Ensuring the Full and Effective Participation of First Nations throughout Implementation of the NBSAP and Nature Accountability Bill

SUBJECT: Conservation & Biodiversity - Environment

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

SECONDED BY: Chief Calvin Sanderson, James Smith Cree Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 26 (1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - 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.
- 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 set new global biodiversity and conservation targets to the year 2030 at COP-15 in Montreal; the agreement is known as the Kunming-Montreal Global Biodiversity Framework and requires signatory states to update their National Biodiversity Strategies and Action Plans to align with the newly agreed biodiversity and conservation targets.
- D. Canada's National Biodiversity Strategy and Action Plan have been developed from 2023-2024 in tandem with a Nature Accountability Bill to legislate certain portions of the Strategy and Action Plan. These documents were tabled in the House of Commons in June 2024.
- E. First Nations have protected, conserved, and sustainably managed our environments, lands, waters, and the biodiversity therein since time immemorial, through the exercise of Inherent rights and responsibilities, associated knowledge systems, and traditional laws.

DRAFT RESOLUTION # 52 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. Up to 80% of the world's remaining biodiversity is located on the traditional lands and territories of Indigenous Peoples, despite Indigenous Peoples comprising just 6.2% of global population.
- G. There is a growing recognition, domestically and internationally, of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation outcomes.
- H. Assembly of First Nations Resolution 64/2018 *Indigenous Protected and Conserved Areas – Pathway to Canada Target 1: Conservation 2020 Initiative* and Resolution 41/2021 *Marine Indigenous Protected and Conserved Areas* direct the AFN to engage with the Minister of Environment and Climate Change to support establishment, implementation, and recognition of Indigenous Protected and Conserved Areas in terrestrial and marine environments
- I. First Nations are responsible for ensuring that our traditional knowledge systems and practices are appropriately acknowledged, respected, considered and incorporated in all related decision-making.

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

1. Call on the Government of Canada to ensure the full involvement of First Nations, including the First Nations Nature Table, in the development and implementation of Canada's National Biodiversity Strategy and Action Plan, and broader Nature Agenda.
2. Call on the Government of Canada to ensure that the *Nature Accountability Act* provides for the full recognition and safeguarding of First Nations inherent and Treaty rights, knowledge systems, and jurisdiction, as well as alignment with the UN Declaration on the Rights of Indigenous Peoples.
3. Direct the Assembly of First Nations' (AFN) to continue advocacy on First Nations leadership in conservation, including in affirming that the conservation of land and water cannot be divided, the creation of a First Nations Conservation Strategy, and the hosting of National First Nations Conservation Gatherings.

DRAFT RESOLUTION # 53 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	A National Strategy on Animal Care and Control in First Nations
SUBJECT:	Health, Safety
MOVED BY:	Chief Kelly Wolfe, Muskeg Lake Cree Nation, SK
SECONDED BY:	Chief Lorie Whitecalf, Sweetgrass First Nation, SK

WHEREAS:

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

- i. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 20(1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 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.
- v. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- vi. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

B. The Assembly of First Nations (AFN) 2024 Annual General Assembly's focus is Strengthening our Relations. The wellbeing of dog and cat relations is inextricably tied to the wellbeing of First Nations Peoples. Indigenous knowledge has honoured that interdependence for generations.

C. Anthropologist and Indigenous culture scholar Courtney Townsend explains that the commonly used expression by Indigenous peoples – 'all my relations' – is an example of this: "It acknowledges one's relations to all living and non-living things, ancestors and future generations unconfined from the

DRAFT RESOLUTION # 53 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

perception of time.” Recently, this concept has emerged in western medicine as One Health—that animals, humans and the environment must work together for the health of all.

- D. When communities do not have resources to care for their humans, they have even less ability to look after their dogs and cats. Without access to veterinary services and animal care and control services, dog and cat populations get out of control. This imbalance can lead to an increase in dog attack and bite incidents for residents, an increase in human/wildlife conflict risks, and spread of disease. Many children, youth, adults, and elders report not feeling safe walking around their own community.
- E. National statistics make it very clear that action is needed:
 - i. On-reserve dog bite incidents are 20-200 times above those in the rest of Canada;
 - ii. Children ages 5 to 9 years are most commonly bitten by a dog;
 - iii. Adults are most commonly bitten on the hands and young children on the face and neck;
 - iv. It is estimated that there are one to two fatalities in Canada from dog attacks yearly;
 - v. Of the 28 fatalities between 1990 and 2007, 24 of them were children under 12;
 - vi. Out-of-control populations of cats and dogs can quickly lead to increases in human/wildlife conflict potential resulting in negative consequences for all; and
 - vii. Unwanted dogs and cats may get sick and spread deadly diseases like Parvo Virus that can affect wolf populations, increase human/wildlife conflict potential, and otherwise negatively impact community residents.
- F. The *Indian Act* subsection 81(1) provides the authority for band councils to make by-laws to:
 - i. (a) provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious disease; and
 - ii. (e) protect against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services.
- G. Under the *Indian Act* section 73, the Governor in Council may make regulations to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable.
- H. There is a need to explore the intersection of First Nations worldviews and relations with domesticated animals to develop a national strategy for First Nations to build an animal care and control regime to maintain the health of First Nations citizens and prevent the spread of infectious diseases like rabies.

DRAFT RESOLUTION # 53 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. Direct the Assembly of First Nations (AFN) to seek funding to establish a national task force, mandated to develop a national strategy for First Nations to build an animal care and control regime to maintain the health of First Nations citizens and prevent the spread of infectious diseases.
2. Direct the AFN Task Force on Animal Care and Control to develop a tool kit on by-law development, community-based safety initiatives, best practices, protocols and promising interventions for First Nations, including potential resources and links to regional organizations that can support community-based initiatives.
3. Direct the AFN to advocate that the federal government adopt relevant aspects of the national strategy on First Nations care and control, including the development of supporting regulations under the *Indian Act* that are consistent with the minimum standards established by the *United Nations Declaration on the Rights of Indigenous Peoples*.

DRAFT RESOLUTION # 54 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Full and effective participation of First Nations in the negotiations of an international, legally-binding Plastics Treaty
SUBJECT:	Environmental Health, Climate Change, International
MOVED BY:	Chief Chris Plain, Aamjiwnaang First Nation, ON
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iii. Article 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.
- iv. Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous peoples for such conservation and protections, without discrimination.
- v. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

B. The Assembly of First Nations (AFN) has passed several resolutions related to the concerns that First Nations have with respect to chemical and plastic pollution, including Resolution 25/2016, *Support for Grassy Narrows and Other Mercury Impacted Communities*, and Resolution 07/2017, *Sulphur Contaminant Air Emissions from Petroleum Refineries near Aamjiwnaang First Nation*.

C. Aamjiwnaang First Nation is situated in the epicenter of Canada's "chemical valley" where 40 percent of Canada's chemical industry is located. This cluster of refineries is where oil is processed into

DRAFT RESOLUTION # 54 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

gasoline and other chemicals, including those used to make plastics. Dangerously high air pollution levels are regular occurrences.

- D. In March 2022, the United Nations Environment Assembly adopted a historic resolution (resolution 5/14) to develop an international legally binding agreement on plastic pollution by the end of 2024.
- E. To date, four of the five planned negotiations, also known as Intergovernmental Negotiating Committee (INC) meetings, have taken place, with the most recent occurring in Ottawa, Canada from April 23 – 29, 2024 (INC-4). A final meeting (INC-5) is planned in Busan, South Korea at the end of 2024.
- F. As delegates prepared for the plastics treaty negotiations, Aamjiwnaang First Nation Chief and Council issued an alert to the community warning of high levels of benzene, a chemical used in the production of plastics that is known to cause cancer and increase respiratory illnesses.
- G. Several weeks after the Ottawa meeting because of advocacy from Aamjiwnaang First Nation leadership, on May 21, 2024, the Minister of Environment and Climate Change Canada issued an *Interim Order Respecting Releases of Benzene from Petrochemical Facilities in Sarnia, Ontario* under subsection 94(1) of the *Canadian Environmental Protection Act, 1999*.
- H. Across Turtle Island and around the world, Indigenous Peoples are leading efforts to pressure governments to urgently regulate plastic production, usage, and disposal. For example, at INC-4 in Ottawa, spokespeople from Aamjiwnaang First Nation, the Society of Native Nations, and Keepers of the Water participated in a press conference highlighting the disproportionate impacts of plastics pollution on First Nations across Turtle Island.
- I. Without new and effective control measures, plastic production is set to double in 20 years and plastic waste leaking into the ocean is projected to triple by 2040. This growth in production also has significant implications for environmental health and climate action, as 99% of plastics are derived from fossil fuels.

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

- 1. Call on the Intergovernmental Negotiation Committee, in the development of an international, legally-binding plastics treaty, to:
 - a. Protect First Nations' Inherent rights, Treaties, Title and jurisdiction, and recognize First Nations Inherent and everlasting responsibilities to their traditional territories.
 - b. Include mechanisms to promote the meaningful, sustained, and visible inclusion of Indigenous Peoples and voices in all aspects of the Plastics Treaty;
 - c. Effectively advocate for the rights, interests, and contributions of all Indigenous Peoples;
 - d. Acknowledge the distinct status and rights of First Nations, as distinct from local communities, vulnerable groups, and ethnic minorities, in line with the minimum standards reaffirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - e. Ensure the ethical and equitable engagement of Indigenous Knowledge in the regulation of plastics and associated pollutants;

DRAFT RESOLUTION # 54 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- f. Draw on insights and experiences gathered from Indigenous Peoples leadership in international fora;
2. Direct the Assembly of First Nations (AFN) to advocate, in partnership with rights and title holders, for appropriate consideration of First Nations rights, knowledge systems, and participation in the negotiation of an international and legally-binding Plastics Treaty.
3. Direct the AFN to work with First Nations rights and title holders to advocate to the national and international governments for sufficient and sustainable funding to First Nations to participate actively in the negotiation and implementation of an international and legally binding Plastics Treaty.
4. Direct the AFN to advocate for First Nations involvement, both domestically and internationally, in all actions, including by federal, provincial, and territorial governments, to address the plastics crisis.
5. Call on the Government of Canada to ensure that First Nations are involved in all aspects of plastics regulation, both in Canada and internationally, in a manner that promotes and respects First Nations Inherent, Treaty and constitutionally-protected rights, along with adequate funding, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

DRAFT RESOLUTION # 55 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Removing Impacts and Reasserting First Nations Jurisdiction and Authority in Carbon Pollution Pricing
SUBJECT:	Environment, Climate Change, Jurisdiction.
MOVED BY:	Chief Gordon Bluesky, Brokenhead Ojibway Nation, MB
SECONDED BY:	Chief Sylvia Koostachin- Metatawabin, Attawapiskat First Nation, ON

WHEREAS:

- A. The *United Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 19: States shall consult and cooperate in good faith with the Indigenous peoples and obtain their free, prior, and informed consent (FPIC) before adopting and implementing legislative or administrative measures that may affect them.
 - Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement programmes for Indigenous peoples for such conservation and protection, without discrimination.
 - 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
 - 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 First Nations-in-Assembly have passed several resolutions related to carbon pricing, the centrality of First Nations jurisdiction and authority, and the importance of exemptions for First Nations, including: Resolution 24/2023, *Support for an Equitable Carbon Tax on Industrial Fossil Fuel Protection*; Resolution 25/2023, *Call for an Exemption to the Federal Carbon Levy for First Nation Governments in Rural and Remote Communities*; and Resolution 09/2018, *Develop First Nations-Specific Solutions for the Green House Gas Pollution Pricing Act*.
- C. A central pillar of Canada's approach to climate change is carbon pricing. Since 2019, and the adoption of the *Greenhouse Gas Pollution Pricing Act*, all provincial and territorial governments have been required to have a carbon pricing system in place. Those without a carbon pricing system are subject to the Federal Carbon Pricing Backstop ('Federal Backstop'), comprised of two revenue neutral elements: i) a levy on fossil fuels; and ii) an output-based pricing system for facilities producing high volumes of greenhouse gases.

DRAFT RESOLUTION # 55 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. As of June 2024, the full Federal Backstop applies in Manitoba, Nunavut, Prince Edward Island, and Yukon. The federal fuel charge applies, alongside provincial carbon pricing systems for industry, in Alberta, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, and Saskatchewan. British Columbia, Quebec, and the Northwest Territories have created their own carbon pricing systems that meet the federal benchmark stringency requirements.
- E. In those areas where the Federal Backstop applies, all proceeds must be returned to their province/territory of origin. The federal government has approached this in two ways: i) 90% is returned to individuals through the Climate Action Incentive Payment (now titled the Canadian Carbon Rebate); and 10% is targeted to small and medium enterprises, farmers, and Indigenous Governments.
- F. Starting in 2024-25, the allocation for Indigenous Governments has been increased from 1% to 2%. This amount was determined by the Minister of Finance, without the free, prior, and informed consent from First Nations.
- G. Though the Environment and Climate Change Canada has committed to design the mechanisms for return of proceeds to First Nations, the amounts collected from 2021–2023 in Alberta, Saskatchewan, Manitoba, and Alberta have not been distributed to First Nations.
- H. Over the five years of collecting, the amount available to Indigenous Governments will total \$139.8M in Alberta; \$37.7M in Saskatchewan; \$30.6M in Manitoba, \$291.6M in Ontario, \$10.5M in Nova Scotia; \$7.3M in New Brunswick; \$1.69M in Prince Edward Island; and \$7.8M in Newfoundland.

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

- 1. Reiterate the call from the First Nations-in-Assembly (Resolution 09/2018, *Develop First Nations-Specific Solutions for the Green House Gas Pollution Pricing Act*) that the *Greenhouse Gas Pollution Pricing Act* must respect:
 - a. First Nations Inherent rights, Treaties, title and jurisdiction, and recognize First Nations Inherent responsibilities to our traditional territories;
 - b. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), including reference to the standard of free, prior, and informed consent; and
 - c. First Nations right to self-determination, including the creation of a First Nations Carbon Pricing Regimes
- 2. Call on Canada to demonstrate transparency by disclosing the allocation formulas underlying the allocation of proceeds to First Nations governments to ensure that First Nations are not being disproportionately impacted and are receiving the entirety of the fuel charge they are paying.
- 3. Direct the Assembly of First Nations (AFN) to urge Canada to restructure the carbon pollution pricing system to ensure that First Nations can access rebates through means other than the Canada Revenue Agency.
- 4. Call on Canada to tangibly respond to the outlined requests from First Nations or ensure that First Nations are fully exempt from paying the carbon charge on and off-reserve.

DRAFT RESOLUTION # 55 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

5. Call on the Ministers of Environment and Climate Change Canada, Finance, and other departments to provide adequate financial support for First Nations to minimize the impacts of carbon pricing, explore the implications of carbon pricing on their territories, as well as opportunities for their participation in resource-revenue sharing and in the clean energy economy.

DRAFT RESOLUTION # 56 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Chronic Underfunding in Education
SUBJECT:	Education
MOVED BY:	Chief George Ginnish, Eel Ground First Nation (Natoaganeg), NB
SECONDED BY:	Chief Leroy Denny, Eskasoni First Nation, NS

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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.
 - 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. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of Inherent rights as Indigenous Peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*.
- C. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."
- D. In accordance with Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nations Education*, AFN Resolution 20/2021, *First Nations Control of Federal Funding* and, the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*, the Government of Canada is required to work directly with First Nations to ensure the regional education funding approaches are agreed upon and reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.

DRAFT RESOLUTION # 56 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E. Indigenous Services Canada (ISC) has failed to provide safe schools and facilities for First Nations as over 202 on-reserve schools are currently overcrowded, and 56 schools qualify for immediate replacement based on poor condition or age.
- F. The Assembly of First Nations (AFN) report, *Closing the Infrastructure Gap by 2030*, estimates the capital and operations and maintenance (O&M) funding requirement for First Nations schools and teacherages until 2030 is \$12.6 billion.
- G. ISC continues to only recognize post-secondary education (PSE) as a social policy and does not fund First Nations based on the Treaty and Inherent right to education. Furthermore, the 2024 Federal Budget marks the third straight year of ignoring programming and policy changes requested by First Nations-in-Assembly to improve PSE processes and funding for institutions and students.
- H. First Nations PSE students and institutions require more than \$10.34 billion over five years to support First Nations students, institutions, community-based programming, ongoing technical tables, and additional resources required for First Nations PSE models.
- I. AFN Resolution 35/2019, *Additional Funding for First Nations Elementary and Secondary Education* calls on the Government of Canada to provide additional investments in 2020 for First Nations elementary and secondary education in order to complete local, Treaty, and/or regional education agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities and education organizations.
- J. Since 2019, the Government of Canada has failed to consistently support and implement REAs. In 2024, there are 10 signed REAs, and the AFN estimates a backlog of over 10 unfunded agreements. The 2024 Federal Budget marks the second year in a row that ISC has not committed to signing or implementing any new REAs. The AFN estimates that in the next five years, First Nations will require investments of \$3.8 billion to conclude REAs based on their real education needs.
- K. ISC's High-Cost Special Education Program (HCSEP) and Jordan's Principle continue to be oversubscribed funding sources for the most vulnerable First Nations students. Annual requests to Jordan's Principle for education services have reached as high as \$150 million.
- L. The AFN has identified a total shortfall of over \$28 billion in First Nations education that the Government of Canada fails to provide.

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

1. Affirm First Nations Inherent and Treaty rights to education, including lifelong learning and education infrastructure.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Assert that the Government of Canada has failed to uphold its fiduciary obligations to fund First Nations Inherent and Treaty rights to education.
4. Call on the Government of Canada to provide the funding required to address the chronic underfunding in education infrastructure, regional education agreements (REAs), inclusive education and post-secondary education (PSE).

DRAFT RESOLUTION # 56 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

5. Call on the Government of Canada to uphold the commitments identified in the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017; First Nations Post-Secondary Education Policy Proposal, 2018; Policy Proposal First Nations-led, local, regional and/or Treaty-based Post-Secondary Education Models, 2021; and made regarding closing the First Nations infrastructure gap by 2030.*

DRAFT RESOLUTION # 57 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Equitable Funding for Language Revitalization
SUBJECT:	Languages
MOVED BY:	Chief Ira McArthur, Pheasant Rump Nakoda Nation, SK
SECONDED BY:	Chief Trevor Prince, Sandy Bay First Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 16(1): Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. The *Indigenous Languages Act* establishes measures to facilitate the provision of adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.
- C. The Assembly of First Nations (AFN) *Revitalizing First Nations Languages: A Costing Analysis* estimates the annual cost of First Nations languages revitalization to be \$2.003 billion, which includes comprehensive costs incurred by First Nations to deliver vital revitalization language services and was ratified by Resolution 17/2022, *Support for the First Nations Languages Funding Model*.
- D. In 2023-2024, \$118 million was allocated to support vital First Nations-led initiatives under the Department of Canadian Heritage's (DCH) Indigenous Languages Component. First Nations require approximately double this allocation to meet the existing demand in 2024-25.
- E. For 2024-2025, the funding allocated to the First Nations-led initiatives under the DCH's Indigenous Languages Component (ILC) has been reduced to \$85 million. This inadequate funding will result in continued language loss across all regions.
- F. DCH's status quo regional allocation formula (RAF) was developed without necessary consultation with First Nations and only considers a base amount and the number of languages spoken in each region.
- G. AFN Resolutions 10/2021, *Support for the Co-Development of a Distinctions-Based Indigenous Languages Funding Model*, and 17/2022, *Support for the First Nations Languages Funding Model* provide the AFN, the Chiefs' Committee on Languages (CCOL) and Technical Committee on Languages (TCOL) the mandate to work on a revised regional allocation formula based on equitability.

DRAFT RESOLUTION # 57 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- H. In the development of the interim funding model, eight factors were identified for consideration to revise the RAF during five regional engagement sessions in January-February 2022.
- I. The CCOL met on March 29, 2023, and recommended a revised regional allocation formula based on five factors including languages, population, language vitality, number of First Nations and census metropolitan areas, and remoteness with equal weighting. The CCOL recommendation was provided to the DCH which was then confirmed as the revised First Nations Regional Allocation Formula.
- J. In July 2023, at the AFN Annual General Assembly, First Nations-in-Assembly did not achieve consensus on Draft Resolution 26/2023, *Equitable Funding for Language Revitalization*, which sought support for the revised RAF recommended by the CCOL.
- K. The DCH unilaterally decided to allocate First Nations language revitalization funding through the status quo formula without the free, prior, and informed consent of First Nations. This unilateral decision was made by DCH during the ongoing consultation with First Nations on the formula.
- L. AFN Resolution 76/2023, *Support for Urgent First Nations Languages Funding*, called upon DCH to immediately provide \$18 million of new targeted funding to support regions negatively impacted by the status quo RAF.
- M. At a duly constituted CCOL meeting on May 30, 2024, five regions indicated support for a revised First Nations RAF with equal weighting of the five factors. However, three regions withdrew from the meeting after the motion for equal weighting was made.

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

- 1. Support an equitable revised First Nations Regional Allocation Formula (RAF) that includes an equal weighting of the five factors: number of languages, population, language vitality, number of First Nations, and remoteness for new Indigenous Languages Component funding.
- 2. Call on the Government of Canada to ensure the Department of Canadian Heritage respects and supports the ongoing consultation process for the revised RAF.
- 3. Call on the Government of Canada to immediately provide \$18 million of new targeted funding to support regions to remediate the negative impacts of the unilateral decision by the Department of Canadian Heritage to continue the status quo formula.
- 4. Direct the Chiefs Committee on Languages, Technical Committee on Languages, and the Assembly of First Nations to continuously monitor the equitability of the RAF, and further refine and improve the formula based on improved data.
- 5. Call on the Government of Canada to fulfill their legislative requirements through the *Indigenous Languages Act* to fund First Nations languages based on the actual costs to reclaim, revitalize, maintain, and strengthen First Nations languages.
- 6. Affirm that a co-development approach concerning First Nations languages is not intended to detract or hinder any self-government processes or derogate any existing First Nations Treaty and Inherent rights.

DRAFT RESOLUTION # 58 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for a Consensus-based Federal Language Regional Allocation Formula
SUBJECT:	Languages
MOVED BY:	Kukpi7 Fred Robbins, Esk'etemc, BC
SECONDED BY:	Chief Sean Smith, Kwanlin Dun First Nation, YK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the Government of Canada has adopted without qualification, and has passed legislation committing to implement, affirms:
- 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.
 - 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.
 - 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.
 - 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; and
 - Article 16(1); Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
- B. The *Indigenous Languages Act* (Bill C-91) received Royal Assent on June 19, 2019, which provides legal assurance for adequate, sustainable, and long-term funding for First Nations-led efforts to revitalize their languages.
- C. The Assembly of First Nations (AFN) *Revitalizing First Nations Languages: A Costing Analysis, 2022*, estimates a \$2.003 billion annual cost of First Nations languages revitalization across Canada.
- D. The Government of Canada committed only \$85 million to First Nations languages across Canada on an annual basis despite their legislative commitments to facilitate the provision of adequate and sustainable funding for Indigenous languages in Bill C-91.

DRAFT RESOLUTION # 58 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- E. At the AFN Annual General Assembly in 2023, First-Nations-in-Assembly voted to not pass Draft Resolution 26/2023: *Equitable Funding for Languages Revitalization*, which sought ratification for a new Equally Weighted Regional Allocation Formula (EWRAF) proposed by the Chiefs Committee on Languages (CCOL) for the Department of Canadian Heritage Indigenous Languages Component funding.
- F. The rationale for the EWRAF was put forward as an option at the May 30, 2024, CCOL meeting which equally weights factors of population, language vitality, number of languages, number of communities and regional remoteness.
- G. The EWRAF weighting is based on incomplete data that does not: consider the base costs necessary for effective and successful language revitalization per First Nations language; provide a conclusive number of languages that First Nations self-determine and agree on; have First Nations agreement on the determination of language vitality; and fully consider remoteness as a potential benefit to maintaining language strength.
- H. AFN Resolution 76/2023, *Support for Urgent First Nations Funding*, directs the AFN CCOL and the Technical Committee on Languages to codevelop a funding allocation methodology for new funding that seeks to bring a consensus-based recommendation to the First Nations-in-Assembly.

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

- A. Call on the Assembly of First Nations (AFN) to use all means at their disposal to ensure that Canada lives up to its legally binding commitments in the *Indigenous Languages Act* (ILA) to provide adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance, and strengthening of Indigenous languages.
- B. Call on the AFN to file a complaint with the Office of the Commissioner of Indigenous Languages regarding chronically inadequate funding and misalignment with the principles and objectives of the ILA.
- C. Call on the AFN Technical Committee on Languages (TCOL) and Chiefs Committee on Languages (CCOL) to remove the Equally Weighted Regional Allocation Formula from its negotiations, which was rejected by the AFN First Nations-in-Assembly in 2023, and negotiate a new consensus-based funding formula to bring back for consideration to the AFN Special Chiefs Assembly in 2024 that:
 - a) is evidence-based and data-driven
 - b) consented to by First Nations, and
 - c) establishes a mutually agreed upon review timeline
- D. Call on the AFN to provide adequate resources and time for the AFN TCOL and CCOL to deliberate on a negotiated regional funding formula, including the provision of a two-day Languages Summit supported by an independent mediator and facilitator.

DRAFT RESOLUTION # 59 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	National School Food Program
SUBJECT:	Education/Health
MOVED BY:	Chief Leroy Denny, Eskasoni First Nation, NS
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:
- 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.
 - Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 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.
 - 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.
 - 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. On April 16, 2024, the 2024 Federal Budget (Budget 2024) announced the creation of a national school food program which will provide \$1 billion over five years to Employment and Social Development Canada (ESDC), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), and Indigenous Services Canada (ISC) to work with provinces, territories, and Indigenous partners to expand access to school food programs.
- C. Budget 2024 further proposed to provide \$62.9 million over three years, starting in 2024-25, to renew and expand the Local Food Infrastructure Fund to support community organizations across Canada to invest in local food infrastructure, with priority to be given to Indigenous and Black communities.
- D. The Government of Canada has a shameful past when it comes to providing school-based nutrition to First Nations students, including the implementation of Residential Schools which included food

DRAFT RESOLUTION # 59 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

insecurity, malnutrition, and government-sanctioned nutritional experiments performed on an already malnourished population.

- E. The history of colonization, residential schools, and the imposition of federal and provincial laws and policies have had devastating consequences on First Nations children and families, their languages, education, and social structures.
- F. First Nations living on-reserve face the highest levels of food insecurity, along with several unique challenges such as poverty, community remoteness, high food costs, access to traditional and healthy foods, and household income.
- G. In 2010, First Nations-in-Assembly endorsed the updated policy paper now known as First Nations Control of First Nations Education (FNCFNE), which reinforces the need for restoration of First Nations governance, cultural, linguistic, economic, and social traditions in education.
- H. The National School Food Program must ensure that these calls are respected, and that First Nations jurisdiction and implementation of school food programming and harvesting is a pillar in the national framework.
- I. School food programming and the development of an associated national framework with First Nations input will play a crucial role in the holistic development of First Nations children by addressing their nutritional needs and contributing to their educational success, long-term health, and cultural identity.
- J. The Assembly of First Nations (AFN) *Closing the Infrastructure Gap by 2030* report estimates that the capital cost requirement to close the gap for First Nations schools is \$6.276 billion, which includes deficiencies and needs in school cafeteria and kitchens.

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

- 1. Reaffirm First Nations Inherent and Treaty rights to education.
- 2. Reaffirm that jurisdiction over First Nations education, including the National School Food Program, remains with each First Nation.
- 3. Affirm that all First Nations schools should receive funding through the National School Food Program and investments should support both existing food programs and start-up costs for new programs.
- 4. Support the Chiefs Committee on Education, the National Indian Education Council, and the Assembly of First Nations (AFN) to codevelop any national guidelines or authorities that support local and regional approaches in the National School Food Program.
- 5. Call on the Government of Canada to ensure all First Nations and First Nations education authorities are allocated funding directly and that they are not required to apply or seek funds from the National School Food Program through charitable organizations, external non-Indigenous organizations, or provincial and territorial governments.
- 6. Call on the Government of Canada to respect First Nations food sovereignty in the development of the National School Food Program, including the development and implementation of local and regional harvesting practices.

DRAFT RESOLUTION # 59 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

7. Call on the Government of Canada to ensure First Nations students receive at minimum, provincial/territorial comparable funding for their school food programs in addition to Budget 2024 investments.
8. Affirm that the National School Food Program must not detract or hinder First Nations from advancing their own school food programs or food sovereignty initiatives.

DRAFT RESOLUTION # 60 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	State of First Nations Education Sovereignty in Canada & Globally
SUBJECT:	Education
MOVED BY:	Chief Angus Toulouse, Sagamok Anishnawbek, ON
SECONDED BY:	Kúkpi7 Rosanne Casimir, Tkemlúps te Secwépemc, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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* (UNDA) was given Royal Assent on June 21, 2021, and states:
- 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
 - 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. Measure 19 of Canada's UNDA 2023-2028 Action Plan states:
- Education, information and media (articles 14, 15, 16): The Government of Canada will take the following actions in consultation and cooperation with First Nations:
Support First Nations control of First Nation education and self-determined education approaches at many levels, including the conclusion of Regional Education Agreements, as sustainable models, (underpinned by funding comparable to provincial education systems) to close the education gap, leading to better outcomes. Ensuring robust and responsive education systems paves the way for access to higher education opportunities, all of which foster more prosperous communities. (Indigenous Services Canada)
- D. Measure 19 of Canada's UNDA 2023-2028 Action Plan is vague, unacceptable, violates both the spirit and the letter of UNDRIP Article 14.1, and does not meet the objectives of Nations' commitments to lifelong learning or the needs of lifelong learners.
- E. Measure 19 of the UNDA Action Plan does not address education as a fundamental human right and it contradicts First Nations control of education.

DRAFT RESOLUTION # 60 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. None of the measures substantially addresses control over education and the legislative work required by Canada to fix its entanglement in First Nations affairs and their jurisdiction over education.
- G. The First Nations with Schools Collective invites First Nations-in-Assembly to use the UNDA to hold the settler colonial Crown accountable for recognizing Nations' sovereignty, their right to self-determination, and their right to establish and control their own education systems as stated in Article 14 of the UN Declaration.

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

1. Affirm there can be no meaningful *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) 2023-2028 Action Plan without an amended Measure 19 and the creation of a First Nations-led process to review, update, and make other amendments that include:
 - a. A commitment to a new legislative framework which is urgently needed to formally move away from the *Indian Act* and its application of sections 114-124 as a tool of power over First Nations governments and their education systems.
 - b. A commitment to appropriate, comprehensive, and fully equitable funding that meets the needs, including historical redress, of First Nations lifelong learning systems based in First Nations-led and designed First Nations education models, frameworks, and formulas.
 - c. A mechanism for honourable governance for First Nations seeking education jurisdiction and education funding parity outside of the Regional Education Agreement program.
2. Call upon the Government of Canada to amend the UNDA 2023-2028 Action Plan Measure 19 to separate out education as a stand-alone measure in Chapter 2 and that the measure state:
 - a. Set a clear legislative pathway for First Nations seeking to negotiate education jurisdiction agreements and/or funding agreements that:
 - i. affirm the use of First Nations lifelong learning models as the basis for negotiation; and,
 - ii. call upon the principles of honourable governance (Indigenous Services Canada and Crown Indigenous Relations)
3. Call on the Government of Canada to provide funding for an Intergovernmental Forum of Nations every three years, beginning in 2025, for First Nations to develop and assess the outcomes and impacts of an amended Measure 19 as it pertains to Article 14 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
4. Call on the Government of Canada to fully fund a First Nations Measure 19 Coordinating Committee and that the committee provide recommendations at the second Intergovernmental Forum of Nations in 2027 with agreed upon metrics for the UNDA 2023-2028 Action Plan.
5. Direct the AFN to engage with the federal government on these amendments to the UNDA 2023-2028 Action Plan and provide a report on Canada's response to the amendment request at the December 2024 Special Chiefs Assembly.

DRAFT RESOLUTION # 61 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for First Nations Schools Class Action
SUBJECT:	Education
MOVED BY:	Chief Dr. Stan Bird, Peguis First Nation, MB
SECONDED BY:	Chief Tyson Bear, Flying Dust First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - Article 40: Indigenous peoples have the right to access to and prompt decisions through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such decisions shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Truth and Reconciliation Commission's Call to Action #8 states: We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
- C. The Truth and Reconciliation Commission's Call to Action #9 states: 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 for Aboriginal peoples in Canada compared with non-Aboriginal people.
- D. The funding discrepancy for First Nations children living on reserve has existed for decades despite repeated call for reforms, including from the Auditor General, the Parliamentary Budget Officer, and the Senate Committee on Aboriginal Peoples.
- E. The federal government has continually pledged to provide levels of funding to First Nations schools that are comparable to provincial standards, which have repeatedly fallen short of such standards and resulted in further discrimination against First Nations children.
- F. There are unique circumstances to Indigenous education which require the federal government to exceed provincial standards, such as the added costs in providing education in remote communities, and the need to provide education that supports Indigenous cultures and languages. It was critical for

DRAFT RESOLUTION # 61 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

the federal government to exceed provincial standards in these circumstances but they have fallen far short of these.

- G.** The failure of the federal government to provide adequate resources to First Nations managed schools is part of a long colonial history of discriminating against Indigenous peoples in the provision of education.
- H.** On October 18, 2021, Timothy Catcheway, on behalf of his teenaged daughter, Braelyn Catcheway, a member of the Peguis First Nation, filed a proposed class action in federal court. The lawsuit alleges that the federal government has breached its Charter guarantees of equality in its provisions.
- I.** The lawsuit was certified by Justice Manson of the federal court on April 26, 2023. The class definition includes the following:
 - i.** "All individual Students who attended a First Nations Managed School for educational purposes at any time during the period from and including April 17, 1985 until October 18, 2021 (the Class Period)."
- J.** The lawsuit seeks damages for students whose Charter rights were violated during the 36-year Class Period.
- K.** The lawsuit examines whether Canada fell short of the equality guarantees contained in the Charter of Rights of and Freedoms. A key common issue in the case as certified by Justice Manson is as follows:

"Did Canada, through any Common Conduct found to exist in common issue question (a) create or contribute to a disproportionate impact on the class members based on race, ethnic origin or an analogous ground under subsection 15(1) of the Canadian Charter of Rights and Freedoms?"
- L.** Education is a fundamental right. To discriminate against Indigenous children in the provision of education is to perpetuate historic disadvantages experienced by Indigenous peoples in Canada.

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

- 1.** Call upon the federal government to settle the claims of the First Nations Schools class action and to provide compensation to Indigenous students for the discrimination they have suffered.
- 2.** Direct the Assembly of First Nations to engage with the federal government and all appropriate bodies to advocate for the resolution of the First Nations Schools case.

DRAFT RESOLUTION # 62 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Income Assistance Program Reform and Poverty Reduction for First Nations
SUBJECT:	ISC Income Assistance Program including Disabilities Supports
MOVED BY:	Chief Leroy Denny, Eskasoni First Nation, NS
SECONDED BY:	Chief Norman Bernard, Wagmatcook First Nation, NS

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- B. Canada has committed to implementing the United Nations' 2020 Agenda for Sustainable Development's Sustainable Development Goals (SDGs), including:
- SDG1: No Poverty: End poverty in all its forms everywhere.
 - SDG 10: Reduced Inequalities: Reduce inequality within and among countries.
- C. *An Act respecting the reduction of poverty*, S.C. 2019, is intended to meet Canada's international human rights obligations, including under the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Discrimination against Women.
- D. Canada's Budget 2024 failed to meet the First Nations-developed policy recommendations that were endorsed via Assembly of First Nations (AFN) Resolution 07/2022, *Reform of the On-reserve Income Assistance Program*, including: higher income assistance (IA) rates to meet the needs of First Nations, increase case management, pre-employment and administrative supports, and strengthening wrap around supports for IA clients and families with special and additional needs.
- E. AFN Resolution 85/2023, *Support for the Technical Working Group on Social development to Continue Income Assistance Program Reform*, called on Canada to continue to provide ongoing inflation relief benefits for IA clients, until the IA Program rates are reflective of the cost of living in northern and remote areas.

DRAFT RESOLUTION # 62 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F.** In 2023, the AFN advocated for an investment of \$2.34 billion over 5 years to continue inflation relief benefits and account for population growth and inflation, to provide First Nations IA clients with additional financial support to cope with the financial pressures of rising inflation and the higher cost of living on-reserve.
- G.** Current poverty reduction measures, like the Market Basket Measure (MBM), do not account for the unique circumstances experienced by First Nations, such as remoteness. Additional work to develop a First Nations-specific, needs-based funding model for the IA Program is required to determine a basic standard of living for persons and families, with special attention to persons with disabilities living on-reserve.
- H.** Reducing First Nations poverty requires meaningful investments into the First Nations social safety net. Social housing and appropriate shelter allowances should be considered a key income assistance program component, among other poverty reduction measures identified by First Nations.

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

- 1.** Direct the Assembly of First Nations (AFN) Income Assistance Secretariat to initiate immediate discussions with Indigenous Services Canada to determine why Budget 2024 did not invest in the First Nations-endorsed policy recommendations for Income Assistance (IA) Program reform and report back to First Nations-in-Assembly by December 2024.
- 2.** Call upon Canada to provide an immediate top-up benefit to IA clients, with particular attention to persons with disabilities, until ongoing work to develop an evidence base to inform budget advocacy can be completed.
- 3.** Direct the AFN to work with Employment and Social Development Canada (ESDC) to co-develop a First Nations-specific on-reserve poverty reduction strategy, using the First Nations recommendations for IA Program reform and the First Nations-specific indicators of poverty and wellbeing, with recommendations for Canada to uphold its commitment to reducing First Nations poverty and report back to First Nations-in-Assembly by December 2025.
- 4.** Call upon the Government of Canada to fund the AFN to conduct an analysis of First Nations priorities and considerations for a First Nations-specific on-reserve poverty reduction strategy. This will include regional considerations and recommendations for adapting the strategy for First Nations with varying socio-economic realities.
- 5.** Call upon the Government of Canada to use and implement the co-developed on reserve poverty reduction strategy and plan to support future federal Budget investments and increases to the national income assistance program, with particular attention to persons with disabilities.

DRAFT RESOLUTION # 63 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Political Support for Energy Security for First Nations in Saskatchewan
SUBJECT:	Energy, Infrastructure, Economic Development
MOVED BY:	Chief Edwin Ananas, Beardy's and Okemasis' Cree Nation, SK
SECONDED BY:	Chief Melissa Tavita, Muscowpetung Saulteaux First Nation, SK

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 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. Due to the rising costs of home heating and electricity prices, inadequate housing due to overcrowding and the reduced quality and quantity of available housing stock, and lack of energy efficiency programming tools for First Nations households, there is an immediate need for the installation of natural gas service and related infrastructure for those First Nations that do not currently enjoy the benefits of this alternative heating source.
- C. The First Nations Power Authority (FNPA), created in 2011 to help green the electricity grid, is North America's only Indigenous-owned, led and controlled not-for-profit entity developing power projects with Indigenous communities on behalf of its 165 First Nations General Members and Industry Members.
- D. In April 2024, the FNPA signed an MOU with SaskEnergy to advance economic reconciliation and meaningful participation in cleaner energy initiatives; facilitate collaboration between SaskEnergy, FNPA, and Saskatchewan First Nations; and assist in increasing economic participation through cleaner energy initiatives.
- E. The parties listed above participated in a Leadership Roundtable meeting with AFN National Chief Cindy Woodhouse Nepinak to identify and explore alternative heating sources and solutions for rural First Nations communities with the goal of increasing energy security; promoting energy efficiency programs and community energy planning for First Nations communities, especially those that currently do not have access to natural gas, and assist First Nations communities to utilize natural gas in their cleaner energy transition.

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

1. Direct the Assembly of First Nations (AFN) National Chief and the Executive Committee to express their support through correspondence to Indigenous Services Canada and other key federal

DRAFT RESOLUTION # 63 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

departments for First Nations in Saskatchewan that desire to have the installation, transportation, and delivery of natural gas service to those communities where appropriate.

2. Call on the Government of Canada and the Province of Saskatchewan to support the establishment of a Saskatchewan First Nations Working Group to identify and collaborate with key federal and provincial funding partners work with First Nations, the First Nations Power Authority, and SaskEnergy, outlining a plan to extend natural gas infrastructure to each participating First Nation.
3. Direct the AFN to call on the federal government to immediately enhance First Nations' access to financial supports through Environment and Climate Change Canada's Futures Electricity Fund and Indigenous Services Canada's Indigenous Community Infrastructure Fund to ensure they can pursue more desirable energy security measures, such as natural gas service for home heating, access available energy efficiency programs, and support community energy champions to advance other energy security and efficiency initiatives.

DRAFT RESOLUTION # 64 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Protection of the Bathurst Caribou [Herd]
SUBJECT:	Conservation & Biodiversity - Environment
MOVED BY:	Chief Fred Sangris, Yellowknives Dene First Nation (Ndilo), NT
SECONDED BY:	Chief Ernest Betsina, Yellowknives Dene First Nation (Dettah), NT

WHEREAS:

- A. The Dene are the original Peoples of their territory, called Denendeh; they are primarily harvesters and have relied on the Bathurst caribou herd for sustenance since time immemorial.
- B. The Dene have protected, conserved, and sustainably looked after their environments, lands, waters, and biodiversity since time immemorial, through the exercise of Inherent rights and responsibilities, associated knowledge systems, and traditional laws granted by the creator, which still exist today.
- C. There is a growing recognition, domestically and internationally, of the critical leadership role of First Nations and Indigenous Peoples in achieving positive conservation outcomes.
- D. The Bathurst Caribou herd faced numerous historic and current threats, including but not limited to:
 - i. A plummeting population—in recent years, the herd population has decreased from approximately 500,000 individuals to approximately 6,000;
 - ii. An ice road through the homeland of the YKDFN, Chief Drygeese Territory, which bisects the migration route of the herd and grants low-effort access to all harvesters;
 - iii. Bathurst herd caribou are reported killed each year inside the mobile protected zone, including reports of animals killed and left unrecovered, in part or whole;
 - iv. Young and inexperienced hunters accessing the herds for harvesting.

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

1. Support the Yellowknives Dene First Nation (YKDFN) in its efforts to create its own Bathurst Caribou Conservation Plan.
2. Support the YKDFN to hold a meeting of the Chiefs of the surrounding communities that use the winter road for caribou harvest to discuss:
 - a. The potential for a complete caribou hunting ban along the winter road; and,
 - b. Training programs for of young hunters who wish to hunt along the winter road.
3. Call upon Canada to provide funding for the Dene Chiefs to meet and discuss a potential hunting ban of caribou along the winter road.
4. Call upon Canada to assist the YKDFN and Dene Nation to create training programs to train new and young hunters in proper caribou hunting techniques.

DRAFT RESOLUTION # 64 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

5. Direct the AFN to assist the Dene Nation in seeking funding from the Government of Canada to create and implement the YKDFN Bathurst Caribou Conservation Plan.
6. Direct the AFN to further assist the Dene Nation in seeking funding to host a Caribou Summit in collaboration with the Indigenous Peoples of the Northwest Territories and the Inuit from Nunavut who harvest from the Bathurst herd.

DRAFT RESOLUTION # 65 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Call for Independent Inquiry into the Deaths of Rebecca Contois, Morgan Harris, Mercedes Myran, and Mashkode Bizhiki'ikwe
SUBJECT:	MMIWG2S+
MOVED BY:	Chief Betsy Kennedy, War Lake First Nation, MB
SECONDED BY:	Chief Heidi Cook, Misipawistik Cree Nation, MB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) states:
- 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.
 - 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.
 - Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. In August 2016, the Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry). The National Inquiry released its Final Report entitled *Reclaiming Power and Place* (Final Report) on June 3, 2019.
- C. The Final Report explores many intersectional issues contributing to the national tragedy of missing and murdered Indigenous women, girls (MMIWG), and Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual people and those who identify as part of sexual and gender diverse communities that use additional terminologies (2SLGBTQIA+), and sets out 231 Calls for Justice, which include:
- Call to Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQIA+ peoples; and
 - Call to Justice 1.6: We call upon all governments to eliminate jurisdictional gaps and neglect that result in the denial of services, or improperly regulated and delivered services, that address the social, economic, political, and cultural marginalization of, and violence against, Indigenous women, girls, and 2SLGBTQIA+ people.

DRAFT RESOLUTION # 65 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. On December 1, 2022, charges were laid for the murders of four Indigenous women in Manitoba: Rebecca Contois, Morgan Harris, Mercedes Myran, and an unidentified woman referred to as Mashkode Bizhiki'ikwe (or Buffalo Woman).
- E. The Winnipeg Police Service was responsible for the investigation process and had information that the remains of Rebecca Contois, Morgan Harris, Mercedes Myran, and Mashkode Bizhiki'ikwe may be in Winnipeg landfills. Prior to the 2023 provincial election, the Province of Manitoba and the Winnipeg Police Service made public statements that landfill searches would not take place.
- F. Independent inquiries are essential in filling the gaps where the traditional western-based legal system has failed by investigating, educating, and informing the government and public about matters of great importance, and serving as a vehicle to search for the truth when there are concerns about the conduct of provincial institutions.
- G. The *Manitoba Evidence Act* provides the Lieutenant Governor of Manitoba with the authority to establish a commission for the purpose of carrying out an inquiry into any matter within the jurisdiction of the Legislature, including the conduct of any provincial institution or the administration of justice within the province,
- H. In the Assembly of First Nations (AFN) Resolution 67/2023, *Denouncement of Manitoba Decision on Landfill Search for Remains of First Nations Women*, First Nations-in-Assembly called on the Manitoba Premier to reconsider the decision not to search the landfill and to work with the Federal Government to provide funding and conduct thorough searches of both the Prairie Green Landfill and Brady Landfill.
- I. On March 22, 2024, the Province of Manitoba and the Government of Canada committed funding to search the Prairie Green Landfill, demonstrating the political will that had been absent prior to the 2023 provincial election.
- J. As of June 2024, the searches are ongoing. However, the handling of search efforts by the Province of Manitoba and Winnipeg Police Service, including the management and preservation of evidence, has raised questions regarding the adequacy and sensitivity of the search methods employed. The responses and actions from official parties involved in the searches have highlighted issues of responsiveness, accountability, and transparency that undermine trust in the investigative process.

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

1. Call on the Honorable Anita Neville, Lieutenant Governor of Manitoba, to establish a commission to undertake an inquiry into the deaths of Rebecca Contois, Morgan Harris, Mercedes Myran, and Mashkode Bizhiki'ikwe, with specific focus on the Winnipeg Police Service and Province of Manitoba's initial and ongoing efforts to investigate and locate the missing women.
2. Call on the Lieutenant Governor of Manitoba to appoint First Nations commissioners to carry out the independent inquiry, with consideration given to recommendations from the Assembly of Manitoba Chiefs (AMC) on the selection of commissioners.
3. Direct the AFN National Chief Cindy Woodhouse to write a letter to the Honorable Anita Neville in support of immediately establishing a public and independent inquiry into the deaths of Rebecca Contois, Morgan Harris, Mercedes Myran, and Mashkode Bizhiki'ikwe.

DRAFT RESOLUTION # 65 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

4. Direct the AFN to work with the AMC to recommend a proposed scope of the inquiry into the circumstances surrounding the deaths and to fully investigate the:
 - a. methodology and thoroughness of the search efforts;
 - b. protocols followed for the management and preservation of evidence;
 - c. actions and responsiveness of official parties throughout the investigative process; and
 - d. intersection of these issues with the crisis of MMIWG and 2SLGBTQQIA+ peoples, scrutinizing how systemic biases have potentially influenced case outcomes.

DRAFT RESOLUTION # 66 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Continued Rejection and Denouncement of Métis Illegitimate Rights Assertions
SUBJECT:	Citizenship and Identity Rights
MOVED BY:	Chief Don Tom, Tsartlip First Nation, BC
SECONDED BY:	Kúkpi7 Rosanne Casimir, Tk'emlups te Secwépemc, BC

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - 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.
 - Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- B. The Métis Nation British Columbia (MNBC), BC Métis Federation (BCMF), and Métis individuals, Métis Chartered "Communities", and other Metis governments and organizations across Canada (collectively, the Métis) regularly assert that the Métis have independent land, air and water-based inherent and constitutionally protected rights in BC and other parts of Canada, including related jurisdiction.
- C. Métis governments and their organizations continue to make unfounded illegitimate rights assertions in First Nations ancestral and treaty territories, which has resulted in First Nations throughout Canada, including the Union of BC Indian Chiefs (UBIBC), the BCAFN, the First Nations Summit, and the Chiefs of Ontario (COO) denouncing illegitimate rights assertions in their territories.
- D. In May 2024, the COO declared that the Métis Nation of Ontario (MNO) is not a legitimate organization representing Métis Peoples' and that the communities represented by MNO did not exist historically in the Ontario region.
- E. Such assertions have resulted in the Métis being wrongfully consulted, accommodated, and benefited in land, air, and water-based consultative processes, projects, and initiatives as rights holders, including those led by federal, provincial, and territorial governments, as well as third party project proponents.

DRAFT RESOLUTION # 66 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- F. First Nations are the proper title and rights holders within their territories and hold Inherent, constitutional, and human rights, and Inherent laws, legal systems, systems of governance, and jurisdictions, which First Nations have applied and exercised throughout the entirety of their territories prior to contact, and which continue to exist and be exercised throughout the entirety of their territories today.
- G. There is no persuasive legal justification for the existence of land, air, and water-based inherent and constitutionally protected Métis rights in BC and Ontario, or Métis jurisdiction over any lands, air, waters, or resources in BC and Ontario.
- H. Assembly of First Nations (AFN) Resolution 44/2023, *Protect First Nations Rights and Interests from Unfounded Metis Rights Assertions*, affirms that no land, air, or water-based inherent and constitutional Métis rights exist in Ontario or British Columbia, and directs the AFN to seek resources, advocate politically, and calls on the Government of Canada to cease providing financial supports to Métis groups seeking to enforce rights on overlapping territories without consultation with First Nations.
- I. AFN Resolution 81/2023, *Urgent Protection of First Nations Inherent and Treaty Rights from Ongoing Illegitimate Rights Assertions*, supports the Innu Nation in affirming that the Nunatukavut Community Council (NCC) does not hold section 35 rights in Labrador or Quebec, and advocates for the removal of NCC from Bill S-14, *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations*.
- J. The Government of BC has taken a first step in addressing the issue by releasing a “Distinctions Based Approach Primer” which is intended to assist the Government of BC in building an understanding of the legal basis for, and core elements of, a distinctions-based approach in all of its relations with First Nations, Métis, and Inuit in BC. The Primer publicly confirms the Government of BC’s position that there are no existing land, water, or air-based Métis rights or associated inherent jurisdiction in BC.
- K. The Government of Canada continues to be the primary funder of the Métis, and regularly consults, accommodates and involves the Métis in its land, air and water-based consultative processes, matters, projects, and initiatives within Canada.
- L. The Crown Government’s continued lack of due diligence and mistaken recognition of illegitimate Métis rights assertions fails to consider how these actions fail to uphold the honour of the Crown with respect to Treaty and Aboriginal rights, erode the spirit and intent of the Treaties, and ultimately threaten the rights of legitimate nations.
- M. First Nations support the legitimate claims of Indigenous peoples but note that recognition of unfounded claims undermines legitimate Indigenous Nations.

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

- 1. Re-affirm the rejection and denouncing of illegitimate rights assertions of the Métis within BC, Ontario, and Labrador.
- 2. Re-affirm that the Métis hold no land, water, or air-based inherent and constitutionally protected rights or related jurisdiction within BC, Ontario and Labrador.

DRAFT RESOLUTION # 66 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Direct the Assembly of First Nations (AFN) to call on the Government of BC to continue working with First Nations in BC to build upon its Distinctions Based Approach Primer to ensure a comprehensive, appropriate, and consistent whole of government distinctions-based approach is implemented with respect to the Government of BC's relations with First Nations, Métis, and Inuit in BC, in consultation and cooperation with First Nations in BC.
4. Direct the AFN to urge the Government of Canada to immediately develop and implement a comprehensive, appropriate, and consistent whole of government distinctions-based approach with respect to Canada's relations with First Nations, Métis, and Inuit, in consultation and cooperation with First Nations rights holders, and to make that approach public.
5. Direct the AFN National Chief to advocate to the Prime Minister and the Premiers to ensure that all federal, provincial, and territorial governments uphold Canada's Duty to Consult ensuring that First Nations are adequately engaged in order to mitigate adverse impacts on their Inherent and Treaty rights, title and jurisdiction.

DRAFT RESOLUTION # 67 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for Dene First Nations to Address Contamination from the Exxon Imperial Oil Limited Kearl Mine Site
SUBJECT:	Water
MOVED BY:	Chief Robert Charlie-Tetlich, Inuvik Native Band, NT
SECONDED BY:	Chief Thaidene Paulette, Smiths Landing First Nation, NT

WHEREAS:

- A. In 2023, the Exxon Imperial Oil Limited Kearl Mine site in the tar sands of northern Alberta allowed poisonous tailings pond waste to enter Denendeh territory contaminating the waters, aquatic life, animals, environment, and people.
- B. The Dene First Nations of the Northwest Territories are deeply concerned about not being informed of the leaks and spills by the Government of Canada, the Alberta Government, the Alberta Energy Regulator, and the Exxon Imperial Oil Limited Mine.
- C. The Denendeh territory, which also encompasses the Mackenzie River basin and 25% of Canada's Boreal Forest, is threatened by contaminated tailings ponds from Alberta's tar sands, which were developed without Dene First Nations of the Northwest Territories consent and have produced oil for six decades using toxic chemicals, resulting in over 2 trillion liters of wastewater that leach into the basin, affecting the Denendeh and the Circumpolar region.
- D. The federal government plans to regulate the release of treated tailings pond water into the environment by 2025 without the Dene First Nations of the Northwest Territories' participation, which the Dene Peoples reject, insisting the water should be recycled for bitumen processing instead.
- E. During March 14-16, 2023, the Dene First Nations of the Northwest Territories met in a historic summit at Inuvik to address concerns about water. The summit was broadcast territorial wide on CKLB radio and live-streamed internationally on Facebook. There were recommendations and daily summaries, and after the summit ended there was a press release issued.

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

- 1. Support the Dene First Nations of the Northwest Territories in their pursuit in seeking accountability from the Government of Alberta and the oil/gas industry on the management, notification, and monitoring of tailings ponds, spills, and leaks.
- 2. Support the Dene First Nations of the Northwest Territories in urging Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to expand the Northern Contaminants Program mandate to consider contaminants from domestic Canadian sources such as tar sands, abandoned mines, pulp and paper mills, and hydro-electric projects, which all contribute to cross-boundary pollution.

DRAFT RESOLUTION # 67 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

3. Direct the Assembly of First Nations (AFN) to call upon all levels of government to meaningfully engage with Dene governments as full partners on regulatory development and reform efforts for tailings management.
4. Direct the AFN to call upon the Ministers of CIRNAC and the Department of Fisheries and Oceans (DFO) to dedicate multi-year funding and resources from the Northern Contaminants Program and other applicable programs for Dene First Nations of the Northwest Territories to:
 - a. develop Indigenous-led monitoring efforts that include an independent study by structural engineers to evaluate the integrity of respective tar sand tailings ponds; and
 - b. develop a database for sharing Indigenous-led observations and studies on climate change and cumulative impacts throughout the Mackenzie River Basin; and
 - c. participate in all related transboundary water-related issues, including the Mackenzie River Basin Transboundary Waters Master Agreement; and
 - d. establish partnerships with independent laboratories for reliable and independent assessment of samples collected for contaminants testing; and
 - e. host subsequent Water Summits in the Northwest Territories.
5. Direct the AFN to call upon the Alberta Energy Regulator to develop protocols with the Dene Nations of the Northwest Territories related to the Mine Financial Security Program that will ensure that industry pays for the reclamation and remediation of tar sand tailings ponds.

DRAFT RESOLUTION # 68 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Protection of Drinking Water for Anishinaabe
SUBJECT:	Health, Environment
MOVED BY:	Chief, Jeff Copenace, Ojibways of Onigaming, ON
SECONDED BY:	Chief, Lance Haymond, Kebaowek First Nation, QC

WHEREAS:

- A. The Ojibways of Onigaming make our home between Kakagi Lake/Crow Lake and Lake of the Woods, in Treaty #3 territory, based in northwestern Ontario.
- B. Currently, Kakagi Lake/Crow Lake and the interconnected sacred, spring-fed lakes provide some of the most pristine, clean water on Turtle Island (in North America). Kakagi Lake/Crow Lake also provides the drinking water for Onigaming families.
- C. The Critical Mineral Strategies of Ontario and Canada, along with the de-regulation of environmental protections, has put these sacred, spring-fed lakes at risk of destruction & poisoning by Canadian and foreign industry.
- D. The Ojibways of Onigaming remain in a state of emergency, with thirty-nine deaths in our families in the past three years: Most deaths completely preventable. As such, Onigaming finds itself unable to participate in any consultation or accommodation processes with industry in good faith. Provincial and federal governments have shown very little compassion for our constant loss of life, as industry races forward on our home-waters.
- E. Kakagi Lake/Crow Lake, Cameron Lake, Cedar Tree Lake, Berry Lake, Flint Lake, Dogpaw Lake are all interconnected, spring-fed lakes that the Anishinaabe view as sacred. They are some of the cleanest, most beautiful lakes on Turtle Island (in North America). All these lakes are currently under mining claims and threat of destruction by Canadian industry and foreign industry. These lakes are not only our drinking water source, but these lakes represent the Anishinaabe history and way of life.
- F. The Ojibways of Onigaming already suffers environmental damage from a large gold mine just 40 kms south of us. Our families are finding sickness and cancers that we never experienced before, and the rates of cancer in nearby municipalities is also higher than average. We are concerned about future mines and cumulative health impacts to our children and families, especially if further mines are developed around us, which currently Canada and Ontario are promoting.
- G. The Ojibways of Onigaming are in desperate need of help from other First Nations and First Nations organization to protect our homelands, drinking waters, Treaty Rights and Anishinaabe way of life, which are all under threat. We are begging for help. We believe that the spring-fed lakes & water will be of far greater value than gold or other minerals in the next hundred years and beyond.

DRAFT RESOLUTION # 68 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

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

1. The Ojibways of Onigaming is calling for a moratorium on all exploration and mining activities, including clear-cutting for aggregate, in our traditional territories; until our State of Emergency is lifted and we can engage in good faith.
2. The Ojibways of Onigaming is calling on all local First Nations who make these lakes home, to return all monies received from the Provincial and Federal Governments to prevent the advancement of any further destructive exploration and mining near our sacred lakes.
3. The Ojibways of Onigaming is calling on the Assembly of First Nations to return any dollars received from exploration or mining companies. This includes First Nations businesspeople who are attempting to profit on the destruction of our lakes.
4. The Ojibways of Onigaming is calling for all these sacred, inter-connected lakes to be fully protected and conserved. We are already witnessing major countries around the world experience droughts, fires and poisoning of children and families from contaminants from Canadian Industry and Foreign Industry.
5. The Ojibways of Onigaming calls on the Assembly of First Nations, the Chiefs of Ontario, and Grand Council Treaty #3 to stop focusing on economic development and the current focus of money/dollars; Rather, we are calling on these organizations to advocate for the protection of our Anishinaabe families and children, who need these sacred lakes to continue to live for generations to come.
6. The Ojibways of Onigaming also calls on the Assembly of First Nations, Grand Council Treaty #3 and any other First Nation who has accepted monies from the Nuclear Waste Management Organization, to return these dollars immediately. The threat of burying nuclear waste in Treaty #3 territory also puts our sacred, inter-connected, spring-fed lakes at risk.

DRAFT RESOLUTION # 69 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Support for Burns Way Partnership
SUBJECT:	Saskatchewan First Nations Veteran's Association
MOVED BY:	Chief Jeremy Fourhorns, Carry the Kettle Nakota Nation, SK
SECONDED BY:	Chief Marcel Head, Shoal Lake Cree Nation, SK

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 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.
- B. The Saskatchewan First Nations Veteran's Association's vision is to bring equity to all First Nations Veterans in comparison with non-Indigenous Veterans and with respect to quality of life. This is in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*.
- C. Our First Nations Veterans have served Canada with honour, bravery, and integrity and the transition into civilian life often brings challenges due to trauma.
- D. On October 22, 2023, the Federation of Sovereign Indigenous Nations Veterans Association signed an historic memorandum of understanding (MOU) with the Royal Canadian Legion giving Indigenous Veterans in the Province of Saskatchewan equal rights and treatment along with Non-Indigenous Veterans.
- E. The MOU signing broke the barriers that prevent Indigenous Veterans from getting the services they need to help them deal with their injuries, post-traumatic stress disorder, and problems encountered in their everyday lives.
- F. In memory of Earl Burns, the Burns Way Partnership is between the Saskatchewan First Nations Veterans Association, Aboriginal Veterans Autochtones, the Royal Canadian Legion, and TryCycle Data Systems, which is committed to providing accessible, culturally safe, and reliable mental health support for all veterans.

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

- 1. Support The Burns Way Project Partnership between the Saskatchewan First Nations Veterans Association, Aboriginal Veterans Autochtones, the Royal Canadian Legion, and the TryCycle Data Systems.

DRAFT RESOLUTION # 73 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Ensuring Justice for First Nations Children: Support for the CHRT Non-Compliance Motion on Jordan's Principle
SUBJECT:	Children and Families
MOVED BY:	Proxy, Judy Wilson, Osoyoos Indian Band, British Columbia
SECONDED BY:	Chief, George Cote, Cote First Nation, Saskatchewan

WHEREAS:

- A. Jordan River Anderson, a young boy from Norway House Cree Nation, lived all five years of his short life in hospital due to jurisdictional wrangling by federal and provincial authorities over who would pay for his in-home care costs.
- B. Jordan's Principle honours Jordan River Anderson and his family, ensuring First Nations children receive substantively equal and culturally appropriate services, supports, and products when needed.
- C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a *Canadian Human Rights Act* complaint in 2007, alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory on the prohibited grounds of race and national or ethnic origin.
- D. In 2016, the Canadian Human Rights Tribunal (CHRT) substantiated the complaint and ordered Canada to immediately implement the full meaning and scope of Jordan's Principle for all First Nations children.
- E. The CHRT has subsequently issued nine further orders (2016 CHRT 10, 2016 CHRT 16, 2017 CHRT 14, 2017 CHRT 35, 2019 CHRT 7, 2020 CHRT 20, 2020 CHRT 36, 2021 CHRT 41, 2022 CHRT 8) to compel Canada to implement the full meaning and scope of Jordan's Principle.
- F. In 2021, a workplan to address deficiencies in Canada's implementation of Jordan's Principle was attached to the Agreement-in-Principle on Long-Term Reform. The "Back to Basics" approach is based on that workplan and includes the specific CHRT-ordered timelines for determining requests.
- G. In 2022, the First Nations-in-Assembly passed resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, which includes the directives to:
 - i. Ensure the FSA does not detract from the parties' right to seek orders from the Tribunal in the current complaint before the CHRT to ensure that all First Nations children, youth, and families will be free from discrimination and its recurrence for generations to come.
 - ii. Direct the parties to develop evidence- and policy-based options for the long-term reform of Jordan's Principle, including mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval.
- H. Despite the Caring Society and others raising serious non-compliance issues for years and suggesting solutions to Indigenous Services Canada (ISC), including how to manage the growing volume of

DRAFT RESOLUTION # 73 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

requests, Canada did not fully implement the Back-to-Basics approach. ISC complied with the CHRT-ordered timeframes at rates of 33% for urgent individual requests, 36% for non-urgent individual requests, 30% for urgent group requests, and 66% for non-urgent group requests in the 2022-23 fiscal year.

- I. As of March 2024, Canada has estimated a backlog of between 40,000 and 82,000 Jordan's Principle requests that have either not been opened or not determined.
- J. There are also long backlogs in reimbursements to families, service providers, and First Nations, resulting in some families, First Nations, and First Nations service providers taking on debt while waiting for reimbursement and some service providers withdrawing their services after months of non-payment.
- K. Jordan's Principle requesters report chronic challenges in contacting ISC, particularly in the context of urgent requests or updating the urgency of requests.
- L. In December 2023, after months of attempting to address the issues noted above through processes outside the CHRT, the Caring Society filed a non-compliance motion before the CHRT regarding Canada's ongoing failure to fully implement Jordan's Principle and requested several remedies to address Canada's non-compliance.

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

- 1. Direct the AFN to work collaboratively with all Parties to the CHRT proceedings to achieve remedies for Canada's ongoing failure to implement Jordan's Principle fully, including, but not limited to, full implementation of the back-to-basics approach, full resolution of current backlogs, prevention of future backlogs and monthly reports on compliance rates and backlogs, prompt payment of approved requests and ensuring children who have experienced the death of a parent, sibling or close family member or who are in the midst of a state of emergency are included in Canada's definition of urgent cases.
- 2. Reaffirm AFN Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, and AFN Resolution 37/2007, *Support and Endorsement of the United Nations Declaration on the Rights of Indigenous Peoples*.
- 3. Direct the AFN to fully consider the evidence and recommendations of First Nations Jordan's Principle experts, including the Jordan's Principle Operations Committee.
- 4. Direct the AFN to provide regular updates on the negotiations to First Nations and ensure that First Nations-in-Assembly are provided a minimum of 120 days, if the circumstances reasonably allow, to review drafts and supporting documents of the Jordan's Principle Final Settlement Agreement prior to seeking approval.

DRAFT RESOLUTION # 75 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Extending the Age of Eligibility for Jordan's Principle from the Age of Majority to 30 Years of Age
SUBJECT:	Child and Family Services, Jordan's Principle, Health, Social
MOVED BY:	Chief Shirley Ducharme, O-Pipon-Na-Piwin Cree Nation, MB
SECONDED BY:	Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* 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(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 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- v. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- 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. Jordan's Principle, named in memory of Jordan River Anderson, a Cree child from Norway House Cree Nation in Manitoba, is a legal rule that obligates the federal government to ensure First Nations children have substantive equality, and that there are no gaps in publicly funded health, social, and education programs, services, and supports.

C. Jordan's Principle applies to First Nations children from birth to the age of majority in the province or territory of their residence. However, there are currently no provisions for services and supports beyond the age of majority under Jordan's Principle, which is a significant gap for youth transitioning into young adulthood.

DRAFT RESOLUTION # 75 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- D. When First Nations youth reach the age of majority, they may not have access to the same level of support and services as they may have been eligible to receive from Jordan's Principle. This may have a negative impact on their health, education, and overall well-being.
- E. The transition from adolescence to young adulthood can be challenging for First Nations youth, who often encounter systemic barriers and disparities. Extending eligibility for Jordan's Principle to 30 years of age would allow First Nations youth the ability to access the necessary supports and resources to achieve self-sufficiency and thrive as young adults.
- F. In 2016 CHRT 2, the Canadian Human Rights Tribunal (CHRT), ordered Canada to immediately cease its discriminatory practices regarding First Nations child welfare, to reform the First Nations child welfare program, to cease applying a narrow definition of Jordan's Principle, and to adopt measures to implement the full meaning and scope of Jordan's Principle.
- G. In 2017, the CHRT further ordered that the needs of each individual child must be considered, to ensure the following is taken into account under Jordan's Principle: substantive equality, providing culturally appropriate services, and safeguarding the best interests of the child.
- H. In 2021 CHRT 41, the CHRT found that The Government of Canada had discriminated against First Nations children by failing to provide them with the same level of services as other Canadian children. The CHRT ordered Canada to fund the purchase and construction of capital assets for the delivery of First Nations child welfare and Jordan's Principle.
- I. Pursuant to the Agreement-in Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle, executed December 31, 2021, Canada agreed to:
 - i. fund post-majority support services for First Nations youth "aging out" of care to the age of 25 at the actual cost of delivering services/supports, as determined by the First Nation or First Nations Agency.
 - ii. assess the resources required to assist families with navigating access to additional supports past the age of majority for high needs youth accessing Jordan's Principle.
- J. Both of these funding commitments were further ordered on consent by the Canadian Human Rights Tribunal in 2022 CHRT 8.
- K. Recent Assembly of First Nations resolutions on Jordan's Principle include:
 - i. *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;*
 - ii. *Resolution 27/2018, Support for the long-term implementation of Jordan's Principle;*
 - iii. *Resolution 04/2022, 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;*
 - iv. *Resolution 40/2022, To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle;*

DRAFT RESOLUTION # 75 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

- v. *Resolution 83/2023, Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle;*
 - vi. *Resolution 84/2023, Continuation of Funding at Actuals for Post-Majority Support Services and Support for High Needs Jordan's Principle Recipients; and*
 - vii. *Resolution 86/2023, To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle.*
- L. Jordan's Principle ensures that all First Nations children have access to necessary services. Cessation of services and resources for those over the age of majority to the age of 30 (without the provision of the necessary infrastructure for transition) will harm youth who reach the age of majority and are still in need. The provision of the necessary resources and supports under Jordan's Principle to First Nations for youth to the age of 30 supports the creation of infrastructure to support youth aging into adulthood.

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

1. Call on the Government of Canada to extend the age of eligibility for Jordan's Principle to the age of 30.
2. Call on the Government of Canada to continue to uphold their commitment for Jordan's Principle and end discriminatory practices against First Nations children as they transition into adulthood.
3. Call on the Government of Canada to provide long-term and sustainable funding for First Nations youth transitioning into young adulthood under Jordan's Principle. Extending eligibility for Jordan's Principle to 30 years of age would allow First Nations youth the ability to access the necessary supports and resources to achieve self-sufficiency and thrive as young adults.

DRAFT RESOLUTION # 76 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE:	Remote Airport Infrastructure Funding for Required Upgrades
SUBJECT:	Transportation, Health, Emergency Management
MOVED BY:	Chief Russel Wesley, Cat Lake First Nation, ON
SECONDED BY:	Chief Alex Batisse, Matachewan First Nation, ON

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - iii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iv. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - v. Article 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.
- B. The Assembly of First Nations (AFN) *Closing the Infrastructure Gap by 2030* Report did not include an assessment of national airport infrastructure needs.
- C. Several northern remote First Nations across Canada are solely dependent on air travel to access services in urban centers including health, education, justice, social programming, and the increasing need for emergency evacuations and repatriation due to threats of climate change and critical infrastructure failures.
- D. The National Airports Capital Assistance Program (ACAP) is gravely underfunded in addressing the costly upgrades required to remote airport infrastructure to improve safety and access to remote First Nations.
- E. Remote northern airports require runway extensions and recertification, localizer performance with vertical guidance (LPV) approaches, additional automated weather observation stations (AWOS),

DRAFT RESOLUTION # 76 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

formal de-icing services, and terminal improvements and/or replacements to improve safety and access to remote First Nations.

- F.** Remote airports require the establishment of an Essential Service Airport Standard under the National Airports Policy (NAP) to allocate the necessary federal funding for infrastructure upgrades.
- G.** Provincial, territorial and municipal airport operators must work collaboratively with Transport Canada (TC), Indigenous Services Canada (ISC), NAV Canada and other relevant partners in addressing the infrastructure gaps at remote airports across Canada.
- H.** Urgent action is required to conduct a comprehensive assessment of northern remote airport infrastructure to accurately identify the needs and required funding to improve safety and access for remote First Nations.

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

- 1.** Call on the federal government, as well as provincial and territorial governments, to equitably invest in remote airports across Canada that serve as a lifeline for First Nations communities, given that the lack of investment has impacted their human rights by inhibiting access to essential services.
- 2.** Call on the federal government to amend the National Airports Policy to include an Essential Service Airport Standard to adequately fund the required investments in remote airport infrastructure that will improve safety and access to remote First Nations.
- 3.** Call on Transport Canada, Indigenous Services Canada, NAV Canada, provincial, territorial and municipal airport operators, and all relevant partners to work collaboratively in addressing the significant funding shortfall for remote airport infrastructure across Canada.
- 4.** Call on remote airport operators to work collaboratively with First Nations and government partners in identifying the infrastructure gaps across Canada to accurately identify the monetary need for closing the remote airport infrastructure gap on-reserve by 2030.