



ASSEMBLY OF FIRST NATIONS
2016 ANNUAL GENERAL ASSEMBLY– NIAGARA FALLS, ON
FINAL RESOLUTIONS

#	Title
01	Support for First Nations Youth Life Promotion Calls to Action
02	Support for the Montreal Lake Cree Nation Emergency Response Search and Rescue Team Proposal
03	Support for the Registered Disability Savings Plan
04	Declaration of November as Indigenous Disability Awareness Month
05	Support for Indigenous Disability and Wellness Gathering
06	Call to Action that Health Canada Non-Insured Health Benefits list provide a new treatment for type 2 Diabetes called Jardiance
07	Supporting Partnerships with Indigenous Health Organizations
08	Increased and enhanced flexibility of mental wellness funding to First Nation communities
09	Support for Community-based Health Surveillance Systems
10	Support for a Primary Health Care Centre (Hospital) in Island Lake Manitoba
11	Support for Engagement in the Health Accord Discussions
12	Moving Beyond Federal Legislation To Establish a Nation-To-Nation Relationship
13	Calling for a National Reconciliation Process & Implementing the Royal Commission on Aboriginal Peoples Recommendations
14	Support for the World Indigenous Peoples Conference on Education 2017
15	Support for Indigenous Ways of Knowing at the Canada Wide Science Festival
16	Honourable Process to Develop Recommendations to support First Nations Education Reform
17	Call on Canada to update the Additions to Reserve Policy (ATR)
18	Support for Atlantic Salmon Emergency Critical Habitat Order
19	Fish-WIKS Fisheries Western and Indigenous Knowledge Systems
20	Long Term Sustainability of Kashechewan (Albany) First Nation Reserve # 67
21	Support for Continued Partnership between Indigenous Peoples and the Labourers' International Union of North America (LIUNA)
22	Reaffirmation of the Chiefs Committee on Human Resources Development
23	Support for the National Indian Football Association Canada
24	Support for Acting on Climate Change Indigenous Initiatives Project
25	Support for Grassy Narrows and Other Mercury Impacted Communities
26	Support For Bill S-215 An Act To Amend The Criminal Code (Sentencing For Violent Offenses Against Aboriginal Women)
27	Support for the concept of inherent and Treaty rights card
28	United Nations Declaration on the Rights of Indigenous Peoples 10 Year Anniversary
29	Engaging in Climate Action and the Environment
30	Declaration to Honour Indigenous Women and Girls
31	Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds
32	Wanuskewin Heritage Park UNESCO Application, "Thundering Ahead"
33	National Indigenous Peoples Statutory Holiday and Indigenous Peoples History Month
34	Responsibility to Investigate Allegations of Abuse brought against Mr. John Furlong
35	First Nations' inclusion in the review of Environmental and Regulatory processes
36	Inherent and Treaty Right to Post-Secondary Education
37	Establishing a Crown-First Nations Process on Land, Peoples and Governance
38	Protection and Promotion of Free Prior informed Consent of Indigenous Rights holders
39	First Nations National Working Group on Early Learning and Child Care (ELCC)

#	Title
40	Call on Canada to address the backlog for eligible First Nation post-secondary students
41	Nechi Institute - Centre of Indigenous Learning
42	International Child Custody
43	Support for rescinding CMHC Request for Proposal for technical services on reserve
44	First Nations, Forests, and Climate change in BC
45	National Water Conservation and Protection Strategy for The Great Lakes
46	Maskwacis Boil Water Advisories Shoot-Out Wastewater Systems and Shock Chlorination
47	First Nations to Access Economic Opportunities Through a First Nations Agricultural Strategy
48	Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action
49	US and Canada Softwood Lumber Agreement Negotiations
50	Canada – USA Softwood Lumber Dispute
51	Call for Action on the Pipeline Safety Act
52	Support a New Process on Land Rights Issues Over \$150 Million
53	Call for the Immediate Implementation of “Deep Consultation” on the Proposed Energy East Pipeline Project
54	OCAP® Training Prerequisite for all Federal/Provincial/Territorial Government Employees and Researcher
55	First Nation Federal Accessibility Legislation
56	Natural Resource Transfer Act (NRTA) Violation of Inherent Aboriginal and Treaty Rights
57	Funding for Regional First Nations Information Government Centres
58	Nishnawbe Aski Police Service
59	First Nations Citizenship
60	Recognition of Indigenous Peoples as Founding Peoples of Canada
61	Privacy of Survivor’s IAP and CEP documents
62	Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan’s Principle
63	Support Muskowekwan In Adopting and Implementing a Cultural Responsiveness Framework
64	Support for Stk’emlupsemc te Secwepemc Nation Project Assessment Process
65	Support for Repatriating Ceremonial and Cultural Artifacts
66	Support Garry McLean and Spirit Wind Indian Day Schools Class Action
67	Support to protect Anticosti Island from Industrialization
68	Support World Indigenous Trade and Enterprise Summit and Festival
69	Support for the Peel River Watershed in Yukon Territory

TITLE: Support for First Nations Youth Life Promotion Calls to Action

SUBJECT: Youth, Mental Wellness

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

SECONDED BY: Chief Roy Fabian, Katlodeeche First Nation, NT

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples 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 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.
 - iii. 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.
- B. Suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth and are considered to be among the highest in the world.

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- C. At most levels of life, promotion and suicide prevention policy and programming, youth are largely absent.
- D. The Assembly of First Nations National Youth Council, in collaboration with youth representatives across Canada, have developed several Calls to Action on Life Promotion for First Nations youth aimed at sparking meaningful action on these issues.
- E. It is expected that without drastic efforts in life promotion that involve and empower youth, youth suicide and its consequent impacts will continue to increase and impair First Nations communities.

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

1. Direct the National Chief to advocate to the federal government to support the implementation of the National Youth Council's Calls to Action on Life Promotion recommendations.
2. Direct the Assembly of First Nations (AFN) to communicate the National Youth Council's Calls to Action on Life Promotion with new and existing partners.
3. Endorse youth involvement in the entire process of life promotion work amongst and within the federal government and First Nations leadership.
4. Direct the AFN to advocate for increased funding to address mental wellness through a continuum of care across the lifespan, using the First Nation Mental Wellness Continuum framework as a lens, so First Nations communities can have access to resources to develop or expand life promotion initiatives.

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TITLE: Support for the Montreal Lake Cree Nation Emergency Response Search and Rescue Team Proposal

SUBJECT: Emergency Response, Health

MOVED BY: A/Chief Dirk McDonald, Montreal Lake Cree Nation, SK

SECONDED BY: Chief Cadmuss Delorme, Cowesses First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
 - i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- C. On May 6, 2016, National Chief Perry Bellegarde was invited to the Federal/Provincial/Territorial Ministers responsible for Emergencies where greater involvement by First Nations and their mandated organizations is needed in emergency response activities was communicated to the Minister.
- D. Search and Rescue (SAR) operations involving First Nations do not always have consideration for First Nation realities, such as set time limits for the search operation criteria by other agencies.
- E. The mandate of the Emergency Response Team is to locate, access, stabilize, rescue and transport lost, missing or injured persons to safety.

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- F. The Emergency Response Search and Rescue Team would work cooperatively with other emergency agencies and police authorities and, when fully developed, would provide training to people from other First Nations communities.

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

1. Support the Montreal Lake Cree Nation Emergency Response Search and Rescue Team proposal.
2. Support building and transferring of greater capacity and control, over all areas of Emergency Management and Response for First Nations communities in Saskatchewan including firefighting and evacuations.
3. Direct the Assembly of First Nations to communicate this position to the federal and provincial governments as it relates to the Emergency Measures Bilateral Agreement.

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TITLE: Support for the Registered Disability Savings Plan

SUBJECT: Health, Disability

MOVED BY: Grand Chief Edward John, Proxy, Tl'azt'en Nation, BC

SECONDED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:

- i. 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.

B. The United Nations Convention on the Rights of Persons with Disabilities Preamble states:

- i. (T): The fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities.
- ii. (V): The importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms.
- iii. (X): That the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and those persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities.

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- C. Indigenous persons and families living with a disability within Canada represent a marginalized population within an already marginalized population. Disability rates among Indigenous people are over twice that of the national rate, and at every age, Indigenous Canadians are more likely to have disabilities than Canadians who are not Indigenous.
- D. The Registered Disability Savings Plan (RDSP) was designed for individuals under the age of 60 who are eligible for the disability tax credit. The RDSP was created by the Government of Canada to help people with disabilities and their families save for their long-term financial security.
- E. The British Columbia Aboriginal Network on Disability Society (BCANDS) is a not-for-profit, Indigenous organization, supported by Assembly of First Nations Resolution 85/2004, that promotes and supports the full inclusion of all Indigenous individuals and families living with disabilities in Canada through its delivery of comprehensive, person centered, disability and health related services.
- F. BCANDS is a member of the Government of British Columbia's RDSP Action Group, an advisory committee to government whose membership includes prominent financial and social leaders working to realize the government's commitment to build and maintain British Columbia's position as the province with the highest per capita uptake of RDSPs in Canada.
- G. The Assembly of First Nations recognizes the importance of the economic and social inclusion of all persons and families living with a disability, both Indigenous and non-Indigenous, and the past and current work of the BCANDS within the Indigenous disability and health sectors of Canada and its mission of: "Supporting the unique and comprehensive disability, health and resource needs of Indigenous persons and organizations through relevant, timely and accessible services," and wishes to continue to support their work.

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

1. Promote and support the work of the British Columbia Registered Disability Savings Plan (RDSP) Action Group, and other regional Indigenous disability entities working on these critical issues, to address current gaps within this program and facilitate education/awareness opportunities for First Nations persons with disabilities; and ensure effective collaboration and implementation between Indigenous, federal, provincial and municipal governments, disability related organizations, communities, policy makers and other relevant stakeholders to assist in maximizing RDSP enrollment within the Indigenous and non-Indigenous communities of British Columbia and Canada.
2. Support the British Columbia RDSP Action Group's work to promote and enhance enrollment in RDSP by eligible First Nations individuals and families living with a disability within both Indigenous and non-Indigenous communities.

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TITLE: Declaration of November as Indigenous Disability Awareness Month

SUBJECT: Health, Disability

MOVED BY: Grand Chief Edward John, Proxy, Tl'azt'en Nation, BC

SECONDED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

DECISION Carried by Consensus

WHEREAS:

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

- i. 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.

B. The United Nations Convention on the Rights of Persons with Disabilities Preamble states:

- i. (C): The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination.
- ii. (H): That discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person.
- iii. (M): The valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty.

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- iv. (P): Concerned about the difficult conditions faced by persons with disabilities who 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.
- C. Indigenous persons and families living with a disability within Canada represent a marginalized population within an already marginalized population. Disability rates among Indigenous people is over twice that of the national rate and that at every age, Indigenous Canadians are more likely to have disabilities than Canadians who are not Indigenous.
- D. The British Columbia Aboriginal Network on Disability Society (BCANDS) is a not-for-profit, Indigenous organization, supported by Assembly of First Nations Resolution.85/2004 that promotes and supports the full inclusion of all Indigenous individuals and families living with disabilities in Canada through its delivery of comprehensive, person centered, disability and health related services.
- E. Through BCANDS service delivery and collaboration with Indigenous, federal and provincial governments and leadership, BCANDS assists to eliminate barriers, raise awareness and create opportunities for improved and responsive services, and the increased inclusion of Indigenous individuals and families living with a disability within Canada.
- F. The annual recognition and proclamation of November as Indigenous Disability Awareness Month will assist in raising awareness around the need to eliminate barriers facing the Indigenous population of Canada living with a disability and aid in the creation of new and expanded partnerships.

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

1. Recognize and declare the month of November as "Indigenous Disability Awareness Month" with the overall goals of promoting and enhancing awareness of Indigenous disability issues and building more inclusive communities through recognition of the substantial and valuable contributions of Indigenous peoples living with disabilities within Canada.
2. Support British Columbia Aboriginal Network on Disability Society (BCANDS) and its efforts for national endorsement / recognition and declaration of the month of November, in each calendar year, as "Indigenous Disability Awareness Month" through "Proclamations / Resolutions" from Indigenous, federal and provincial governments and leadership across Canada, and other regional Indigenous disability entities working on these critical issues.

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TITLE: Support for Indigenous Disability and Wellness Gathering

SUBJECT: Disability, Health, Social Services

MOVED BY: Grand Chief Edward John, Proxy, Tl'azt'en Nation, BC

SECONDED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

DECISION Carried by Consensus

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.

B. The United Nations Convention on the Rights of Persons with Disabilities Preamble states:

- i. (C): The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination.

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- ii. (M): The valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty.
 - iii. 1.7(8) Awareness-raising: (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; (c) To promote awareness of the capabilities and contributions of persons with disabilities.
- C. Indigenous persons and families living with a disability within Canada represent a marginalized population within an already marginalized population. The disability rate among Indigenous people is over twice that of the national rate and that at every age, Indigenous Canadians are more likely to have disabilities than Canadians who are not Indigenous.
- D. The British Columbia Aboriginal Network on Disability Society (BCANDS) is a not-for-profit, Indigenous organization, supported by Assembly of First Nations Resolution 85/2004 to promote and support the full inclusion of all Indigenous individuals and families living with disabilities in Canada through its delivery of comprehensive, person centered disability and health related services. Through service delivery and collaboration with Indigenous, federal and provincial governments and leadership, BCANDS assists to eliminate barriers, raise awareness and create opportunities for improved and responsive services, and increase inclusion of Indigenous individuals and families living with a disability within Canada.
- E. BCANDS will host its "From the Outside Looking In – Indigenous Disability and Wellness Gathering," in Victoria British Columbia in November 2017. The 2017 Gathering will bring together a diverse representation of disability and health related stakeholders from across Canada over a three day period to learn, inform, share, collaborate and create new and expanded partnerships to assist in addressing the barriers facing Indigenous individuals and families living with a disability.

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

1. Support the British Columbia Aboriginal Network on Disability Society's "From the Outside looking In – Indigenous Disability and Wellness Gathering" in 2017 and encourage the promotion and participation of community, government, service providers and other associated stakeholders.

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TITLE: Call to Action that Health Canada Non Insured Health Benefits list provide a new treatment for type 2 diabetes called Jardiance

SUBJECT: Health

MOVED BY: Chief Charlie Boucher, Pine Creek First Nation, MB

SECONDED BY: Chief Cameron Catcheway, Skownan First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of 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 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 West Region Tribal Council (WRTC) Leadership and Health Team were supplied information from a respected Manitoba endocrinologist on a study published in the New England Journal of Medicine on the effectiveness of Jardiance for people suffering from type 2 diabetes:
- i. (A clinical trial showed that Jardiance reduced the risk for cardio-vascular death, non-fatal heart attack or non-fatal stroke by 14%.

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- ii. Jardiance reduced cardio-vascular death by 38%, improved survival by reducing all-cause mortality by 32% and prevented hospitalization for heart failure by 35%.
- C. There are 3.4 million Canadians who are estimated to be living with diabetes. The First Nations' population suffers from the significant complications of this illness to a greater extent than the broader Canadian population.

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

- 1. Direct the Assembly of First Nations to work with the Government of Canada to ensure that the Non-Insured Health Benefits list provides the new treatment for type 2 diabetes called Jardiance, according to the Canadian Diabetes Association's Clinical Practice Guidelines.

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TITLE: Supporting Partnerships with Indigenous Health Organizations

SUBJECT: Health

MOVED BY: Chief Austin Bear, Muskoday First Nation, SK

SECONDED BY: Chief Kurt Buffalo, Cree Samson Nation, AB

DECISION Carried by Consensus

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 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 federal government has previously cut funding to First Nation organizations that were actively involved in developing and determining programmes for First Nations people and communities.
- C. The federal government funds numerous non-Indigenous organizations to do work on behalf of First Nations that was previously done by these same First Nations organizations affected by funding cuts. These organizations often do not fully understand First Nations priorities, do not engage with First Nations respectfully and are often not accountable to First Nations themselves.

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- D. Funding First Nations organizations builds First Nations capacity and long term sustainability and ensures that First Nations priorities are understood and addressed.

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

1. Request that the Federal Government prioritize support for First Nations organizations over mainstream organizations doing work on behalf of First Nations, in order to build capacity within First Nation communities and organizations.
2. Direct the Assembly of First Nations (AFN) to work more closely with First Nation organizations, when possible, to address the issues and priorities faced by First Nation communities in a culturally competent and relevant way.

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TITLE: Increased and enhanced flexibility of mental wellness funding to First Nation communities

SUBJECT: Health, Mental Wellness, Social Development

MOVED BY: Chief Cathy Merrick, Cross Lake Band of Indians, MB

SECONDED BY: Chief Leroy Denny, Eskasoni First Nation, NS

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples 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 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. The following Calls to Action made by the Truth and Reconciliation Commission of Canada states:
- i. #19: We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual reports and assess long-term trends. Such efforts would focus on indicators such as: Infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

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- ii. #66: We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.
- C. First Nation communities across Canada are declaring a state of crises with regard to mental wellness, suicide and addiction in their communities. With suicide rates being five to seven times higher than the Canadian population and addiction and prescription drug abuse rates reaching crisis levels in many communities, First Nations need to come together to support a coordinated and comprehensive approach to First Nations mental wellness programs and services.
- D. Significant gaps exist in federal, provincial, territorial and community mental wellness programs and services. Many provincial/territorial services are inaccessible to those living on reserve due to location or other systemic barriers, and when access is available, these services are often not culturally competent or culturally safe. Considerable divides exist between and among jurisdictions in the delivery of mental wellness programs and services, which creates gaps in the continuum as well as in the continuity of care. In addition to the lack of clinical mental health services, access to cultural practitioners and cultural approaches is also limited.
- E. Funding for First Nations mental wellness is siloed within several federal departments, and provincial/territorial departments, making it challenging to address the determinants of health and develop comprehensive approaches to mental wellness. Additionally, funding is often time-limited and project-based.
- F. The combination of limited access to services and the high need in northern, remote and rural communities is not sufficiently recognized in the current funding provided to support mental health services.
- G. Population with specific and distinct needs (i.e. residential school survivors, youth, individuals in transition and away from the reserve, individuals with co-occurring mental health and addiction issues, etc.) must have access to the essential basket of services through a continuum of care across the lifespan.
- H. Unaddressed mental wellness issues are also costly to the justice, child welfare, social assistance, education and health systems.
- I. Self-determination over health program governance and other forms of increased community capacity and control is a key component of a healthy community.

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

1. Direct the National Chief to advocate with federal, provincial and territorial governments and partners to increase and enhance flexibility of mental wellness funding in order to:
 - a. Allow communities to better plan, implement and coordinate comprehensive responses to the full range of mental wellness challenges in a manner consistent with community priorities.
 - b. Support communities to use funding in a more holistic way, informed by the essential continuum of services and recognizing the impact of the determinants of health on mental wellness.
 - c. Support a shift away from fragmented, siloed programming toward a comprehensive system based on a continuum of care across the lifespan.
 - d. Support First Nations control of services and the self-determination of communities to design, deliver and evaluate their own culturally relevant and culturally safe health programs that addresses their most pressing needs.
 - e. Reorient existing resources to eliminate silos, as well as time-limited and project-based funding so that communities can make the best possible use of funds in addressing community needs while improving the coordination of programs and services to reduce administration reporting burdens.

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TITLE: Support for Community-based Health Surveillance Systems

SUBJECT: Health, Mental Wellness, Social Development

MOVED BY: Chief Cathy Merrick, Cross Lake Band of Indians, MB

SECONDED BY: Chief Leroy Denny, Eskasoni First Nation, NS

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. 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. The following Call to Action made by the Truth and Reconciliation Commission of Canada states:
- i. #19: We call upon the Federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual reports and assess long-term trends. Such efforts would focus on indicators such as: Infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- C. First Nations communities across Canada are declaring a state of crises with regards to chronic disease, mental wellness and addiction within their communities. First Nations need to lead a coordinated and comprehensive approach to develop and measure First Nations indicators of health and mental wellness.

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- D. Currently, there is little system-wide, accurate data on First Nation statistical health information. eHealth and Health Surveillance systems such as Community-based Electronic Medical Records (cEMRs), electronic medical records, First Nation-led client registries and health surveillance systems support the documentation of health services and the collection of health statistics that are necessary to monitor health trends and health outcomes.
- E. Unaddressed chronic disease, communicable disease and mental wellness issues, in conjunction with a rapidly growing population will lead to an economic tsunami impacting provincial/territorial/federal departments in the next few years. Communities across the country are facing epidemics in cancer, diabetes, environmental contamination, tuberculosis, and suicide. Statistical information combined with evidence-based planning tools are required to ensure health planning is effective to monitor outcomes and determine further health trends.
- F. A cEMR and/or First Nation-led client registry database would allow for a complete picture of where the health and mental wellness components should be focused and where points of intervention and assistance could be implemented.
- G. First Nations inherent and Treaty rights provide for self-determination as it relates to data. cEMRs and First Nations-led client registries and databases incorporate the First Nations Ownership, Control, Access and Possession (OCAP) principles and respect each First Nations ability to protect its own data. It is critical that First Nations be in a position to determine how First Nations information is collected, used, disclosed and destroyed and under what circumstances.
- H. Provincial and territorial designed information systems, Electronic Medical Records, and provincially/territorially led client registries do not meet the needs of First Nations and do not respect First Nations rights to control their own information. Stand-alone health databases are program-based and will never exchange data with other systems. Interoperability (the exchange of data) must occur between federal/provincial databases and the community-based cEMRs and client registries. Funding and supporting interoperability between community/provincial/federal systems, communities can operate their own OCAP compliant databases as the "source of truth" of client information.

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

1. Acknowledge that participating First Nations' inherent and Treaty rights provide for self-determination as it relates to data resulting from these initiatives.

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2. Advocate to the federal, provincial and territorial governments to implement and financially support First Nation communities in developing Ownership, Control, Access and Possession (OCAP) compliant community-based tools such as Community-based Electronic Medical Records (cEMRs), First Nation led Client Registries, and Health Surveillance systems that provide an electronic source of truth to track health status, trends and outcomes. These systems will be developed at a standard that supports interoperability with federal/provincial eHealth/Health applications, and such systems will not infringe upon current community initiatives and mental wellness planning.

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TITLE: Support for a Primary Health Care Centre (Hospital) in Island Lake Manitoba

SUBJECT: Health

MOVED BY: Chief Sharon Mason, Wasagamack First Nation, MB

SECONDED BY: Chief Marie A. Wood, St. Theresa Point First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of 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 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. Since the mid 1990's, the four First Nation communities of Island Lake, Wasagamack, Red Sucker Lake, Garden Hill and St. Theresa Point have shared a vision of establishing a Primary Health Care Centre to be located between the communities of Wasagamack and St Theresa Point, adjacent to the proposed new airport site and connected by an all-weather road.

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- C. The population of Island Lake has increased by 54.20% within a five-year period. The 2011 Census indicates a population of 7,805, increasing to 12,036 registered members as of March 2016, according to Indigenous and Northern Affairs Canada. Health services in the area have been strained due to the increased need from a rising population and health status of Island Lake area members continues to deteriorate.
- D. In June 2003, the four First Nations communities entered into a Memorandum of Understanding (MOU) with the Government of Manitoba, Government of Canada, and the Assembly of First Nations, to improve access to primary health care services within the Island Lake region. In June 2008, the "Island Lake Primary Health Care Centre (Hospital) - Master Service Plan (MSP)" was submitted to Manitoba Health, Burtwood Regional Health Authority, and Health Canada.
- E. It is the intent of the Four First Nation Island Lake communities to continue efforts to establish this Primary Health Care Centre (Hospital).

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

1. Support the four Island Lake communities and direct both Health Canada's First Nations and Inuit Health Branch (FNIHB) and Manitoba Health to give priority and project identification number under their respective Treasury Board(s) for the necessary resources required to support the development of a building design and construction of the Primary Health Care Centre (Hospital).
2. Support the establishment of a tripartite process (Island Lake First Nations Communities/Government of Manitoba/Government of Canada) that will lead and enable continued work on the development of the Island Lake Regional Health Authority/model, under Four Arrow Regional Health Authority.
3. Direct the Assembly of First Nations Regional Chief for Manitoba to work in partnership with appropriate regional and local First Nations leadership, to assist the four First Nations of Island Lake by providing political and technical support to the Island Lake leadership to ensure the establishment of this Primary Health Care Centre (Hospital) as described in its Master Service Plan (MSP) in the Island Lake region.

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TITLE: Support for Engagement in the Health Accord Discussions

SUBJECT: Health

MOVED BY: Chief Elaine Johnston, Serpent River First Nation, ON

SECONDED BY: Chief James R. Marsden, Alderville First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples state:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health- care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.

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- C. There are Treaty obligations to provide adequate and equitable health care to First Nations communities outstanding and unfulfilled by the Crown. The nation-to-nation and Treaty relationship requires these outstanding obligations be met.
- D. The federal government has begun negotiations on a Health Accord, which will detail the funding mechanism for provincial/territorial health systems as well as articulating national level priorities.
- E. This is the first time there has been any appetite for the inclusion of First Nations, Inuit and Métis in the agreement.
- F. The Health Accord is an historic opportunity to influence the provinces and territories to work with First Nations in their respective jurisdictions to ensure provincial and territorial systems are responsive to First Nations' needs, and to close the jurisdictional gaps between federal, provincial/territorial and First Nations health systems.
- G. Timelines are extremely tight with an expected agreement by December, 2016.

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

1. Call on the Assembly of First Nations' (AFN) Chiefs Committee on Health to coordinate an expert task group and regional engagement to develop a number of priorities related to the four pillars identified by the Health Minister (home care, mental wellness, pharmaceuticals and innovation) as well as any other First Nation priorities outside of those pillars.
2. Direct that any submission of the AFN be high-level in terms of subject area and national in scope, to allow for regional specificity and respect regional processes while also serving as direction for investments at the federal Cabinet table.
3. Endorse that the primary objective of the AFN contribution is to influence the provinces and territories to work with First Nations in their respective jurisdictions to ensure provincial and territorial systems are responsive to First Nations' needs and to close the jurisdictional gaps between federal, provincial, territorial and First Nations health systems.

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TITLE: Moving Beyond Federal Legislation To Establish a Nation-To-Nation Relationship

SUBJECT: Implementing rights

MOVED BY: Chief David Cote, The Key First Nation, SK

SECONDED BY: Chief Rick Gamble, Beardy's & Okemasis, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 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 has adopted, without qualification, the UN Declaration, which provides standards and guidelines for the nation-to-nation relationship between Canada and First Nations.
- C. Recent public announcements made by the federal Minister of Justice indicate that the Government of Canada is making plans to move beyond the *Indian Act*.
- D. The Assembly of First Nations has a mandate to support First Nations in implementing and enforcing the inherent right to self-determination and the Treaty rights of First Nations across Canada.

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

1. Call on Canada to work with First Nations to develop a comprehensive engagement and consultation process that clearly defines the nation-to-nation relationship between the Crown and First Nations.
2. The comprehensive engagement and consultation process must be consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and be committed to the full implementation of First Nation Treaty rights and the UN Declaration prior to any attempt by Canada to change existing legislation or introduce new legislation affecting First Nations.

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TITLE: Calling for a National Reconciliation Process & Implementing the Royal Commission on Aboriginal Peoples Recommendations

SUBJECT: Reconciliation

MOVED BY: Councillor Gilbert Fredette, Norway House Cree Nation, MB

SECONDED BY: Chief Gilbert Andrews, Gods Lake First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. GUIDED BY the natural laws of the Creator and the spirit and intent of our Treaties which define our relationship with the state of Canada;
- B. AFFIRMING our endorsement of the spirit and intent of the Treaty of Niagara of 1764 and its constitutional principles of respect, peace and friendship that were established for Treaty relationships;
- C. WELCOMING the declarations of the federal government to implement the international standards in the United Nations Declaration on the Rights of Indigenous Peoples UN Declaration;
- D. WELCOMING ALSO the commitment of the federal government in the statements of the Attorney-General for Canada 'to breathe life into section 35' and to 'get rid of the shackles of the Indian Act';
- E. RECOGNIZING the unwritten principle of the Constitution of Canada that consent is the basis for constitutional legitimacy;
- F. AFFIRMING that the consent of First Nations is necessary for the legitimacy of the constitution as it is for provinces;

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- G. RECOGNIZING that recent jurisprudence from Canada's courts has augmented provincial powers to infringe upon First Nations' Treaty and Aboriginal rights and imposed upon the provinces a duty to reconcile provincial interests with First Nation interests;
- H. URGING provincial governments to participate in the national project of reconciling provincial interests with First Nation interests;
- I. URGING ALSO the federal government to retain, through laws enacted jointly with First Nations, its traditional protective role mandated by imperial policy and the purposes of section 91(24);
- J. CONVINCED that a national process of reconciliation requires a national strategy and national institutions;
- K. CONVINCED ALSO that the national project of reconciliation demands local and regional negotiations to accommodate the distinct status and circumstances of distinct First Nation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly, respectfully calls upon the government of Canada:

1. To develop, in consultation with representatives of the First Nations in Canada, a national reconciliation process having the following features and purposes: the negotiation of the contents of a new ROYAL PROCLAMATION, as recommended by the federal *Royal Commission on Aboriginal Peoples* (1996) and the *Truth and Reconciliation Commission* (2015), that would:
 - a. declare the commitment of the federal government to the principles of the *Royal Proclamation* of 1763 as agreed at the *Treaty of Niagara 1764*, as an expression of a new relationship with First Nations;
 - b. be accompanied, in the spirit of s.35 *Constitution Act 1982*, in accordance with the distinct needs and circumstances of First Nations, and as recommended by the *Truth and Reconciliation Commission*, by legislation for 'Closing the Gap' that would identify the roles and responsibilities of the federal government respecting the delivery of social services to First Nations, including in the spheres of First Nations health and education;
 - c. be accompanied by legislation that makes the structural changes necessary for the federal government to allow it to communicate and negotiate effectively with First Nations, including the creation of a Crown Relations Office in a senior Ministry [as recommended by Canada's *Royal Commission on Aboriginal Peoples* (RCAP)];
 - d. be accompanied by legislation for the creation of specialized courts or tribunals to assist the process and arbitrate or adjudicate disputes arising from negotiations on arrangements for "getting rid of the shackles of the Indian Act".

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2. To enact legislation that guarantees financial assistance for regional negotiations with distinct 'nations' on a nation-to-nation basis concerning arrangements and mechanisms to implement the UN Declaration standards and, in the spirit of the Treaty of Niagara, to breathe life into section 35 of Canada's Constitution, which protects our Treaties.
3. To work with willing First Nation and provincial governments on the calling of a national conference, to be held within one year, to examine options for legitimizing the Constitution of Canada by attaching the consent of First Nations to constitutional provisions and interpretations, including, in particular, section 91(24) of the *Constitution Act, 1867*, and the identification of the respective roles of the federal and provincial governments in 'nation-to-nation' relationships with First Nations.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: Support for the World Indigenous Peoples Conference on Education 2017

SUBJECT: Education

MOVED BY: Chief Ava Hill, Six Nations of the Grand River, ON

SECONDED BY: Chief Don Maracle, Mohawks of the Bay of Quinte, ON

DECISION Carried by Consensus

WHEREAS:

- A. In 2017, as Canada celebrates the 150th anniversary of Confederation, Six Nations Polytechnic (SNP) in partnership with TAP Resources will host the World Indigenous Peoples Conference on Education, *A Celebration of Indigenous Resilience*, July 24-29, 2017 in Toronto.
- B. The World Indigenous Peoples Conference on Education (WIPCE) is the largest venue for Indigenous education in the world attracting over 4,000 Indigenous delegates.
- C. WIPCE provides significant opportunity to strengthen cultural resilience, inspire cultural fluency among First Nation Youth and build understanding across cultures.
- D. Truth and reconciliation is a growing international movement and presentations at WIPCE 2017 will address the status of the reconciliation in Canada and other countries.
- E. WIPCE 2017, *A Celebration of Resilience*, will also examine the role and impacts of Indigenous knowledge and languages in reconciliation thereby providing unique opportunities to profile and share Indigenous peoples education issues and successes in Ontario, across Canada and internationally.

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ANNUAL GENERAL ASSEMBLY
JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON

Resolution no. 14/2016

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

1. Provide full support to the WIPCE 2017 Host Committee in their pursuits of sponsorship for this historic celebration of Indigenous resilience.

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PERRY BELLEGARDE, NATIONAL CHIEF

14 – 2016
Page 2 of 2

TITLE: Support for Indigenous Ways of Knowing at the Canada Wide Science Festival

SUBJECT: Education

MOVED BY: Chief Michael Starr, Star Blanket First Nation, SK

SECONDED BY: Chief Bradley Swiftwolfe, Moosomin First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. Article 15 of the United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - ii. (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
- B. The Canada-Wide Science Festival is an annual science fair in Canada coordinated by Youth Science Canada and will be held in Regina, Saskatchewan on May 14-20, 2017.
- C. The Canada-Wide Science Festival does not currently incorporate Indigenous ways of knowing as a category at this annual fair.
- D. The Federation of Sovereign Indigenous Nations Science and Math Program is part of the planning team for the Canada-Wide Science Festival and sees merit in having traditional knowledge of First Nations across the Country recognized as a valid source of information and practice in promoting environmental protection.

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

1. Supports the Federation of Sovereign Indigenous Nations Science & Math Program in its request to Youth Science Canada to add a category of Indigenous Ways of Knowing to the Canada-Wide Science Fair in 2017, and for all future years.

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TITLE: Honourable Process to Develop Recommendations to support First Nations Education Reform

SUBJECT: Education

MOVED BY: Chief Lyndon Musqua, Keeseekoose First Nation, SK

SECONDED BY: Chief Elaine Johnston, Serpent River First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. Indigenous and Northern Affairs Canada's control and underfunding of First Nations education systems has produced many negative outcomes that First Nations understand can be remedied by a statutory guarantee of fair, predictable and sustainable funding for systems developed and maintained by First Nations.
- C. First Nations recognize federal legislation as a construct of the Government of Canada that provides a mechanism for inter-governmental transfers to occur.

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- D. AFN Resolution 35/2014 supported a draft *Framework for a Federal Act for First Nation Education* and a draft *First Nations – Federal Crown Terms of Reference on Federal Act for Funding First Nations Education* as working documents to bring to the Government of Canada and develop an honourable process to develop a federal act for funding First Nations education.
- E. AFN Resolutions 01/2014 and 11/2014 also supported First Nations to call upon Canada to engage in an honourable process to develop a more streamlined and effective funding mechanism for First Nations education including a comprehensive funding formula to replace antiquated and outdated methodologies.
- F. AFN Resolutions 01/2014 and 11/2014 also called for an immediate infusion of additional funding for First Nations education to begin closing the funding gap for First Nations education until such time as a new fiscal framework is agreed upon.
- G. A new Liberal government announced its federal commitment to First Nations education through the 2016 federal budget which invested \$2.6 billion over five years for elementary and secondary education.
- H. First Nations across Canada have engaged in extensive discussions in their territories on the way forward for First Nations education and require a statutory guarantee of fair, predictable and sustainable funding to ensure the educational needs of First Nations learners are fully recognized and met regardless of where they reside.
- I. Responding to Resolution AFN 35/2014, AFN, the Chiefs Committee on Education and its national committee of First Nations education technicians, the National Indian Education Council (NIEC), will work in collaboration with INAC to develop a new draft *First Nations – Government of Canada Terms of Reference for Joint Collaboration between the Assembly of First Nations' (AFN) Chiefs Committee on Education (CCOE) and Indigenous and Northern Affairs Canada (INAC) Phase 1 – First Nations Education Engagement Processes*, which outlines an honourable and collaborative process for ratification by Chiefs-in-Assembly.
- J. The terms of reference for joint collaboration outline three phases to this initiative, which include: Phase 1: Regional Processes: Collaborative Engagement Processes with First Nations; Phase 2: Co-Development of National Policy/Legislation; and Phase 3: Implementation.

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

1. Accept the document, *First Nations – Government of Canada Terms of Reference for Joint Collaboration between the Assembly of First Nations' (AFN) Chiefs Committee on Education (CCOE) and Indigenous and Northern Affairs Canada (INAC) Phase 1 – First Nations Education Engagement Processes*, as the document that outlines an honourable process between First Nations and INAC that includes full and meaningful regional First Nations participation to develop recommendations for reforming First Nations education, which respects existing regional models and initiatives.

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2. Call for the implementation of the aforementioned document through the activities and timelines therein.
3. Require that any draft federal education legislation and/or policy that results from this process be ratified by the Chiefs in Assembly before being introduced into the federal House of Commons.
4. Understand that implementation of this resolution is contingent upon the Government of Canada and their provision of sufficient funding to undertake activities as outlined in the aforementioned documents.
5. Demand that Canada honours and upholds their Constitutional obligation to the spirit and intent of Inherent and Treaty rights to education.

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TITLE: Call on Canada to update the Additions to Reserve Policy (ATR)

SUBJECT: Addition to Reserves, Land Rights

MOVED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

SECONDED BY: Chief Harold St-Denis, Wolf Lake First Nation, QC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
- 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.
- B. Adding additional lands to reserve is critical to the development of First Nation communities.
- C. The federal government's Additions to Reserve (ATR) policy is inadequate and inconsistent with the UN Declaration, and contains many barriers to reserve creation which impacts the ability of First Nations to take advantage of economic or social opportunities and frustrates the implementation of claims settlements.
- D. The federal government has acknowledged the need for an updated ATR policy and process to make it more effective and transparent.
- E. A Joint AFN / Canada Technical Working Group (JTWG) was established in 2009 with representatives from AFN and Canada which included First Nation representatives from several regions across Canada.

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- F. The JTWG has met regularly to discuss the development of a new policy and process that would be guided by the following principles: transparency; cooperative relationships; timelines and service standards; and adequate capacity and resourcing.
- G. In 2013, Canada released a draft version of the updated ATR policy for public comment where these comments were consistent with the guiding principles considered by the JTWG.
- H. The Chiefs Committee on Claims (CCoC) has helped to guide discussions relating to the development of the new ATR policy.
- I. After years of joint development, and a period of adjournment, the new policy has been finalized with Canada, but has not yet been released.

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

1. Direct the Assembly of First Nations to call on the Government of Canada to implement the new ATR policy and related processes as soon as possible.
2. Call on the Government of Canada to engage with First Nation stakeholders at the Joint Technical Working Group table to ensure that the implementation of Canada's new ATR policy and process reflects the honour of the Crown, Canadian law, and the United Nations Declaration on the Rights of Indigenous Peoples.

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TITLE: Support for Atlantic Salmon Emergency Critical Habitat Order

SUBJECT: Fisheries, Environment

MOVED BY: Chief Rufus Copage, Sipekne'katik (Shubenacadie), NS

SECONDED BY: Chief Byron Louis, Okanagan Band, BC

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:

- 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.

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- 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. Since time immemorial, the Mi'kmaq of Mi'kma'ki have relied on salmon for subsistence, and continue to subsist on salmon today to meet the nutritional, cultural and spiritual needs of the Indigenous peoples.
- C. The Sipekne'katik members have Mi'kmaq Treaty rights, Supreme Court decisions, and constitutional protection to harvest salmon for food, social and ceremonial purposes and seek to preserve aquatic species for future generations.
- D. In 2003, the Inner Bay of Fundy Atlantic Salmon was listed as Endangered under the *Species at Risk Act*; and the Department of Fisheries and Oceans released the Recovery Strategy for the Inner Bay of Fundy Atlantic Salmon with Critical Habitat in 2010.
- E. The Shubenacadie River System was recognized as a migration corridor for salmon which consists of the Shubenacadie and Stewiacke Rivers, including the Shubenacadie Estuary to the confluence with Stewiacke River, Minas Basin and Chignecto Bay.
- F. The Sipekne'katik Band has recently requested the Minister of Fisheries and Oceans Canada and the Canadian Coast Guard (DFO) to recommend that the Governor in Council place a Critical Habitat designation, specifically through an Emergency Order under section 80 of the *Species at Risk Act*, to protect the migration corridor of the inner Bay of Fundy Atlantic Salmon.
- G. Listing the Shubenacadie River system as Critical Habitat will aid in the protection and preservation of the Atlantic salmon species.

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

1. To fully support the Sipekne'katik Band in its request to the Minister of Fisheries and Oceans and the Canadian Coast Guard to designate the Shubenacadie River system as Critical Habitat, through an emergency order to protect the migration corridor for the inner Bay of Fundy Atlantic salmon.
2. To mandate the National Chief to issue a letter of support to the Sipekne'katik Band's request to protect Atlantic salmon to the Minister of Fisheries and Oceans and other responsible federal government agencies.

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TITLE: Fish-WIKS: Fisheries Western and Indigenous Knowledge Systems

SUBJECT: Fisheries, Environment

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
 - i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- B. First Nations are the traditional stewards of fisheries and aquatic resources.
- C. First Nations require greater capacity to access, form, influence, synthesize and create knowledge about fisheries resources to support stewardship, management and informed decision making.
- D. Since 2011, the Assembly of First Nations (AFN) has worked collaboratively with a variety of academic partners and First Nations (Tla-o-qui-aht First Nation, Nipissing First Nation and Eskasoni First Nation) on the first phase of the Fish-WIKS project.
- E. The Fisheries Western and Indigenous Knowledge Systems (Fish-WIKS) research partnership project was initiated by AFN and Dalhousie University and funded through the Social Sciences and Humanities Research Council of Canada and will end in 2017.
- F. The Fish-WIKS project has bridged a gap in academic capacity, scientific data, policy, technical capacity, Indigenous Knowledge and governance with First Nations.

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

1. Call on the Assembly of First Nations (AFN) to provide further leadership in establishing strong and respectful relationships with academic partners to expand the amount of scientific (technical), policy and economic research carried out cooperatively with First Nations regarding First Nation fisheries.
2. Direct the AFN to continue its efforts as directed in Resolution 53/2012 Support for Fisheries Research.
3. Direct the AFN to support the examination and development of renewed opportunities to work in conjunction with additional academic partners and First Nations to develop a second phase of the Fisheries Western and Indigenous Knowledge Systems (Fish-WIKS) project to commence in 2018.

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TITLE: Long Term Sustainability of Kashechewan (Albany) First Nation Reserve # 67

SUBJECT: Relocation Emergency, Infrastructure

MOVED BY: Chief Leo Friday, Kashechewan First Nation, ON

SECONDED BY: Chief Bruce Sheeshish, Attawapiskat First Nation, ON

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples 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 7, (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iv. Article 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, healthy and social security.
- v. Article 21, (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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- B. Kashechewan First Nation, located 35 feet above mean sea level in James Bay, Ontario, is a growing community of 2,300 people, the majority of which (60%) are under 25 years of age.
- C. Due to its current location on the flood plain, Kashechewan First Nation is extremely vulnerable to flooding, resulting in numerous community evacuations since 1974.
- D. In 1996, responding to major flooding which took place during the 1980s, Canada built a 7 kilometer ring dyke around the community. The dyke is 20 years old and no longer meets the standards for dyke construction or public safety.
- E. In 2006, the dyke was nearly overtopped due to flooding and ice jamming. For the last 4 years Kashechewan First Nation has been evacuated each year and 36 homes remain unusable from the flooding.
- F. The 460 residents evacuated in 2014 are unable to return because their homes are unusable.
- G. The long term sustainability and growth of Kashechewan First Nation requires relocation from their current location on floodplain. The rationale for this move is as follows:
 - i. Kashechewan First Nation community experiences regular flooding, resulting in numerous evacuations since 1974. Major flooding occurs once every ten years, and annual flooding has occurred each of the past four years.
 - ii. A 2015 engineering risk assessment report determined the dyke and associated infrastructure to be an "Intolerable Risk" to public safety.
 - iii. A preliminary engineering report has outlined three flood risk reduction options, each with associated construction costs in excess of \$500 million, and which would have negative impacts on the traditional use and access of the Albany River by the Kashechewan First Nation.
 - iv. Since 2005, it is estimated the Government of Canada has spent between \$50 and \$100 million in evacuation costs.
 - v. Kashechewan First Nation signed relocation and development agreements with the Government of Canada in 2005 and 2007. These nation-to-nation agreements included commitments from Canada to address the areas of infrastructure, health, education, social and economic sustainability, and public safety.
- H. Kashechewan First Nation met with the Minister of Indigenous and Northern Affairs Canada (INAC) in June, 2016, to discuss the relocation of Kashechewan First Nation. The Minister committed to examine relocation options with Kashechewan First Nation, and agreed to provide immediate assistance to ensure Kashechewan First Nation is able to meet the housing, infrastructure, health and safety needs of its community.

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

1. Call on Canada to uphold the Honour of the Crown and immediately begin working with Kashechewan First Nation to explore relocation options, and to provide ongoing emergency support to Kashechewan First Nation to ensure the health, safety, and well-being of its community.
2. Call on Canada to recognize and acknowledge the impacts of climate change on all areas of life, including infrastructure, housing, health, education, economic development and the traditional use of lands and resources.
3. Call on Canada to work with First Nations to develop sustainable approaches to combat climate change and ensure the security, health, and prosperity of future generations.

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TITLE: Support for Continued Partnership between Indigenous Peoples and the Labourers' International Union of North America (LiUNA)

SUBJECT: Economic Development, Partnerships

MOVED BY: Chief Rufus Copage, Sipekne'katik (Shubenacadie), NS

SECONDED BY: Chief Byron Louis, Okanagan Band, BC

DECISION Carried by Consensus

WHEREAS:

- A. Since 1903, the Labourers' International Union of North America (LiUNA) has been at the forefront of defending the rights of working men and women who have been unfairly treated by governments and industry.
- B. In 2007, at a LiUNA Canadian Conference in Lake Louise Alberta, LiUNA's leadership reached out to the Assembly of First Nations (AFN) as an extension of the belief that the LiUNA movement is a natural partner with Indigenous communities. This conference marked a significant partnership as LiUNA signed a memorandum of understanding with former AFN National Chief Phil Fontaine with the thought to partner with the AFN in order to help Indigenous youth learn new skills and trades, as well address the numerous issues affecting the Indigenous community.
- C. The 2007 conference served as a catalyst for LiUNA to make it a priority to do its part in addressing historical wrongs perpetuated on Indigenous communities. LiUNA supports the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) in its entirety.
- D. LiUNA strongly believes that supporting and recognizing the rights codified in the UN Declaration should not only be the role of governments but also of unions and of industry.

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- E. It is in this spirit that LiUNA wishes to establish a partnership with the leadership of the Indigenous community to symbolically sign this UN Declaration between LiUNA and First Nations leadership.
- F. On May 4, 2016, a LiUNA representative met with Grand Chief Edward John, United Nations Permanent Forum on Indigenous Issues North American member and Political Executive member of the First Nations Summit, and discussed the significance of the Declaration and LiUNA's support for it.
- G. Following this meeting, on June 7, 2016, LiUNA sent the attached correspondence to the First Nations Summit expressing its support for the Declaration, and its wish to discuss the possibility of a partnership with the leadership of the Indigenous community to symbolically sign the UN Declaration between the LiUNA and First Nations leadership.

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

- 1. Welcome the strong positive support from Labourers' International Union of North America (LiUNA).
- 2. Recognize that public education is important for First Nations and Canada to move forward as equal partners and to support healing as identified in the Truth and Reconciliation Commission's final report and Calls to Action.
- 3. Invite other trade unions to express support for *the United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
- 4. Direct the Assembly of First Nations to:
 - a. Jointly sign the UN Declaration as a display and affirmation of partnership.
 - b. Work with LiUNA to engage with other trade unions to honour and accept the spirit of the UN Declaration.
 - c. Work with LiUNA to construct a working relationship with the Chiefs Committee on Economic Development.

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TITLE: Reaffirmation of the Chiefs Committee on Human Resources Development

SUBJECT: Employment, Training

MOVED BY: Chief Randall Phillips, Oneida Nation of the Thames, ON

SECONDED BY: Chief Reginald Bellerose, Muskowekwan First Nation, SK

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters that 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 21, (1): Indigenous Peoples have the right, without discrimination, to the improvement of their social and economic conditions, including inter alia, in the areas of education.
- iii. 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.
- 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.

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- B. First Nations peoples in Canada require a future that fosters improvements to the socio-economic circumstances of their communities and citizens by addressing personal and systemic barriers to labour market opportunities and thereby increases access to labour market opportunities.
- C. Since 1992, First Nations organizations have successfully delivered programs and services through the strategies of "Pathways," Regional Bilateral Agreements, Aboriginal Human Resource Development Strategy (AHRDS I and AHRDS II) and currently the Aboriginal Skills Employment and Training Strategy (ASETS) to improve employment opportunities for First Nations citizens.
- D. The current five-year ASETS program has been extended by two years until March 31, 2017; and First Nations are calling for a strategy that is sustained over a ten-year term.
- E. AFN Resolution 86/1998 called for the national coordination of a First Nations process on employment and training. In follow-up to the resolution, AFN Executive motion 02/2000 called for the establishment of the Chiefs Committee on Human Resources to develop a national process and strategic plan for a First Nations Human Resource Strategy.
- F. There is a need for First Nations leadership and First Nation ASETS agreement holders to engage with Employment and Social Development Canada (ESDC) on a longer term labour market strategy based on a nation-to-nation relationship and a new fiscal relationship.

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

1. Reaffirm the establishment and mandate of the Chiefs Committee on Human Resources Development (CCHRD) to prioritize and focus on supporting our citizenry to participate in the labour force and to provide advice, guidance and recommendations to the National Chief, AFN Executive, and Chiefs-in-Assembly on matters pertaining to structuring to support First Nations employment, skills development, and labour markets.
2. Direct the CCHRD to engage with the Government of Canada on a new First Nations Labour Market and Human Resource Development Strategy that is not pan-Aboriginal in design, but appropriately based on a government-to-government /nation-to-nation relationship and upholds proper recognition of rights, respect, co-operation and partnership.
3. Direct the CCHRD to secure support for long-term employment and training needs of First Nations citizens who are underrepresented in the labour force, including persons with disabilities, single parents, workers and trainees requiring child care.

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4. Direct the CCHRD to consider and update national resolutions on First Nations employment, First Nations Inuit Child Care Initiative, literacy and essential skills, and lifelong learning.
5. Direct that the Regional Chief portfolio holder for Human Resources Development to report back on progress to the Chiefs-in-Assembly at the Special Chiefs Assembly in December 2016.

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TITLE: Support for the National Indian Football Association Canada

SUBJECT: Sport, Health and Wellness

MOVED BY: Chief Bob Chamberlain, Kwikwasuti'nuxw First Nation, BC

SECONDED BY: Chief Harvey Underwood, Tsawout First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The Native Indian Football Association (NIFA) has been in existence for 25 years and has developed players and coaches to ensure First Nations athletes gain equal opportunity to strive towards the highest levels of national and international teams and competitions and to organize and host soccer camps and elite tournaments that will enhance development of youth players within First Nations communities in Canada. For the first time ever in the sport of soccer, the NIFA Indigenous Ladies Team Canada won the inaugural 2015 World games gold Medal, a monumental time in history.
- B. The NIFA is in a position to take First Nations soccer programs to the highest level of development and competition and wishes to use a holistic approach based on traditional methods and technical skill development. Working with First Nations and soccer specific organizations, NIFA will develop the highest standard of traditional and technical training plans available to athletes and coaches.
- C. NIFA is working to build the capacity of its elite coaches through workshops, who will in turn coach First Nation youth elite teams regionally and nationally and assist in selection at national identification camps that lead to national and international competitions.
- D. NIFA have built international partners via international soccer tours and cultural exchanges around the world, have developed a memorandum of understanding with our USA counterparts, provided technical soccer information and created technical packages for Brazil at the first world Indigenous games in 2015.

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- E. NIFA has created a National Working Group that will assist in the development of soccer and, as a group, provide leadership, advocacy and a voice regionally and nationally to create opportunities for First Nations communities in Canada.

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

1. Support the Native Indian Football Association NIFA as they work to build on the 25 years of football (soccer) in First Nations in Canada and North America in the development of coaches at both the grassroots level to international levels of competition. The approach will be a holistic one offering relevant traditional philosophies that integrate with universal elite sport development models.
2. Call on the national soccer organization, regional soccer organizations, First Nations sport organizations and business corporations to assist NIFA with financial support to develop short and long term football (soccer) development programs for First Nations youth and their coaches in Canada.
3. Call on First Nations sport organizations to support and assist in the development of national level Indigenous teams (men and women, boys and girls) who will participate in international friendly competitions and compete at on-going World Indigenous Games and World Indigenous Soccer Cups in the future.
4. Support the NIFA development of long term program strategies to create sport and soccer infra-structure that will give opportunity for First Nations youth to pursue academic excellence through soccer at the level of their choice that lead to careers, healthy lifestyles, and wellness and help them to become positive role models.
5. Support NIFA, as a leading soccer organization globally, to host and organize soccer events in Canada, be a resource internationally and to work in partnership with Soccer Canada and regional soccer bodies and First Nations sport groups across Canada.

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TITLE: Support for Acting on Climate Change: Indigenous Initiatives Project

SUBJECT: Environment, Climate Change

MOVED BY: Patricia Meilleur, Proxy, Mohawk Council of Kanesatake, QC

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People includes the following articles:
- i. Article 32, (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32, (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. A partnership between McGill University and the Centre des Sciences de Montréal called *Acting on Climate Change: Indigenous Initiatives* proposes novel ways to fully engage Canada's Indigenous peoples in future climate change policy by placing Indigenous initiatives at the heart of the solutions agenda.
- C. The project's objective is to give visibility to existing Indigenous climate change initiatives and bring together Indigenous representatives and researchers to facilitate cross-cultural learning on climate change, ensuring that Indigenous peoples in Canada can become full partners in the country's transition to a low-carbon economy and sustainable society.

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- D. To meet its objective, this project will develop participatory processes to identify, document, and give visibility to inspiring Indigenous peoples' climate change and sustainability initiatives as key elements of Indigenous learning.
- E. This project will create a think-tank around Indigenous institutions to support informed decision making on climate change and climate action.

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

1. Express their support in principle for the *Acting on Climate Change: Indigenous Initiatives* project.
2. Call on the Assembly of First Nations to examine the development of a partnership with McGill University and the Centre des Sciences de Montréal as a basis for advancing this initiative.

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TITLE:	Support for Grassy Narrows and Other Mercury Impacted Communities
SUBJECT:	Environment, Health, Fisheries
MOVED BY:	Chief Simon Fobister Sr., Asubpeeschoseewagong Netum Anishinabek (Grassy Narrows First Nation), ON
SECONDED BY:	Frank McKay, Proxy, North Caribou Lake First Nation, ON
DECISION	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People includes the following articles:
- 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 29, (2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
 - iv. Article 29, (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

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- B. We must protect our water for future generations in the face of pollution that continues to harm First Nations across Canada.
- C. In the 1960s, nine-thousand kilograms of mercury was dumped in the English-Wabigoon River, and the health, culture, and livelihood of First Nations peoples living downstream continues to be negatively affected.
- D. The Assembly of First Nations (AFN) has resolved to Support Grassy Narrows and Other Mercury Impacted Communities in AFN resolution 04/2010, but there has been little action.
- E. A recent expert report found that the river is still highly contaminated, but that it can be cleaned up safely.

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

1. Support the people of Grassy Narrows and their demands for mercury justice.
2. Request that the National Chief and Regional Chief health portfolio holder advocate on behalf of Grassy Narrows, including urging the federal and provincial governments to:
 - a. Clean the English-Wabigoon River without delay to such a point that the fish are safe to eat for the people of Grassy Narrows.
 - b. Establish an endowment fund to support all future studies on the river and the implementation of the clean-up.
 - c. Fund permanent monitoring activities through a Grassy Narrows-run environmental health centre, which includes training for youth and revival of traditional harvesting.
 - d. Build a mercury treatment and therapy center in Grassy Narrows to provide top-quality health care for mercury survivors of all ages.
 - e. Ensure that all people impacted by mercury, directly or indirectly, are compensated and that the compensation is sufficient to meet their needs.
 - f. Institute mechanisms to stop industry from polluting the water and air.
 - g. Recommend the rescinding of the Whiskey Jack Forest Management plan 2012-2022 within Grassy Narrows Territory, which threatens to release more mercury into local waterways.
3. Direct the National Chief and Regional Chief health portfolio holder to continue to advocate on behalf of Grassy Narrows and present, as appropriate, the issues of mercury poisoning, water protection, and justice for Grassy Narrows and other mercury impacted communities to all relevant provincial and federal ministries.
4. Direct the National Chief and Regional Chief health portfolio holder to call on Canada and Ontario to commit to cleaning the English-Wabigoon River without delay.

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TITLE: Support For Bill S-215: An Act To Amend The Criminal Code (Sentencing For Violent Offenses Against Aboriginal Women)

SUBJECT: Justice, Indigenous Women and Girls

MOVED BY: Chief Tammy Cook-Searson, Lac La Ronge Indian Band, SK

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
 - i. 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. Indigenous women in Canada are at a higher risk of being victims of violence than non-Aboriginal females, as indicated in the 2014 Royal Canadian Mounted Police (RCMP) report *Missing and Murdered Aboriginal Women: A National Operational Overview*.
- C. The 2014 RCMP report indicated that Indigenous women accounted for 4.3% of the overall female population in Canada but made up 11.3% of missing females and 16% of all female homicides.
- D. Senator Lillian Dyck has sponsored Bill S-215 An Act to amend the Criminal Code (*sentencing for violent offences against Aboriginal women*) that would require a court to take Aboriginal female identity into account during sentencing of offenders to ensure that there are significant consequences for violent offenses against Aboriginal women.

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- E. On May 18, 2016, the Saskatchewan First Nations Women's Commission passed a motion to support Bill S-215: An Act to Amend the Criminal Code (sentencing for violent offences against Aboriginal women).
- F. On May 25, 2016, the Federation of Sovereign Indigenous Nations Chiefs-in-Assembly passed Resolution 1990 supporting the passage of Bill S-215, An Act to Amend the Criminal Code (sentencing for violent offenses against Aboriginal women).

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

- 1. Support the passage of Bill S-215: An Act to Amend the Criminal Code (sentencing for violent offenses against Aboriginal women).

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TITLE: Support for the concept of inherent and Treaty rights card

SUBJECT: Implementing rights

MOVED BY: Chief Brian Standingready, White Bear First Nation, SK

SECONDED BY: Chief Cadmus Delorme, Cowessess First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - i. Article 6: Every Indigenous individual has the right to a nationality.
 - ii. Article 7, (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- B. Inherent Rights are the rights that every Indigenous person is born with.
- C. Treaty rights are the foundation of the relationship between First Nations and the Crown.
- D. The issuing of Canadian government status cards is not an identification of inherent and/or Treaty rights and does not identify the inherent, tribal and Treaty territories that were in existence before the Constitution of Canada, provincial boundaries or any imposing legislation.
- E. The issuance and use of an inherent and Treaty rights card is an assertion of self-determination and governance.

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

1. Support the concept of an inherent and Treaty Rights Card that sets out the inherent and Treaty Rights prior to the Constitution of Canada and the imposition of provincial boundaries and legislations.

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/TITLE: United Nations Declaration on the Rights of Indigenous Peoples 10 year Anniversary

SUBJECT: UN Declaration

MOVED BY: Chief Lyndon Musqua, Keeseekoose First Nation, SK

SECONDED BY: Chief Lynn Acoose, Sakimay Nation, SK

DECISION Carried; 1 objection; 20 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) was adopted for implementation by the United Nations General Assembly on September 13, 2007.
- B. The UN Declaration is the most comprehensive international human rights instrument to specifically address economic, environmental, social, cultural, political, civil, spiritual and inherent rights, and sets out the minimum standards necessary for the dignity, survival and well-being of Indigenous Peoples.
- C. The UN Declaration will achieve its ten year anniversary on September 13, 2017.
- D. The Assembly of First Nations Chiefs are of the firm belief and opinion that Canada has reversed its No vote and will adopt, implement and enforce the UN Declaration without qualification and in accordance with Indigenous Peoples' expectations.
- E. The Assembly of First Nations (AFN) has adopted the UN Declaration for implementation and is of the firm belief and conviction that the UN Declaration, as presently stated, represents the minimum standard and cannot be defined or altered and made to fit non-Indigenous constitutions, legislation and law processes.
- F. Canadian, Provincial, Territorial and Municipal Constitutions must be reformed to accommodate and be in compliance with the United Nations Declaration on the Rights of Indigenous Peoples.

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

1. Instruct the AFN Executive to implement the following in full and meaningful participation with Canada, including, but not limited to the following:
 - a. Formal adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) without qualifications or subsection to Canadian Constitution and Laws.
 - b. That Canada will adopt and pass legislation that will incorporate and reflect the UN Declaration before the Anniversary date of September 13, 2017 without qualifications or alterations to the UN Declaration.
 - c. That Canada will reform its Constitution and all policies to reflect the adoption of the UNDRIP by the Anniversary date of September 13, 2017.
 - d. That a World Conference of Indigenous Nations be convened and sponsored by Canada in 2017.
 - e. That preparatory conferences occur across Canada to gain the Indigenous Peoples' input to the outcome document(s) of the World Conference of Indigenous Nations.
 - f. That the proposed outcome document will instruct Canada and its provinces on methodologies and processes necessary to gain a just and equitable relationship with the Indigenous Peoples.
 - g. That Canada and its provinces and territories must cease all efforts and processes of legal and political importance that adversely affects, impacts, alters, denies or breaches Indigenous Peoples rights or the Treaties.
 - h. That Indigenous Peoples possess permanent sovereignty over natural resources and that this inherent and time immemorial belief and principle supersedes and transcends non-Indigenous colonial doctrines.
 - i. That redress, reparation, restitution, compensation and recourse are necessary interrelated, interdependent and indivisible principles to address our survival and well-being and are to be included in all developments and agreements going forward.
 - j. That the Treaty principles of free, prior and informed consent together with the right to participate in decision making shall at all times be referenced and utilized to guide all interrelations with other governments.
 - k. That general public education occur and that educational material be designed and developed with Indigenous Peoples rights experts concerning the UN Declaration.

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- l. That non-Indigenous governmental and departmental representatives and staff receive critical training on the UN Declaration and other international instruments and standards from Indigenous Peoples rights experts.
- m. That local education boards, leaders, teachers and administration staff receive training on the UN Declaration and other international instruments and standards from Indigenous Peoples rights experts.
- n. That training on the UN Declaration and other international instruments and standards be provided to Indigenous Nations beginning immediately by Indigenous Peoples rights experts.
- o. That an appropriate national action plan of strategies and other concrete measures including adequate monetary considerations to achieve the promotion and celebration of the Indigenous Peoples ten year anniversary be developed in conjunction with Indigenous Nations or their representative institution(s).
- p. That the Government of Canada will uphold its commitment to implement the 94 Calls to Action of the Truth and Reconciliation Commission and Canada's unqualified endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.
- q. That all provinces and territories in Canada will uphold the Government of Canada's unqualified endorsement of the Declaration and similarly commit to the full implementation of the 94 Calls to Action of the Truth and Reconciliation Commission.
- r. That the Assembly of First Nations is directed to call on the provincial and territorial governments to undertake action in response to the TRC's final report and Calls to Action.

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TITLE: Support for Acting on Climate Change: Indigenous Initiatives Project

SUBJECT: Climate Change, Environment

MOVED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

SECONDED BY: Chief Ian Campbell, Squamish Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People includes the following articles:
- i. Article 32, (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32, (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.
 - iii. 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. International leaders set global targets to reduce carbon emissions as part of the 21st Conference of the Parties (COP 21), which led to the "Paris Agreement".
- C. Canada formally signed on to the Paris Agreement in April 2016, in New York.
- D. All of the parties to the Paris Agreement agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.
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- E. At a First Ministers Meeting in Vancouver in March 2016, the First Ministers agreed to the *Vancouver Declaration on Clean Growth and Climate Change* (the Vancouver Declaration), in a process that included limited engagement with Indigenous peoples.
- F. The Vancouver Declaration sets out a plan to achieve Canada's international commitments through the creation of a Pan-Canadian Framework for Clean Growth and Climate Change through the establishment of four Working Groups focused on: clean technology, innovation and jobs; carbon pricing mechanisms; specific mitigation opportunities; and adaptation and climate resilience.
- G. The mandate of each of the Working Groups includes engagement with Indigenous peoples.
- H. The Assembly of First Nations (AFN) has resolved to *Support First Nations in Addressing Climate Change* in resolution 59/2015 passed this past December.
- I. Climate change will significantly alter our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between the Crown and ourselves.
- J. International leaders are set to meet again as part of the 22nd Conference of the Parties (COP 22) in November 2016, in Morocco.

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

1. Endorse the creation of an Advisory Committee on Climate Action and the Environment (ACCAE) tasked with supporting the Charter and mandate of the Assembly of First Nations (AFN) in its work pertaining to Climate Action and the Environment.
2. Support the development of Terms of Reference for the ACCAE that includes representation from across the country, including Elders, women and youth.
3. Support the ACCAE in its efforts to engage meaningfully with federal, provincial, and territorial governments in the development and implementation of the Pan-Canadian Framework on Clean Growth and Climate Change to ensure that First Nations are meaningfully included in all aspects of this process.
4. Support First Nations to fully engage in the exploration and implementation of the Pan-Canadian Framework on Clean Growth and Climate Change, along with other measures meant to demonstrate First Nations' roles as stewards of their lands.
5. Direct the ACCAE to advocate for a climate plan that includes the full recognition and involvement of Indigenous peoples leading to and beyond the 22nd Conference of the Parties (COP22), in Morocco, November 2016.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

TITLE: Declaration to Honour Indigenous Women And Girls

SUBJECT: Indigenous Women and Girls

MOVED BY: Chief Carolyn Bernard, Waterhen Lake First Nation, SK

SECONDED BY: Chief Leo Omani, Wahpeton Dakota First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
- i. Article 15, (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - ii. Article 15, (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - iii. Article 22, (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
 - iv. 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 standard.
 - v. Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

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- B. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) urges nations to adopt and use constitutions, legislation, and other relevant methods that embody the principle of equality between men and women.
- C. The CEDAW further urges nations to prohibit any act or practice of discrimination against women and to ensure that public authorities conform to this requirement.
- D. The Saskatchewan First Nations Women's Commission (SFNWC) acknowledges that Indigenous women hold important roles in our families and nations and in the governance of our peoples.
- E. On May 18, 2016, the SFNWC formally endorsed the *Declaration to Honour Indigenous Women and Girls*.
- F. On May 26, 2016, the Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly passed Resolution 1991 adopting the *Declaration to Honour Indigenous Women and Girls* to serve as a guide for the FSIN, its Executive, management and staff, its governing and organizational structures, and all annual sports, cultural and special events organized by the FSIN.

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

1. Adopt the *Declaration to Honour Indigenous Women and Girls* to serve as a guide for the Assembly of First Nations, its Executive, management and staff, its governing and organizational structures, and all events organized by the Assembly of First Nations.

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TITLE: Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds

SUBJECT: Cultural Protection

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

SECONDED BY: Chief Judy Wilson, Proxy, Neskonlith Indian Band

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:

- i. Article 11: 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.
- ii. Article 12: Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

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- iv. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- B. The Semá:th First Nation, as part of the Stó:lō-Coast Salish Indigenous Peoples of the Salish Sea, maintain strong and ancient cultural connections to our sacred places including Sumas Mountain, and specifically Lightning Rock and associated ancestral burial grounds.
- C. Lightning Rock is a large boulder that connects us to our ancient oral history of Thunderbird, and which marks our ancestral burial grounds related to the devastating impact of the smallpox epidemic.
- D. These significant elements of our ancestral cultural heritage are under threat from development and encroachment by private property.
- E. These sacred sites are not recognized or protected by federal or provincial law.
- F. Confederacy of Nations Resolution no. 20/2004 entitled "National Protection of Ancestral Burial and sacred sites", instructed the National Chief to initiate the development of national legislation with the federal government and the Canadian Association of Archaeology.
- G. First Nations, as Indigenous Peoples in Canada, need to take action to uphold the United Nations Declaration on the Rights of Indigenous Peoples, and our own Laws of the Land, to recognize and protect our sacred cultural landscapes and places of heritage value, both tangible and intangible.

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

1. Recognize the importance of and need to protect First Nations sacred cultural landscapes and places of heritage value throughout Canada, including Lightning Rock and our intangible burial grounds.
2. Direct the AFN to urge the federal government to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage.
3. Direct the AFN to draft a declaration on the recognition and protection of First Nations sacred cultural landscapes and places of heritage value throughout Canada.

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TITLE: Wanuskewin Heritage Park UNESCO Application, "Thundering Ahead"

SUBJECT: Cultural Protection

MOVED BY: Chief Brad Swiftwolfe, Moosomin First Nation, SK

SECONDED BY: Chief Michael Starr, Star Blanket Cree Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
 - i. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- B. The United Nations Declaration on the Rights of Indigenous Peoples Article 11.1 recognizes the right of Indigenous People to protect, maintain and develop "archeological and historical sites."
- C. The Assembly of First Nations is committed to the promotion, protection and Treaty and Inherent Rights of First Nations which includes the protection of cultural sites within Treaty territories.
- D. Wanuskewin Heritage Park was established in 1992 and is situated on Opimihaw Creek, a tributary of the South Saskatchewan River, and adjacent to the City of Saskatoon, Saskatchewan.
- E. Over 6,000 years old, Wanuskewin is the traditional gathering site of many nations of the Great Plains with evidence that predate Rome and pyramids of Egypt, the 19 active archeological dig sites continue to reveal its unique history and significance.

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- F. Wanuskewin is the site of tipi rings, age old bison jumps and the northern-most placement of a medicine wheel boulder alignment.
- G. Wanuskewin Heritage Park is an interpretive center governed by the *Wanuskewin Heritage Act* and by an independent board which includes a representative of the Federation of Sovereign Indigenous Nations, guided by Elders, and seeks to fulfill its potential as a gathering place of the future.
- H. "Thundering Ahead", the campaign for renewal and future development plans of Wanuskewin Heritage Park, will see a renowned center of excellence with an expanded interpretive center, research and education labs, trail renewal, and enhanced cultural and education programming.
- I. "Thundering Ahead" will support the efforts of Wanuskewin to become the first United Nations Educational, Scientific and Cultural Organization (UNESCO) designated heritage site in Saskatchewan.
- J. "Thundering Ahead" will seek the repatriation of the bison from an ancestral herd to Wanuskewin, providing an enhanced opportunity to offer educational programming to the cultural significance of bison on the Great Plains.

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

1. Direct the AFN to work with Wanuskewin Heritage Park to support the "Thundering Ahead" objectives and the park's effort to seek United Nations Educational, Scientific and Cultural Organization world heritage site status.

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TITLE: National Indigenous Peoples Statutory Holiday and Indigenous Peoples History Month

SUBJECT: Cultural Protection, Reconciliation

MOVED BY: Chief Lyndon Musqua, Keeseekoose First Nation, SK

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) is the universal standard guiding Canada's efforts to renew the relationships with Indigenous Peoples and reform the Canadian Constitution.
- B. The United Nations Special Rapporteur Miguel Alfonso Martinez prepared and issued the United Nations *Study on Treaties, Agreements and other Constructive Arrangements Between States and Indigenous Populations* wherein he states at paragraph 177; "It must be borne in mind that, according to all available information, the terms "indigenous", "native", "mitayo", "Indian", "autochthonous populations" and others of a similar cast, do not come from the lexicon of those whom we today label "Indigenous peoples", but from the vocabulary utilized by the "discoverers" /conquistadores/colonizers and their descendants, to differentiate themselves --in a relationship of superiority-inferiority—from the original inhabitants of the new territories being added to the European crown jewels."

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- C. The Truth and Reconciliation Commission has produced its final report and has issued Calls to Action that are relevant to the recognition, promotion and advancement of Indigenous Peoples:
- i. # 43. We call upon the federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
 - i. # 44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measure to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.
- D. Canadian legislation and law together with their policies and their development processes have been identified to be an extension of the Doctrine of Discovery and Terra Nullius, which has been repudiated and is considered by international legal opinion as the basis for all assimilation, colonization, marginalization and genocide that has been committed on Indigenous Peoples in Canada.

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

1. Call on the Federal Government to recognize and honor the Indigenous Peoples of Canada through a national statutory holiday, Indigenous Peoples Day, which would replace the current Aboriginal Day observed annually on June 21st.
2. Call upon the Federal Government to declare on an annual basis a national Indigenous Peoples History Month" to promote and advance the true histories, cultures and contributions of the Indigenous Peoples of Canada.
3. Call upon the Federal Government to develop an appropriate national action plan of strategies and other concrete measures, including adequate monetary considerations, to achieve the promotion of a national Indigenous Peoples Day and Indigenous Peoples History Month to be developed in concert and in conjunction with Indigenous Peoples.

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TITLE: Responsibility to Investigate Allegations of Abuse brought against Mr. John Furlong

SUBJECT: Justice

MOVED BY: Chief Thomas Bressette, Chippewas of Kettle & Stoney Point First Nation, ON

SECONDED BY: Councillor Cheryl Maloney, Proxy, Cheslatta Carrier Nation, BC

DECISION Carried; 1 abstention; 9 objections;

WHEREAS:

- A. The United Nations Declaration of the Rights of Indigenous Peoples affirms through Articles 7, 8, 15, 24, 38 and 40 that Indigenous individuals have the right to life, physical and mental integrity, liberty and security of person.
- B. There are serious concerns about the conduct of investigations into certain allegations of abuse made against John Furlong, while a teacher, by former First Nations students of Immaculata Day School in Burns Lake, B.C. and Prince George College, in which the alleged acts took place between the late 1960's to mid-1970's.
- C. These allegations were not part of the *Robinson v. Furlong* lawsuit dismissed by the B.C. Supreme Court in September 2015—see “Waiting to be Heard”: <http://www.nationalobserver.com/2015/11/26/opinion/waiting-be-heard-claimants-versus-john-furlong>).
- D. Although on November 26, 2015 various hereditary Chiefs, and other members of, Lake Babine First Nation, wrote to Prime Minister Trudeau asking that the abuse allegations be addressed, the Government's sole response—received in June 2016 (over seven months later) from The Honourable Carla Qualtrough, Minister of Sport and Persons with Disabilities—is that the Court decision is definitive of the matter. Such is not so.

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

1. Direct the Assembly of First Nations (AFN) to urge the federal government and the RCMP to conduct, as expeditiously as possible, a thorough and impartial investigation into the allegations of abuse brought by Mr. Furlong's former students.
2. Direct the AFN to urge the federal government to meet, as expeditiously as possible, with the affected members of Lake Babine Band Council, Burns Lake Band Council, and any other affected former students to hear their concerns about the conduct of investigations and to discuss with them acceptable remedies.

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TITLE: First Nations' inclusion in the review of Environmental and Regulatory processes

SUBJECT: Environment, Fisheries

MOVED BY: Chief Leslie White Eye, Chippewas of the Thames First Nation, ON

SECONDED BY: Chief Elaine Johnston, Serpent River First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People includes the following articles:
- 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.
 - ii. 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.
 - iii. Article 32, (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- B. As part of Bill C-38: *Jobs, Growth, and Long-term Prosperity Act*, and Bill C-45: *Jobs and Growth Act*, the previous Government of Canada introduced, debated and passed significant changes to the *Canadian Environmental Assessment Act*, *National Energy Board*, *Fisheries Act*, and the *Navigable Waters Protection Act* (known as the *Navigation Protection Act*), among many others, without engaging and consulting with First Nations.
- C. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nations' rights, and the honour of the Crown is always at stake in these scenarios.
- D. The Assembly of First Nations (AFN) has passed two resolutions concerning this process: Resolution 24/2012: *Consultation and Engagement on Amendments to the Fisheries Act*, and Resolution 47/2012: *Opposition to Unilateral Changes in Fisheries Management in Canada*.
- E. In October 2015, a new Government of Canada was elected.
- F. Prime Minister Justin Trudeau has publicly expressed his government's commitment to renewing the relationship with First Nations in Canada:
- i. "...we will conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government. Where measures are found to be in conflict with your rights, where they are inconsistent with the principles of good governance, or where they simply make no public policy sense, we will rescind them."
 - ii. "The previous (federal) government made some decision on that in the dying days before the last election. We need to make sure the environment and economy are not put in opposition and indeed Indigenous Canadians are properly consulted on their concerns."
- G. Minister of Indigenous and Northern Affairs, Dr. Carolyn Bennett, has publicly stated:
- i. "Our Government is committed to carrying out early and ongoing engagement with Indigenous peoples as part of these important reviews. We are committed to renewing the relationship with Indigenous peoples, based on the recognition of rights, respect, cooperation and partnership."
- H. On June 20, 2016, the new Government of Canada announced a review of various environmental and regulatory processes that includes:
- i. Reviewing federal environmental assessment processes;
 - ii. Modernizing the National Energy Board; and
 - iii. Restoring lost protections and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*.

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- I. First Nations only have until July 20, 2016, to provide feedback on a Terms of Reference developed by Canada with respect to the review of environmental assessment processes, as well as the National Energy Board review.

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

1. Call on the Assembly of First Nations (AFN) to advocate that any approach to environmental assessment and protection must respect First Nations Treaties, rights, title and jurisdiction, and recognize our responsibilities to our traditional territories.
2. Direct the AFN National Executive to call upon the relevant Ministers to extend the unreasonable timelines for input into these processes, including providing more time for input into any Terms of Reference.
3. Direct the AFN National Executive to call upon the relevant Ministries to allocate funding both nationally and regionally for the purpose of engaging and accommodating First Nations throughout these review processes.
4. Support First Nations locally and regionally to fully engage in the review of the environmental and regulatory processes, along with other measures meant to affirm First Nations' roles as stewards of their lands.
5. Mandate the AFN to seek the immediate release of information and resources from federal and provincial/territorial governments to engage in dialogue on the review processes and any new policies or regulations that may be created as a result of those reviews.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

TITLE: Inherent and Treaty Right to Post-Secondary Education

SUBJECT: Education

MOVED BY: Chief Tom Bressette, Chippewas of Kettle & Stoney Point First Nation, ON

SECONDED BY: Leo Omani, Wahpeton Dakota First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. Article 14(1) of the United Nations Declaration on the Rights of Indigenous Peoples affirms that “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. Post-secondary education is an inherent and Treaty right recognized and affirmed in International Law.
- C. There are grave concerns relating to the lack of support to the inherent and Treaty right to education that includes post-secondary education to First Nation citizens.

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

- 1. Call on the Government of Canada to annually commit to honouring and enacting self-determining processes that serves to advance our inherent and Treaty right to education, including post-secondary.
- 2. Call on Prime Minister Justin Trudeau to honour his commitment of an additional \$50 million annually, as a minimum, to immediately invest in Indigenous-governed post-secondary education.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

3. Call on the Government of Canada to immediately re-instate the Indian Studies Support Program (ISSP) and for it to be reserved exclusively for Indigenous-controlled education institutions, with a funding formula that equals or exceeds funding to public post-secondary education institutions.
4. Call on the Indigenous post-secondary education institutions to review, revise and develop appropriate First Nation post-secondary institutional guidelines, respecting regional processes and in collaboration with the AFN Chiefs Committee on Education and National Indian Education Committee.
5. Call on the Government of Canada to immediately re-instate the University and College Entrance Preparation Program (UCEPP) as an eligible federal program under the Post-Secondary Partnerships Program (formerly ISSP).
6. Call for the creation of a national post-secondary education table with representation from Indigenous institutions (inclusive of colleges, institutes and universities) with a proper appointment process, to analyze, develop, research and inform First Nations on a national policy regarding Indigenous post-secondary education.
7. Call on the Government of Canada to immediately inform First Nations and Chiefs of any changes made to Indigenous post-secondary education in order to provide consent to any further changes to the federal Post-Secondary Education Program and Indigenous education overall.
8. Recognize and support individual First Nations, Tribal Councils or Treaty areas to pursue and act on behalf of their citizens and communities to increase and enhance the Treaty right to post-secondary education.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

TITLE: Establishing a Crown-First Nations Process on Land, Peoples and Governance

SUBJECT: Crown – First Nations Relationship, Governance, Implementing rights

MOVED BY: Chief Chris Baker, O-pipon-na-piwin Cree Nation, MB

SECONDED BY: Ted Quewezance, Proxy, Waywayseecappo First Nation, MB

DECISION Carried; 1 objection

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) recognizes:
 - 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.
- B. First Nation sovereignty and self-determination are sacred rights bestowed by the Creator; a reality revered and protected by First Nations on Turtle Island.
- C. First Nation sovereignty was reaffirmed at the Treaty of Niagara in 1764 by the Crown of England and sanctified by the Two Row Wampum Belt.
- D. The British North America Act, 1867 and the Indian Act, 1876 imposed an Indian Act government on First Nations in an attempt to displace First Nation governments, jurisdiction and customary laws.
- E. First Nation's Elders' oral history, spiritual beliefs and ceremonies, and the spirit and intent of Treaties will guide First Nations to disengage from the Indian Act..

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- F. The Chiefs-in-Assembly desire a forum to dialogue with governments at the highest level on jurisdictional matters pertinent to First Nations and to discuss the unfinished business

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

1. Endorse the creation of a Crown-First Nations Process on Land, People and Governance with Canada by establishing regional processes that seek mutual understanding, consensus and solutions to matters pertinent to First Nations including decolonization, empowerment and “going beyond the Indian Act;” and direct the Assembly of First Nations (AFN) to coordinate this process with First Nation regions and Canada.
2. Direct each participating First Nation region, with technical assistance from the AFN, to ensure the direct participation by First Nation citizens throughout the process.
3. Call upon the Prime Minister of Canada to convene a special Crown-First Nations meeting, with full First Nation participation to discuss and reach consensus on solutions with respect to land, peoples and governance including, but not limited to, matters relating to:
 - a. Section 35(1) rights.
 - b. First Nation governments, jurisdictions & law making.
 - c. United Nations Declaration on the Rights of Indigenous Peoples.
 - d. Repealing laws - unilaterally imposed and inconsistent to good governance.
 - e. Other matters pertinent to First Nations on Turtle Island.
4. Call on Canada to fully support and fund the Crown-First Nations process at the regional and national level, to ensure First Nations and all other participants can complete the preparatory work and consensus building that is essential to the success of the Crown-First Nations meeting.
5. Call on Canada to ensure that all existing First Nation programs, services and funding be considered “business as usual” and are not affected or disrupted in any way during this process.

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TITLE: Protection and Promotion of Free Prior informed Consent of Indigenous Rights holders

SUBJECT: Governance, Advocacy

MOVED BY: Clinton Phillips, Proxy, Mohawk Council of Kahnawa'ke, QC

SECONDED BY: Chief Robert Chamberlin, Kwikwasutinuxw Haxwa'mis First Nation, British Columbia

DECISION Carried; 2 abstentions

WHEREAS:

- A. The newly elected federal government has affirmed committing to a Nation-to-Nation relationship between Indigenous Peoples and Canada.
- B. The Prime Minister has publically stated *"There is no relationship more important to me and to Canada than the one with First Nations."*
- C. The Assembly of First Nations ("AFN") and other National Aboriginal Organizations ("NAOs") are engaging in relations and forums to work with Canada on common priorities which may have serious impacts on Indigenous Nations and their rights.
- D. The AFN and other National Aboriginal Organizations are national advocacy organizations.
- E. The AFN is an advocacy organization representing an Assembly of First Nations Chiefs elected under the *Indian Act*.
- F. The AFN, as a corporate entity, may only enter into negotiations or legitimately engage in consultation processes on behalf of any s. 35 rights-holders where such authority has been expressly delegated by the rights-holder consistent with a formally adopted resolution.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- G. The Royal Proclamation of 1763, a foundational constitutional instrument, recognizes the existence of "Indian Nations".
- H. The Supreme Court has issued various decisions that, read together, stand for the proposition that Indigenous Nations are legitimate rights holders at law.
- I. Articles 4 and 5 of the United Nations Declaration on the Rights of Indigenous Peoples ("UN Declaration") provide, respectively:
 - i. 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. 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.
- J. Canada has adopted the *UN Declaration* without qualifications, and the AFN has heralded the aforementioned Declaration as the roadmap to Indigenous-Crown relations.
- K. In the advancement of any and all of its work, the AFN must account for the consideration of its various responsibilities as established by agreements with communities and Nations, including but not limited to the Iroquois Caucus – AFN Relationship MOU.

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

1. Direct the AFN to only engage in Nation-to-Nation rights-based discussions where legitimately composed Indigenous Nations have explicitly provided clear, prior and informed consent/permission to delegate that prescribed responsibility to the AFN via resolution.
2. Direct the AFN to inform Canada that on matters which have broad and serious impacts on Indigenous Nations and their rights and freedoms as legitimate and lawful rights bearing nations, they are required to engage directly with Indigenous Nations, and to avoid engaging in discussions and consulting with groups that do not have a mandate from proper rights holders; and, to encourage Canada to support capacity and build relations directly with Indigenous Nations.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: First Nations National Working Group on Early Learning and Child Care (ELCC)

SUBJECT: Education

MOVED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

SECONDED BY: Chief David Crate, Fisher River Cree Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. The 2016 Truth and Reconciliation Commission of Canada's report also urges the federal government as part of its reconciliation agenda to work with Aboriginal governments to develop culturally appropriate early childhood education programs for young children and their families.
- C. In November 2015, Prime Minister Justin Trudeau mandated the Minister of Indigenous and Northern Affairs Canada (INAC) and the Minister of Families, Children and Social Development to launch consultations with provinces and territories and Indigenous Peoples on a National Early Learning and Childcare Framework as a first step towards delivering affordable, high-quality, flexible and fully inclusive child care..
- D. A March 2016 budget commitment of \$100 million for Indigenous communities beginning in 2017-18 provides First Nations with an unprecedented opportunity to identify priorities, strategies and actions for improving access to quality early childhood and other family strengthening supports while developing First Nations capacity to re-assume control of early childhood and child care pursuant to their inherent and human rights.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- E. Few early childhood development and child care policies have been created by the federal government since the mid-1990's. Policies to support young First Nations children and families are in valuable and have the potential to transform the lives of children, families and communities. However, the lack of a comprehensive policy or funding approach has resulted in limited and unequal access to programs and comprised the quality and effectiveness of those programs. Yet there is increasing scientific evidence from the United States regarding the effectiveness of quality ECD programs in increasing high school graduation rates and improved health outcomes, reduced incidence of substance abuse, and fewer criminal arrests among children who attended these programs.
- F. A strong policy approach supported by First Nations leadership and informed by community and stakeholders from health, early childhood education, child and family services and education, offers a real opportunity to transform and shape early childhood development, education and care policies to ensure First Nations children aged from birth to six years and their families are supported to achieve optimal health, development and well-being.

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

1. Direct the Assembly of First Nations (AFN), National Chief and Executive Committee to obtain funding from Canada to immediately establish a national expert working group on Early Learning and Child Care (ELCC), comprised of experts from across disciplines of health, education, child and family services and early childhood, with a mandate to oversee a 4-6 month community engagement process that would identify and confirm the key principles, priorities and actions of a First Nations ELCC framework along with an action plan that takes into account regional priorities, needs and circumstances.
2. Request the AFN National Chief and Executive Committee to:
 - a. Strongly advocate in writing to Ministers Bennett and Duclos for a separate First Nations ELCC framework and funding stream; and
 - b. Collaborate with the federal government on an accountability framework to ensure current and future investments in early learning and child care reach the children and families who need them.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: Call on Canada to address the backlog for eligible First Nation post-secondary students

SUBJECT: Education

MOVED BY: Clinton Phillips, Proxy, Mohawk Council of Kahnawake, QC

SECONDED BY: Chief Nathan Matthew, Simpcw First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- B. First Nations have the inherent right to self-determination which includes jurisdiction over education, language and culture, and the right to make decisions about the education of their people. This right is protected by the *Constitution Act, 1982* and the UN Declaration.
- C. First Nations have made repeated efforts to engage with Canada in an honorable process to develop life-long, holistic systems of education in which First Nations “develop the fundamental attitudes and values which have an honored place” in First Nations traditions and cultures.
- D. First Nations have consistently maintained that access to post-secondary programming is a fundamental component of lifelong, holistic learning systems.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- E. First Nations have directly benefited from access to First Nations post-secondary institutes and post-secondary programs, and the knowledge, skills, and capacity acquired and shared at the post-secondary level have significant benefits for First Nations communities and organizations.
- F. Access to post-secondary institutes and programs for First Nations students is threatened and constrained by the inadequate funding levels that have not been indexed to increases in costs of living, population increases, and rising post-secondary tuitions and fees.
- G. There is an extensive backlog of students who meet post-secondary eligibility requirements but who cannot access post-secondary funding. This serves to exacerbate and maintain poor socio-economic conditions.
- H. First Nations are deeply concerned that the government of Canada failed to allocate additional funding to the Post-Secondary Student Support Program in Budget 2016.

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

1. Call on Canada to include post-secondary programming in any and all fiscal and framework discussions on First Nations education as part of engaging with First Nations in an honorable process on education, and to develop effective funding mechanisms, including comprehensive and equitable funding formulas.
2. Call on Canada to immediately increase funding to the Post-Secondary Student Support Program to address the backlog of eligible First Nation students in need of funding, address historical increases in inflation, and tuition rates that have not been reflected in program funding increases, and to address the increase in First Nation population rates.
3. Call on Canada to ensure the funding provided to First Nations through the Post-Secondary Student Support Program will not decrease due to federal policy changes announced in the 2016 Budget.

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TITLE: Nechi Institute: Centre of Indigenous Learning

SUBJECT: Education; Health

MOVED BY: Chief Tony Alexis, Alexis Nakota Sioux Nation, AB

SECONDED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) recognizes the urgent need to respect and promote the inherent rights of Indigenous Peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources. The Declaration states:
- i. Article 13, (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - ii. Article 13, (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iii. Article 14, (1): Indigenous Peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iv. Article 14, (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- v. Article 14, (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - vi. 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.
 - vii. Article 15, (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be appropriately reflected in education and public information.
 - viii. Article 15, (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - ix. Article 21, (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. The Truth and Reconciliation Commission found that the existing federal approach to health services is based on a paradigm of fragmentation and disconnection, which is evident in the increasing tragedies of youth suicides and other severe health issues:
- C. The Truth and Reconciliation Commission called upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- D. The Truth and Reconciliation Commission recommended a collective approach to healing utilizing the Indigenous ways of knowing, healing and learning, as Indigenous programs have had the greatest success because of a collective wellness approach.
- E. The philosophy of the Nechi Institute: Centre of Indigenous Learning (Nechi), is founded upon the spirituality of Indigenous people and the collective well-being.
- F. For over forty-two years, Nechi is the longstanding institution with the greatest success in building human capacity that mobilizes communities in taking back their lives, locally, nationally, and internationally. Entire communities have been able to transform using Nechi pedagogy and Indigenous ways of knowing.

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- G. Nechi Institute requires core program funding dollars from the government to continue delivering tailored wellness programs specifically designed for a successful outcome.

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

1. Urge the Government of Canada to:
 - a. Identify financial resources to help support the Nechi Institute: Centre of Indigenous Learning (Nechi) to sustain meaningful change, as recommended by the Truth and Reconciliation Commission and the United Nations Declaration on the Rights of Indigenous Peoples.
 - b. Provide support to Nechi in capacity building in First Nations communities through a collective approach to health.

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TITLE: International Child Custody

SUBJECT: Child Welfare

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

SECONDED BY: Chief Wayne Christian, Splatstsin First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. International child custody disputes are among the most complicated, excruciatingly difficult battles parents and family can encounter:
- B. International custody disputes are very difficult to navigate for parents and lawyers, as there are two countries legal systems and two parents with strong opinions as to where the child should live and with whom.
- C. A foreign court may hold values that will affect the outcome of the custody battle, such as a different culture, which may have a profound effect on custody determinations, and some religions have certain perceptions about the specific roles of each parent in a child's life.
- D. The Hague Convention provides for the immediate return of children who are taken from their country of "habitual residence" in violation of "custody rights". However, it is not concerned with substantive custody questions or even with jurisdiction.
- E. A child's First Nation heritage is one of many factors used in the determination of who should have custody of the child. The extent of the role this factor plays in determining the best interests of the child, or children, depends on the facts of the particular case.
- F. The need for preserving and nurturing the child's First Nation cultural identity is a factor that is not universally applied in the international fora.

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- G. The Government of Canada has taken the position that, while Canada fully supports the rights of First Nations Peoples, the government cannot intervene in cases pertaining to Canadian individuals in any private matter under the jurisdiction of a foreign court.

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

1. Reaffirm that children and youth are vital to the exercise, retention, and growth of First Nations' culture, values, traditions and languages, and their transmission to future generations.
2. Affirm that First Nation children and youth have the right to be raised within their culture, language, and tradition, and have the right to fully participate in the cultural life of their Indigenous community.
3. Encourage the federal government to adopt mechanisms to support First Nations communities and families seeking the return and/or repatriation of First Nation children with their Indigenous communities in cases of international custody matters, including offering consular services in foreign jurisdictions.

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TITLE: Support for rescinding CMHC Request for Proposal for technical services on reserve

SUBJECT: Housing

MOVED BY: Chief Shining Turtle, Whitefish River First Nation, ON

SECONDED BY: Chief Dan George, Burns Lake Indian Band/Ts'il Kaz Koh, BC

DECISION Carried by Consensus

WHEREAS:

- A. Article 14, (1) of the United Nations Declaration on the Rights of Indigenous Peoples affirms that "Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions."
- B. The Prime Minister's mandate letters to Minister of Families, Children and Social Development and to Minister of Indigenous and Northern Affairs stated: *"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."*
- C. On August 2015, Canada Mortgage and Housing Corporation (CMHC) issued a Request for Proposals (RFP) for technical services on reserve related to the On-Reserve Non Profit Housing Program (Section 95) and the Residential Rehabilitation Assistance Program (RRAP).

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- D. CMHC has stated the reason for this RFP is to “increase efficiency and consistency in its approach to construction and renovation progress validation and physical condition reviews on reserves across the country. In accordance with the Government of Canada procurement policy, the contract will be tendered publicly to ensure the contracting process enhances access, competition and fairness and results in best value.
- E. After objections from First Nation Technical Service Providers (TSP) the RFP closing date was postponed to December 18, 2015. First Nation TSPs objected to the issuance of this RFP as it does not support or recognize the expertise and role of TSPs in providing this service.
- F. This RFP detracts from the expertise developed by TSPs with historical CMHC support, will seriously reduce the ability of TSPs to provide services to their member communities, and adds to the pressures to provide adequate services that have resulted from recent funding cuts to Tribal Councils.
- G. Several letters were sent to the President of CMHC objecting to this RFP and outlining the concerns faced by the TSP's. There was no change to the process as a result of these objections.
- H. Due to the intransigence of CMHC, regional First Nation organizations and their TSPs were forced to submit proposals in order not to be left out the process. In spite of these concerns, the RFP was posted and a decision on a successful bidder has not yet been announced.
- I. By rescinding this RFP, CMHC will accept its responsibility in continuing to provide support to its partners and will continue to support ongoing development and training for the TSPs.
- J. During a recent discussion between Minister Duclos and the National Chief, Minister Duclos pledged his support for First Nation housing issues.

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

1. Support rescinding the above mentioned Canada Mortgage and Housing Corporation (CMHC) issued Request for Proposal (RFP).
2. Direct the Assembly of First Nations to immediately communicate with Minister Duclos, the President of CMHC, and the Minister of Indigenous Affairs Canada the will of this Assembly to rescind this RFP.

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TITLE: First Nations, Forests, and Climate change in BC

SUBJECT: Environment, Economic Development

MOVED BY: Robert Phillips, Proxy, Scowlitz First Nation, BC

SECONDED BY: Chief Wilf Adam, Lake Babine, BC

DECISION Carried by Consensus

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 32, (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. The forests of our lands and territories have been at the environmental, economic, social and cultural heart of First Nations communities for thousands of years. Continued strong political leadership and Aboriginal title and rights challenges have created milestone legal decisions, such as the *Delgamuxw*, *Haida* and *Tsilhqot'in* Decisions.

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ANNUAL GENERAL ASSEMBLY

JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON

Resolution no. 44/2016

- C. Canada has committed to the full implementation of the Truth and Reconciliation Commission of Canada: 94 Calls to Action, including recommendation #92 which commits Canada to undertake meaningful consultation, building respectful relationships, and providing access to workforce employment and cross cultural awareness and training for First Nations.
- D. In 2005, the mandate under the Transformative Change Accord was to close the socio-economic gap for First Nations, and included the federal Liberal commitment to establish a \$1 billion dollar fund to mitigate the impacts of mountain pine beetle (MPB) in British Columbia. The Conservative government of 2006 committed only 20% of that funding.
- E. The federal government's failure to live up to its 2005 commitments has undermined the BC provincial government's ability to keep its commitment to First Nations to provide 20% of the promised federal funding to First Nations.
- F. The previous Conservative federal government ignored repeated requests to work with BC First Nations and the BC provincial government to address the MPB crisis and its associated impacts to First Nation communities, including an increased risk of forest fires and economic uncertainty.
- G. First Nations priorities for mitigating the impacts of MPB (climate change) have been established:
 - i. Community safety requires a reduction in the risk of wildfires and other related emergencies.
 - ii. Economic development and participation in the changing economy of the forest sector.
 - iii. The restoration of lands and resources to mitigate and restore the ecosystems devastated by climate change.
- H. The BC provincial government has provided agreements with First Nations providing access to forest resources and minor revenue sharing since 2002. This has not been adequate for capacity building and meaningful reconciliation of Aboriginal title and rights.
- I. First Nations require greater financial resources to build capacity and support meaningful agreement making between provincial governments and the forest sector.
- J. It is time for new investments in First Nations in the forest sector, an investment in First Nations governance (stewardship) and economic development.
- K. This proposed work, together with other initiatives, is required to ensure the long-term economic and cultural survival of Aboriginal communities now that their normal environment has been devastated by the MPB. It is essential for First Nations to build the capacity and resources to respond to the changing forest environment and to create a sustainable future for their children.

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- L. The B.C. First Nations Forestry Council is a non-profit society established by First Nations in British Columbia for the support of all First Nations and their interests in forestry and land stewardship.

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

1. Call on the Assembly of First Nations (AFN) to demand that the federal government meet its commitments under the Transformative Change Accord to provide the funding to First Nations communities in BC required to help mitigate the climate change impacts of mountain pine beetle and the destruction of First Nation environments, economies, and cultures.
2. Call on the AFN to request immediate action from the federal government on the following items:
 - a. Establish a high-level tripartite panel of senior federal and provincial Ministers and BC First Nations leaders to create an Aboriginal forest sector development plan, and prioritize the associated work schedules.
 - b. Provide the necessary funding to permit priority work to begin immediately.
 - c. Commit to a longer-term accelerated funding plan and Aboriginal forest trust to help First Nations increase capacity and provide governance and stewardship of lands and resources, supporting meaningful participation in the forest sector, including the emerging bio-economy, ecosystem restoration and other economic initiatives.

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TITLE: National Water Conservation and Protection Strategy for The Great Lakes

SUBJECT: Environment

MOVED BY: Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation, ON

SECONDED BY: Chief Wilfred King, Kiashke Zaaging Anishinaabek (Gull Bay), ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration of the Rights of Indigenous Peoples 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) states: "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."
- B. Indigenous peoples have the right to ensure that shared resources are regulated and governed by a clause that protects against the overuse of resources.
- C. The Great Lakes (Lake Huron, Lake Ontario, Lake Michigan, Lake Erie and Lake Superior), located in both Canada and the United States of America, are proportionately divided between surrounding municipalities in order to protect and preserve the fresh water resources.

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- D. The Great Lakes Water Quality Agreement (GLWQA) between Canada and the United States was first signed in 1972 and amended in 2012. This agreement identifies “shared priorities and coordinating actions to restore and protect the chemical, physical and biological integrity of the Great Lakes.”
- E. On June 21, 2016, eight states approved a request from Waukesha, Wisconsin, allowing the city to draw water from the Great Lakes. This decision was made after receiving input from Ontario and Quebec as per the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.
- F. Although input was sought, Ontario expressed concerns about Waukesha’s request and found that potential impacts for the Great Lakes water quantity had not been adequately assessed. This decision sets a precedent for future communities who may also apply for an exception to draw water from the Great Lakes. If this continues, there will be a significant depletion of water in the Great Lakes which will undoubtedly result in dire consequences for the communities straddling the bodies of water.

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

1. Recognize the importance of protecting our land and ensuring that future generations are not negatively affected by the over drawing of water from the Great Lakes.
2. Request the National Chief and Assembly of First Nations (AFN) to call on Prime Minister Justin Trudeau and the Government of Canada to ensure the health of the Great Lakes by boosting spending on water infrastructure and assessment of groundwater resources as recommended by the International Joint Commission.
3. Call upon the National Chief and AFN to demand that Prime Minister Justin Trudeau and the Government of Canada consult with Indigenous Peoples and Canadians on a national water conservation and protection strategy for the Great Lakes, and ensure that this consultation results in stringent federal government policy.
4. Direct the National Chief and AFN to call upon the federal government to support the efforts of provinces to upgrade sewage and drinking-water infrastructure and map and assess aquifers in order to ensure safe, sustainable water for some of the highest populated regions in Canada.
5. Require that communities not straddling the Great Lakes should not be allowed to draw water from the Great Lakes unless it is unanimously agreed upon by all First Nations, provinces and territories involved in the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

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TITLE: Support Maskwacis Boil Water Advisories: "Shoot-Out" Wastewater Systems and Shock Chlorination

SUBJECT: Water, Health

MOVED BY: Chief Irvin Bull, Louis Bull First Nation, AB

SECONDED BY: Chief Kurt Buffalo, Samson Cree First Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. Recognizing 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 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.

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- B. Maskwacis Cree declare that we are self-determining Nations and do hereby respectfully provide notice to all other nations, organizations, and affiliates, that any decisions we make in the area of health is ours and ours alone to determine, and we represent ourselves when it comes to determining our own path in relation to the area of health.
- C. The most recent Maskwacis population according to the Indian Register is 16,800 persons with a growth rate of 6.9 percent in the last year.
- D. The Maskwacis Health Services Board of Directors has proactively built and promoted a working culture of addressing major challenges and engaging in crucial conversations without fear, in order to achieve a more integrated, appropriate and improved health framework for services and delivery.
- E. Ensuring that our membership within our communities have access to safe clean, reliable drinking water, sanitation and a healthy environment is of the utmost priority in order to achieve the highest attainable standard of health for our peoples.
- F. The Maskwacis Cree possess Treaty and Aboriginal rights to safe, clean, reliable water and sanitation for domestic use as well as to ensure a healthy environment. These rights have been confirmed by Canadian courts and legislation.
- G. The Assembly of First Nations (AFN) is working to hold the Liberal government to the promises on which they were elected in September 2015. The commitments related to First Nations health include ending all boil water advisories and finally resolving the crises faced daily by Indigenous Peoples in Canada regarding lack of access to safe and clean water for domestic use and to sustain a healthy environment.
- H. Due to the high risk of water and wastewater systems on reserves in Maskwacis, with over 200 individual well systems, as well as similarly high numbers of "shoot-outs" increasing risk of contamination, the Maskwacis Cree are urgently concerned regarding the high number of boil water advisories on varied individual wells, and further alarmed that there is no funding for shock chlorination or remedial wastewater system interventions, as proven methods of mitigation.

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

- 1. Support the Chiefs of Maskwacis, Chief Randy Ermineskin (Ermineskin Cree Nation), Chief Irvin Bull (Louis Bull Tribe), Chief Darrell Strongman (Montana First Nation), and Chief Kurt Buffalo (Samson Cree Nation), in their request for funding for the shock chlorination & remediation of "shoot-out" wastewater systems as methods of addressing the high number of boil water advisories.

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TITLE: First Nations to Access Economic Opportunities Through a First Nations Agricultural Strategy

SUBJECT: Economic Development, Environment

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

SECONDED BY: Chief Richard Gamble, Beardy's & Okemasis First Nation, SK

DECISION Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples 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, (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.
- iv. Article 32, (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- B. The Canadian agriculture industry has an aging demographic. First Nations can strengthen the agricultural industry with food, employment and environmental stewardship. First Nations have the opportunity to engage and benefit from the farm and ranching sector, both in the long term and short term, through economic opportunities in the agriculture industry.
- C. First Nations require resources from both the provincial and federal governments to establish sustainable food sources for future generations.
- D. First Nations are primarily rural communities with agricultural lands which are at risk of falling fallow due to limited resources. Greater Economic opportunities will assist to maintaining fertile lands.
- E. First Nations are the fastest growing population in Canada and continue to face serious health related challenges including high rates of chronic diseases; agricultural resources will assist First Nation communities to provide proper nutrition to their members particularly for children, elders and persons with disabilities.
- F. Increased participation and opportunities in the agricultural industry will increase the knowledge and capacity of First Nations to create a sustainable business model.

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

1. Direct the Assembly of First Nations (AFN) to call on the Ministry of Agriculture and Agri-Food Canada to invest adequate resources to support First Nations to facilitate economic growth through agricultural opportunities.
2. Direct the AFN to urge the federal government to develop a First Nations agricultural strategy in collaboration with First Nation leadership and communities.
3. Call on both the Federal and Provincial Governments of Canada to provide First Nations with mentorship programs, venture capital investments, and support to develop joint ventures, and lease agreements to rebuild the First Nations participation in the agricultural industry.

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TITLE: Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action

SUBJECT: Climate Change, Environment

MOVED BY: Chief Tony Alexis, Alexis Nakota Sioux Nation, AB

SECONDED BY: Chief David Crate, Fisher River Cree Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) includes the following articles:
- i. Article 32, (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32, (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.
 - iii. 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 Government of Canada has announced their intentions to fully implement the UN Declaration.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- C. The pillars of Indigenous Peoples' identity are rooted in the land, such as the language, culture, customs, and heritage and traditional knowledge.
- D. Indigenous Peoples right to self-determination is a fundamental principle of international law.
- E. Indigenous Climate Action is an Indigenous led project that was created to provide a platform to disseminate information and education tools for communities to be informed on climate issues and climate policies and how they relate to the rights of Indigenous Peoples.
- F. Climate change is impacting Indigenous Peoples' efforts to protect their cultural heritage, medicines, and Mother Earth.
- G. Indigenous communities have many challenges in their capacity to understand the full impacts of climate change.
- H. Indigenous Peoples require tools and knowledge to give their free, prior and informed consent on all climate change policy.
- I. Indigenous Peoples require a mechanism to ensure their full and effective participation in understanding and contributing to climate change policies.
- J. The UN Permanent Forum on Indigenous Issues has recognized the importance of "incorporating Indigenous knowledge into climate change policies which can lead to the development of effective strategies that are cost-effective, participatory and sustainable.
- K. On April 21, 2008, the United Nation Permanent Forum on Indigenous Issues (UNPFII) stated:
 - i. Recommendation (23): "...climate change is an urgent threat and immediate threat to human rights, health, sustainable development, food sovereignty, and peace and security and calls upon all countries to implement the highest, most rigorous and most stringent levels of greenhouse gas reduction."
- L. On January 15, 2009, the report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, the Special Rapporteur on the right to food stated that "...extreme climate events are increasingly threatening the livelihoods and food security" of Indigenous Peoples."

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

- 1. Call upon the Assembly of First Nations (AFN) to support Indigenous-led community efforts, such as Indigenous Climate Action network, to educate and provide knowledge to Indigenous Peoples on the impacts and policies necessary to combat climate change.

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2. Support inclusive decision making that includes all Indigenous traditional knowledge and rights-holders in the participation, creation and development of community based strategies on climate change.
3. Support efforts to create equity in climate action for all Indigenous Peoples' present and future generations, including free prior and informed consent.
4. Incorporate an Indigenous human rights based approach inclusive of Indigenous customary laws that shall promote, respect, and protect the human rights of Indigenous Peoples.

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TITLE: US and Canada Softwood Lumber Agreement Negotiations

SUBJECT: Environment, Economic Development

MOVED BY: Robert Phillips, Proxy, Scowlitz First Nation, BC

SECONDED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) sets out:
- 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 32, (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. Indigenous Peoples have inherent Aboriginal title and rights to their lands, territories and resources, including forests and environment, which are protected by the Canadian Constitution and the UN Declaration.
- C. Indigenous-to-Indigenous trade across the America's occurred long before settler governments drew their artificial boundaries.

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- D. When the settlers arrived in North America Indigenous-to-Indigenous trade was recognized with our relatives in the United States through the Jay Treaty (1794).
- E. Many First Nation communities across Canada have pursued forest sector developments in an effort to improve socio-economic conditions in their communities.
- F. The Prime Minister of Canada and the federal government have made strong commitments to work with First Nations on a nation-to-nation basis.
- G. In early 2016, trade representatives from Canada and the United States began to explore and report back on the possibility of a new softwood lumber trade agreement.
- H. Failure by provincial, territorial, and federal governments to adequately include First Nation involvement in past and present softwood lumber negotiations has compromised the efforts for forest-based economic development in First Nation communities.
- I. In *Tsilhqot'in Nation v. British Columbia* the Tsilhqot'in Nation challenged the authority of the Crown to issue forestry licenses in an area of Tsilhqot'in territory referred to as the Brittany Triangle, stating this would be inconsistent with their Aboriginal title and rights in the area. In its landmark decision, the Supreme Court of Canada recognized that where Aboriginal title exists the lands are not Crown lands and the forest is not Crown timber, therefore all interests in the land transfers to the Aboriginal Nation. Further, provincial legislation such as the current *Forest Act* is inapplicable to Aboriginal title lands. A key implication of *Tsilhqot'in Decision* is that existing forms of agreement between the Crown and First Nations on decision-making and forestry revenue sharing, tenure and allocation, are fundamentally inconsistent with the decision.
- J. Forest tenure in Canada was awarded to companies without any compensation to First Nations. The Canadian forestry industry should not continue to be subsidized until there is adequate redress for First Nations.
- K. Duties paid to United States interests on softwood lumber exports from First Nation lands are a form of taxation which is due, at least in part, to the Indigenous peoples based on Aboriginal title and rights.

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

1. Call on the Assembly of First Nations (AFN) to urge the federal government to:
 - a. Engage and fully resource Indigenous Nations in Canada on a nation-to-nation basis as full participants in the Canada-United States softwood lumber negotiations to ensure full engagement, consultation, communication and transparency.

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- b. Include, as part of these negotiations, redress, including the Crown's unresolved restitution and compensation to Indigenous Peoples for Indigenous lands/resources (including forest resources) in their respective tribal territories which constitutes an un-costed liability on the part of the Crown when issuing tenure to forest industry proponents.
 - c. Ensure that Canada's position on the softwood lumber negotiations is consistent with Canada's commitment to fully uphold the United Nations Declaration on the Rights of Indigenous Peoples, and is consistent with current Canadian case law including *Tsilhqot'in Nation*.
2. Call on the AFN to urge Canada and the provinces to jointly develop with First Nations a compensation model for timber harvested from First Nation territories which would then be factored into the true cost of the subsidies by the government to Canadian softwood lumber producers.

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TITLE: Canada – USA Softwood Lumber Dispute

SUBJECT: Aboriginal Title and Rights,

MOVED BY: Chief Ryan Day, (St'uxwtews, Secwepemc) Bonaparte Indian Band, BC

SECONDED BY: Chief Judy Wilson, Proxy, Neskonlith Indian Band, BC

DECISION Carried by Consensus

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 resource 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 25, (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 Interior Alliance comprised of Indigenous Nations in the South Central Interior of British Columbia got involved in the Canada USA softwood lumber dispute in 2000 after the Okanagan Nation Alliance issued Indigenous nation logging permits for the Westbank First Nation and the Okanagan Indian Band. Further, the Shuswap Nation Tribal Council gave the Neskonlith, Adams Lake, and Splatstin Indian Bands indigenous nation logging permits to log on so called BC Crown Land without provincial government approval to assert our own indigenous territorial authority.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

ANNUAL GENERAL ASSEMBLY

JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON

Resolution no.50/2016

- C. The BC government issued stop work orders to the Westbank, Okanagan, Neskonlith, Adams Lake and Splatsin Indian Bands based on BC's colonial rights, and the Bands responded that they could issue logging permits based on Aboriginal title and rights.
- D. The Coalition was then expanded to Indigenous Network on Economies and Trade (INET) with the support of the Nishnawbe Aski Nation and Grand Council Treaty 3, and pursued this matter on a "macroeconomic level" by amicus curiae submissions in the Canada USA Softwood Lumber Dispute that took place between 2000-2006.
- E. These independent Indigenous amicus curiae submissions were made to the World Trade Organization (WTO) and the Panel of the North America Free Trade Agreement (NAFTA) based on the argument that Canada's policy to NOT recognize Aboriginal and Treaty rights on the ground is an international trade subsidy to the Canadian forest industry who does not have to remunerate the indigenous owners of the resource.
- F. The WTO and NAFTA panels accepted these amicus curiae submissions in 2002-2003, despite Canada disputing the amicus curiae submission made by the Indigenous Network on Economies and Trade, and that two Canadians were on the NAFTA Bi-National Panel. The acceptance of these amicus curiae submissions by the WTO and NAFTA recognized the macro-economic argument that Indigenous Peoples have proprietary rights that need to be taken into account in international trade relations. The submissions by other organizations, including native economic development bodies, were not accepted by the panels, noting that their positions mirrored that of Canada.
- G. The Canadian federal and provincial governments still do NOT recognize Aboriginal and Treaty rights on the ground. Indigenous Peoples' title and jurisdiction must be recognized before any nation-to-nation relationship can exist.
- H. Canada has made bold human rights commitments to honour and implement the UN Declaration, which requires the recognition that we are decision-makers and that Indigenous Peoples must be able to talk independently about our economic rights under WTO and NAFTA with the tribes in the USA, the United States government, and Canada.
- I. Canada is bound to implement the UN Declaration and legally binding international treaties, like the International Covenants on Civil and Political Rights (ICCPR) and on Economic Social and Cultural Rights (ICESCR), both setting out our right to self-determination, which includes the right to determine our own economic systems.
- J. As Indigenous Peoples we can only exercise our right to self-determination and the macro-economic dimension of our rights at the international level, by acting as Indigenous Peoples or Nations, not by submitting to or acting under a nation state like Canada, whose policies continue to violate our rights

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

1. Call on the Assembly of First Nations (AFN) to work with and support the Interior Alliance with other nation-based entities, and the Indigenous Network on Economies and Trade (INET) to become involved in the US-Canada Softwood Lumber Dispute to do the following:
 - a. Raise the issue that the non-recognition of Aboriginal title and the non-implementation of Treaty rights is a subsidy; and
 - b. Meet with Canada and United States to reduce and eliminate international trade subsidies based on the non-recognition of Aboriginal and Treaty proprietary rights.
2. Request the AFN to work with the National Congress of American Indians (NCAI), Intertribal Timber Council and US Tribes impacted by the Canadian subsidy to the Canadian forest industry and develop a strategy to eliminate trade subsidies for the benefit of Indigenous Peoples on both sides of the medicine line, in accordance with upholding the Jay Treaty.
3. Direct the AFN to work with Indigenous Peoples to meet with the US Department of Commerce and lobby Congressman and Senators to put forward an independent Indigenous position in the Canada USA softwood lumber dispute.
4. Support the AFN to develop a multi-level Indigenous strategy based on the macro-economic aspects of Aboriginal and Treaty rights, including by making independent Indigenous amicus curiae submissions in the softwood lumber dispute.

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TITLE: Call for Action on the Pipeline Safety Act

SUBJECT: Economic Development, Environment

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

SECONDED BY: Patricia Meilleur, Proxy, Mohawk Council of Kanesatake, QC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26, (1): Indigenous peoples have the rights 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. First Nations hold Aboriginal title and rights that are recognized and affirmed by the Constitution Act, 1982.
- B. As First Nation peoples, we regard ourselves as “keepers of the land”, with the responsibility to safeguard the livelihood, security, cultural identity, territorial integrity and biodiversity protection for ‘seven generations’.
- C. We continue to occupy, manage, safeguard and intensively use pipeline corridors as we carry on our traditional and family activities of visiting relatives, hunting, fishing, trapping and gathering medicinal and edible plants.
- D. Fears surround pipeline safety due to the transport of millions of barrels of chemically diluted bitumen (dilbit) from the Alberta oil sands, and other products, daily, near and over the forests, lakes, rivers, streams and wetlands on our territories.

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- E. Bill C-46, the Pipeline Safety Act, 2015, was introduced into Parliament on December 8, 2014, to bring amendments to the National Energy Board Act and the Canadian Oil and Gas Operations Act by, among other things, introducing a liability scheme in the event of the unintended or uncontrolled release of oil, gas or another commodity from a pipeline.
- F. On April 2, 2015, the Assembly of First Nations made submissions to the House of Commons Standing Committee on Natural Resources regarding Bill C-46, Pipelines Safety Act, 2015, which included, among other things, the following observations.
- i. The rights and interests of First Nations were not acknowledged or reflected in the bill.
 - ii. Any federal legislation that could potentially affect Aboriginal and Treaty rights, such as Bill C-46 and its regulations, requires adequate consultation with First Nations.
 - iii. The compensation scheme outlined in the bill excluded First Nation governments and set limits on absolute liability that do not necessarily cover the full costs associated with a potential pipeline spill.
 - iv. A prohibition on vehicles accessing territory where a pipeline is situated potentially prejudiced Aboriginal harvesters engaged in hunting, fishing, trapping and other activities over buried pipelines.
- G. The Government of Canada enacted the Pipeline Safety Act, S.C. 2015, c. 21, on June 18, 2015, which came into force on June 19, 2016, along with its regulations.
- H. By adopting the Act, the Canadian government set pre-determined limits on claims for compensation owed to First Nations for damage caused by the unintended or uncontrolled release of oil, gas or any other commodity from a pipeline on our territories.
- I. The Act and its regulations could additionally require that First Nation harvesters obtain the written consent of the pipeline company in order to operate mobile vehicles over and around a pipeline on our territories.
- J. First Nation communities as rights holders were not consulted prior to the introduction of Bill C-46 into Parliament, nor were we given notice of the proposed changes or consulted during the process leading up to the passage of the Pipeline Safety Act.
- K. First Nations have a clear legal foundation to push for consultation on legislation and policy that adversely affects them.

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

1. Call for a national call for action to support First Nation pipeline safety concerns.

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2. Express a common concern regarding the inadequate consultations carried out by the Federal government on the Pipeline Safety Act.
3. Call on the Assembly of First Nations to oppose those provisions of the Pipeline Safety Act and its regulations that are contrary to First Nation interests and to advocate for a “deep consultation” protocol between the Crown and First Nations across Canada on pipeline safety legislation and policy.

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TITLE: Support a New Process on Land Rights Issues Over \$150 Million

SUBJECT: Land Rights and Claims

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8, (2b): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.
 - ii. Article 26, (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - iii. Article 26, (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iv. Article 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 Specific Claims Tribunal is the only independent body in Canada which First Nations can access to obtain justice for historical wrongs committed by the Crown that are barred from the courts do to the passage of time.
- C. The *Specific Claims Tribunal Act* limits the jurisdiction of the Specific Claims Tribunal to claims up to \$150 million.
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- D. In 2007, Canada committed to establish a new process to address claims over \$150 million, but no such process has ever been created.
- E. Canada's present policy requires Cabinet approval before the federal government enters into negotiations in respect of a claim over \$150 million, based on considerations that are not necessarily related to the merits or validity of a claim.
- F. Canada's failure to effectively address claims over \$150 million compounds the original losses suffered by a First Nation.
- G. These failures are in breach of the Crown's duties and honour, and are contrary to the UN Declaration.
- H. The report of the 14th session of the United Nations Permanent Forum on Indigenous Issues, in May of 2015, makes specific reference to Canada's ongoing failure to address one such high value claim, stating that "the Permanent Forum is concerned that legal obligations and commitments and indigenous peoples' treaties, agreements and other constructive arrangements with States are routinely denied and violated by States. With regard to interventions by indigenous peoples on unresolved land rights, including the Six Nations of the Grand River and others on which the Forum has made specific recommendations in the past, the Forum calls upon States to fairly and equitably redress the longstanding unresolved land rights issues through good-faith negotiations, consistent with the United Nations Declaration and without extinguishing indigenous peoples' land rights."

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

1. Call on Canada to engage with First Nations to establish a new specific claims process to address land rights issues valued over \$150 million, using jointly agreed upon revenue, land and resource sharing principles.
2. Call on Canada to end its policy of extinguishment, which robs our children of their Aboriginal right to their lands, as a prerequisite for resolving First Nations land rights issues, consistent with Sections 8 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples.
3. Call on Canada to return the lands to First Nations that have been illegally taken.

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TITLE: Call for the Immediate Implementation of “Deep Consultation” on the Proposed Energy East Pipeline Project

SUBJECT: Environment

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

SECONDED BY: Patricia Meilleur, Proxy, Mohawk Council of Kanesatake, QC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26, (1): Indigenous peoples have the rights 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.
- B. The First Nations hold Aboriginal title and rights that are recognized and affirmed by the *Constitution Act, 1982*.
- C. The Government of Canada, under the leadership of Prime Minister Justin Trudeau, has expressed its intention to implement the Truth and Reconciliation Commission Canada 94 Calls to Action, and the UN Declaration, thereby leaving First Nations with the understanding that the obligation to obtain the free, prior and informed consent of First Nations will soon be clearly enshrined in Canadian law.

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- D. The Government of Canada, in partnership with provincial and territorial governments, adopted the *Vancouver Declaration on Clean Growth and Climate Change*, which recognizes that the transition to a low carbon economy must be done “in partnership with Indigenous peoples based on recognition of rights, respect and cooperation”:
- E. The Government of Canada, under the leadership of Prime Minister Justin Trudeau, has repeatedly expressed its desire for a “new relationship” with First Nations and for a true nation-to-nation partnership, including in Minister Bennett’s mandate letter.
- F. First Nations have repeatedly expressed a lack of confidence in the National Energy Board (NEB) regulatory review process which is currently reviewing the Energy East tar sands pipeline project
- G. It is questionable whether the Government of Canada should have authorized the NEB to review the Energy East project without first properly consulting the Indigenous peoples affected and correcting the serious flaws of the existing NEB process, including a lack of adequate funding to participate in the NEB process, the refusal of the NEB to consider Energy East’s important contribution to the climate change crisis, and the NEB’s apparent bias in favour of industry.
- H. Canadian courts have ruled that the Governor in Council cannot issue certificates authorizing inter-provincial pipeline projects in the absence of adequate consultation with potentially affected Indigenous peoples, even if these certificates are based on the recommendations of the NEB in accordance with its review process.
- I. On January 27, 2016, Natural Resources Minister Jim Carr and Environment and Climate Change Minister Catherine McKenna announced interim measures to supplement NEB hearings promising “deeper consultation” and funding to do so with our peoples.
- J. On April 20, 2016, the Major Projects Management Office (MPMO) of Natural Resource Canada announced further details about “deeper consultation”, specifying that Canada “will expand Crown consultations for the Project, and offer Indigenous groups additional participant funding to support their participation in early engagement, during the NEB hearing process and consultations on the NEB’s proposed conditions”.
- K. On June 16, 2016, the NEB initiated the review process for the Energy East Pipeline Project, as it was satisfied that the re-filed consolidated project application was complete, thereby commencing the NEB’s 21-month timeline to complete its review.
- L. No funding agreements have been negotiated between the Crown and First Nations to carry out a so-called “deeper consultation” process.

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

1. Call on Canada to acknowledge their legal duty to accommodate and address the inadequacy of the National Energy Board (NEB) review process.
2. Call on Canada to extend the consultation timelines set out by the NEB process for the Energy East Pipeline to ensure for "deep consultation" with First Nation rights holders as described by the Federal Court of Appeal in *Gitxalaa Nation v. Canada*, 2016.
3. Call on Canada to ensure that the consultation process is consistent with the requirements of the United Nations Declaration on the Rights of Indigenous Peoples and requires the free, prior, and informed consent of First Nation rights holders.
4. Call on the Assembly of First Nations to oppose the current Energy East NEB regulatory review process and to pressure the Crown to negotiate "deep consultation" processes with First Nation rights holders across the Country, and more specifically those along the Energy East Pipeline route, rather than the current process which has been unilaterally established by the Crown.

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TITLE: OCAP® Training Prerequisite for all Federal/Provincial/Territorial Government Employees and Researchers

SUBJECT: Health, OCAP

MOVED BY: Chief Wayne Christian, Spallumcheen Indian Band, BC

SECONDED BY: Chief Matilda Ramjattan, Lennox Island First Nation, PE

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples state:
- i. Article 15: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be appropriately reflected in education and public information.
 - 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.
- B. Call to Action #57 of the Truth and Reconciliation Commission of Canada calls 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.

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- C. First Nations people have the right to determine and make decisions regarding the circumstances in which information is collected about them and how this information is used and shared. Most importantly, First Nations people must be able to determine the ways in which external governments and researchers have access to such data, based upon appropriate mandates and protocols of First Nation communities themselves.
- D. The First Nations Information Governance Centre (FNIGC) has developed an on-line training course entitled "Fundamentals of OCAP®" in conjunction with Algonquin College, and this course provides a comprehensive overview of what ownership, control, access and possession (OCAP® principles) are, what it means to First Nations, and why it is important for persons working with First Nations to fully understand and respect First Nations data sovereignty.
- E. FNIGC and their regional organizations have made significant achievements in the principles of data collection and ownership, control, access and possession of data, to ensure that communities' inherent right to self-determination is respected and continues to be advanced, in alignment with the priorities of First Nations and there is a continued need to support and enhance these information governance efforts nationally, regionally and at the community level.
- F. FNIGC has taken measures to protect the integrity, meaning and use of the term OCAP® through achieving a registered trademark on behalf of all First Nations. The use of the term and the OCAP® logo is granted by permission or license from the FNIGC.

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

- 1. Direct the National Chief to prepare a letter to the Federal Ministers of Health, Indigenous and Northern Affairs Canada, Employment and Social Development Canada and the various research funding agencies (Canadian Institutes of Health Research, Social Sciences and Humanities Research Council and others) to state the importance for all employees to take the Fundamentals of OCAP® on-line course to further their understanding of First Nations Data Sovereignty and Information Governance
 - a. This letter should also encourage any potential recipients or grant proponents who may be selected to receive research grants targeted for First Nations research priorities or projects, be required, as a pre-requisite, to take the Fundamentals of OCAP® training and receive the course certification demonstrating their knowledge and awareness of OCAP® prior to receiving grant approvals.

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TITLE: First Nation Federal Accessibility Legislation

SUBJECT: Health, Disabilities , Economic Development

MOVED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

SECONDED BY: Chief Dennis Meeches, Long Plains First Nation, MB

DECISION Carried by Consensus

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 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 person with disabilities.

B. The Convention of the Rights of Persons with Disabilities states:

- i. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.

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- C. International treaties and human rights standards serve to support First Nations persons with disabilities with an unprecedented opportunity to develop and implement full and meaningful legislation.
- D. The AFN has additionally been mandated by AFN Resolutions 75/2015, "Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities" and 48/2014, "Support for Persons with Disabilities" to raise awareness and create opportunities for Indigenous Persons with disabilities to fully contribute to their own economic, social and human rights.
- E. The Honorable Carla Qualtrough is the Minister of Sport and Persons with Disabilities and is mandated by the Prime Minister to "Lead an engagement process with provinces, territories, municipalities, and stakeholders that will lead to the passage of a Canadians with Disabilities Act" (now referred to as Federal Accessibility Legislation) supported by the Minister of Families, Children, and Social Development, and Employment and Social Services Development of Canada.
- F. Budget 2016 allocated \$2 million over two years, starting in 2016–2017, to support the full participation of Canadians with disabilities in this development; more specifically, for stakeholders to organize and engage their members on the proposed legislation. Based on domestic and international examples, some potential thematic areas for consideration may include, but, are not limited to: employment, procurement, service delivery, transport, the built environment, information and communications.
- G. To facilitate a First Nations specific engagement process to parallel the Ministers broader consultations with provinces and territories, resources of \$120,000 thousand dollars for fiscal year 2016 and \$120,000 thousand dollars for fiscal year 2017 respectfully, have been proposed to support First Nations in building federal legislation based on First Nations specific and distinct needs.
- H. People with disabilities face discrimination on many levels. In addition, this discrimination is compounded if you are a First Nations person living with a disability, and further compounded if you are a First Nations women living with a disability.

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

1. Call on the Assembly of First Nations (AFN) to work with Employment and Social Services Development Canada to develop a First Nations specific engagement process to parallel and compliment the Ministers broader consultation process with provinces and territories in creating federal accessibility legislation that is specific and distinct to First Nation's needs.
2. Call on the AFN to work with First Nations disability groups to inform accessibility legislation that will address jurisdictional issues among others, and monitor the federal government's progress accordingly.

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3. Direct the AFN to continue to advocate for First Nations persons with disabilities and ensure adequate resources are allocated for this and future developments, and report back on progress to the Chiefs Committee on Human Resources.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: Natural Resource Transfer Act (NRTA) Violation of Inherent Aboriginal and Treaty Rights

SUBJECT: Land Rights and Claims, Economic Development

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

SECONDED BY: Chief Kurt Buffalo, Samson Cree Nation, AB

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 17, (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law
- ii. Article 17, (2): States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
- iii. Article 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 20, (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

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- v. Article 32, (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - vi. Article 32, (2): States shall consult and cooperate in good faith with 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.
 - vii. 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. Natural Resource Transfer Act (NRTA) has four (4) basic effects:
- i. It gave constitutional protection to the Indians' Right to hunt, trap and fish for substance,
 - ii. It removes the Indian's' Treaty right to hunt and fish commercially,
 - iii. It expanded the harvesting territory from the lands described in the Treaties. As a result, the Indians' right to hunt, trap and fish became a province-wide right on all occupied Crown lands or any other lands to which the Indians have right of access. Because all three Prairie Provinces have the identical protection, it really means that the Indians' right is a prairie-wide right,
 - iv. The NRTA expands the definition of 'Indians' who can hunt in the Prairie Provinces. Any Indian from anywhere can harvest for subsistence anywhere on the Prairie Provinces.
- C. The Government of Canada has committed to conduct a thorough review of all Federal legislation, laws and regulations that directly and indirectly impact inherent Aboriginal and Treaty rights, including the NRTA and associated provincial acts.
- D. The NRTA attempts to devolve the Crowns duty to consult with First Nations and violates the international law of free, prior and informed consent.

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

1. Direct the Government of Canada to conduct a thorough review process of the Natural Resource Transfer Act (NRTA) and the subsequent provincial acts due to the impacts and implications on the inherent Aboriginal and Treaty right to hunt, fish and trap.
2. Call upon the Government of Canada to ensure that the principle of free, prior and informed consent is followed in its' deliberations in the review process of the NRTA.

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3. Call upon the Government of Canada to include Indigenous Aboriginal and Treaty rights representation during its deliberations and review process of the NRTA.
4. Call upon the Government of Canada to act in the best interest of maintaining inherent Aboriginal and Treaty rights as Treaties are sacred international agreements.

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TITLE: Funding for Regional First Nations Information Government Centres

SUBJECT: Health, Governance

MOVED BY: Chief Vincent Yellow Old Woman, Siksika Nation, AB

SECONDED BY: Deputy Chief Michelle Telep, Proxy, Ta'an Kwach'an Council, YT

DECISION Carried, 1 abstention

WHEREAS:

- A. Indigenous Nations in Canada acknowledge their rights to self-determination, including the right to determine what constitutes health and wellbeing, in accordance with their own cultures.
- B. The concept of Indigenous wellbeing includes spiritual, social, economic and physical determinants.
- C. The Government of Canada has committed to establishing a nation-to-nation relationship which will require a new way to report on this relationship and on the outcomes of the relationships; both in Canada and the United Nations.
- D. The current methods used to measure and report on the wellbeing of Indigenous Nations and their peoples do not meet the needs of Indigenous Nations.
- E. Data governance and information management are tools of governance and provide the evidence required to make good investment decisions, to affect good policy and to account for the desired outcomes.
- F. The First Nations Information Governance Centre (FNIGC) has been established to assist with transforming Indigenous data governance, data collection and information management and includes First Nation regional organizations as members in the corporate structure.
- G. First Nation regional organizations are at different stages of functionality, varying from region to region and from nation-to-nation.

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

1. Recognize Indigenous data sovereignty as a cornerstone of nation rebuilding and direct the federal government to fund the following:
 - a. Engagement on data governance between First Nations leadership within each respective region.
 - b. The establishment of a First Nation data governance champion in each region, identified by First Nations regions themselves.
 - c. The development of fully functional regional First Nations information government centres.
 - d. Coordination of First Nations regions, data governance champions and national partners to establish a national First Nations data governance strategy.

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TITLE: Nishnawbe Aski Police Service

SUBJECT: Justice, Policing

MOVED BY: Chief Dwight Sutherland, Taykwa Tagamou (New Post), ON

SECONDED BY: Chief Norman Jr. Hardisty, Moose Cree First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. Nishnawabe Aski Police Services along with other First Nation services continue to experience chronic underfunding that undermines their ability to provide adequate and effective police services for the communities they serve:
- B. Current wage inequities in Ontario have our provincial counterparts, the Ontario Provincial Police (OPP), paid 15% more than First Nations officers, and that wage gap is set to widen with the OPP entering into arbitration.
- C. Other conditions such as limited human resources, lack of housing, no isolated posting allowance, insufficient and defunct detachments, and communications equipment, continue to undermine the effectiveness of the police and threaten community safety.
- D. It is the legislative responsibility for the Province of Ontario, and moreover, the fiduciary role of the Federal Government to ensure that the First Nations are provided a level of community safety equivalent to that experienced by other communities across this nation.

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

1. Support the Nishnawbe Aski Police Service and direct the Assembly of First Nations (AFN) to address the issue directly with the two Ministries, the Premier of Ontario, and the Prime Minister's Office.
2. Direct the AFN to advocate to both Governments to provide immediate relief to Nishnawbe Aski Police Service and all First Nations police services by eliminating the discriminatory wage gap.
3. Call on Canada and Ontario, as funders, to commit to negotiating at the table with the Public Service Alliance of Canada.
4. This resolution is without prejudice concerning the Ontario First Nations Limited Partnership (OFNLP) agreement discussions and commitments made by Minister Naqvi and Minister Goodale to the OFNLP constables.

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TITLE: First Nations Citizenship

SUBJECT: Aboriginal Title and Rights, Citizenship

MOVED BY: Grand Chief Joseph Tokwirot Norton, Mohawk Council of Kahnawake, QC

SECONDED BY: Chief Don Maracle, Mohawks of the Bay of Quinte

DECISION Carried by Consensus

WHEREAS:

- A. First Nations are the sole custodians of their cultures, languages and history, and exclusively carry the right to maintain, control, protect and develop this precious heritage.
- B. The First Nations who make up our Assembly are the only ones who rightfully hold and may assert Aboriginal title and Treaty rights.
- C. First Nations have been holding forever the authority to determine the definition and acceptance of their members and citizenship in accordance with their customs and traditions, and that they are responsible and accountable to their members, regardless of where they reside.
- D. The Federal Government of Canada has committed to engage in nation-to-nation rights-based discussions with First Nations on matters that concern nationality, jurisdiction and harmonious relations between Canada and First Nations.
- E. The Federal Government of Canada, through evolving judicial and legislative doctrine, fosters ambiguity as to the existence of Aboriginal groups other than those recognized by its own constituting legislation, thus allowing the arising of confusion which impedes the recognition and the implementation of Aboriginal title and Aboriginal and Treaty rights of the First Nations.

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- F. There is increasing establishment of illegitimate groups that wrongly claim to be linked to First Nations and attempt to fraudulently exercise rights that do not belong to them, including unjust claims of recognition of status, and claims to territory and taxation-exemption.
- G. The Federal Government of Canada, by inaction and/or engagement with illegitimate groups, is tolerating and fostering the growth of unfounded claims and placing the protection of the Aboriginal title and rights of First Nations, the proper and lawful rights holders, at risk.
- H. The Supreme Court of Canada, in the recent CAP-Daniels Ruling directed the Federal Government of Canada to clarify once and for all the status of all groups which seek, without verifiable justification, to be recognized as "Aboriginal" nations.

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

1. Demand that the Federal Government of Canada assumes its fiduciary responsibility towards First Nations, and that it indicates immediately, clearly and publicly the measures it intends to take in order to put an end to the emergence of groups alleged to be Aboriginal, which are causing considerable damage to the First Nations and to the recognition and implementation of their Aboriginal title and Aboriginal and Treaty rights, and that the Government of Canada takes vigorous action against these fraudulent acts committed publicly and in impunity.
2. Demand that the Federal Government of Canada immediately disclose, cease, and abstain from any engagement with illegitimately composed groups claiming to be First Nations.

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TITLE: Recongnition of Indigenous Peoples as Founding Peoples of Canada

SUBJECT: Residential Schools

MOVED BY: Chief Wayne Christian, Splitsin Indian Band, BC

SECONDED BY: Chief Norman Hardisty Jr., Moose Cree First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. Indigenous Peoples were the first Peoples to govern this land and were present for thousands of years prior to Confederation.
- B. Indigenous Peoples were self-determining nations with distinct cultures, languages, laws, traditions and unique understanding of the land and environment.
- C. Indigenous Peoples provided land, knowledge, military and other support to sustain colonial life, entered into Peace and Friendship Treaties and trade agreements with settlers to sustain economic growth and resource development on the land now recognized as Canada.
- D. Indigenous Peoples were essential to the success of the fur trade that was the backbone of the economy for more than 250 years in the land now recognized as Canada.
- E. The Indigenous nations negotiated treaties with the Crown transferring vast tracks of land that have produced immense riches making Canada one of the wealthiest nations in the world.
- F. At Confederation in 1867, the languages of the British and French were constitutionally protected, as well as their civil rights, customs, traditions, laws and forms of governance, yet Indigenous Peoples' languages, civil rights, customs, traditions, laws and forms of governance were not protected.

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- G. The Constitution of Canada states that English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada, while Indigenous languages have no such official status, equal rights or privileges as to their use.
- H. The Government of Canada recognizes its relationship with Indigenous Peoples is fundamental and must be reconciled, based on a nation-to-nation relationship rooted in recognition of rights and mutual respect.
- I. The nation-to-nation relationship and reconciliation are concepts that must be given more explicit recognition and substance;
- J. The Government of Canada has declared its full support for the United Nations Declaration on the Rights of Indigenous Peoples, recognizing that Indigenous Peoples 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 those based on their Indigenous origin or identity;
- K. This resolution makes explicit what courts, the Constitution, and political conferences have already implicitly recognized in acknowledging the important role Indigenous people play in federalism and in the fundamental definition of Canada;
- L. In 2017 Canada will celebrate the 150th anniversary of Confederation, for which recognition of the Indigenous Peoples as founders of Canada is long overdue.

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

- 1. Representing the First Nations of Canada, support and promote legislation in the Parliament of Canada for the 150th anniversary of Confederation that would direct the Government of Canada to:
 - a. Consult and cooperate with Indigenous leadership to declare, recognize, and promote the understanding, within Canada and abroad, that the Indigenous Peoples are the original peoples of Canada and that the cultures, customs and languages of Indigenous Peoples comprise a fundamental characteristic of Canadian heritage and identity;
 - b. Foster the recognition and appreciation of the diverse Indigenous cultures, and promote and support the expressions of those cultures as valuable resources in the shaping of Canada's future;
 - c. Recognize and promote the full and equitable participation of Indigenous individuals and communities in the continuing evolution and shaping of all aspects of Canadian society according to their own values and priorities;

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- d. Recognize, declare and respect the inherent right of Indigenous self-government, including the authority of Indigenous governments to safeguard and develop their languages, cultures, economies, identities, institutions and traditions;
 - e. Recognize, declare and respect the inherent right of Indigenous peoples to develop, maintain and strengthen their relationship with their lands, waters and environment so as to determine and control their development as peoples according to their own values and priorities and to ensure the integrity of their societies;
 - f. Ensure that Indigenous People have an equal opportunity to obtain employment and advancement in those institutions;
 - g. Promote policies, programs and practices that enhance the understanding of and respect for Indigenous Peoples of Canada and their founding role;
 - h. Collect statistical data in order to enable the development of policies that are sensitive to and responsive to the Indigenous reality of Canada;
 - i. Make use, as appropriate, of the language skills and cultural understandings of Indigenous individuals and communities.
2. Direct the Assembly of First Nations (AFN) to take such measures in consultation and cooperation with the First Nations of Canada to implement the Indigenous recognition policy of Canada and, without limiting the generality of the foregoing:
- a. Encourage and assist individuals, organizations and institutions to project the Indigenous reality of Canada in their activities in Canada and abroad;
 - b. Encourage and promote exchanges and cooperation among the Indigenous communities and other communities of Canada;
 - c. Encourage and assist the business community, labour organizations, voluntary and other private organizations, as well as public institutions, to advance the full participation of Indigenous Peoples in Canadian society, including the social and economic aspects;
 - d. Facilitate funding for acquisition, retention, reclamation and use of Indigenous languages that contribute to the Indigenous reality of Canada;
 - e. Recognize and promote the implementation of the inherent right to Indigenous self-government within the Canadian federation, including but not limited to self - government with respect to ownership, use and management of lands, territories, and resources, and the development, maintenance and strengthening of their relationship with their lands, waters and environment, according to their own values and priorities.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

- f. Consult and cooperate with Indigenous leadership to ensure that the laws of Canada protect and promote the full spectrum of Indigenous rights, including Aboriginal rights, Aboriginal title, and Treaty rights in a manner consistent with Section 35 of the Constitution Act, and recognize that the fundamental objective of Section 35 is to reconcile and inform the Crown's broader relationship with Indigenous Peoples.
3. Direct the AFN to establish an advisory committee to advise and assist the appropriate Ministers on the implementation of the Act and on any other matter relating to Indigenous recognition and report on the activities of the committee on a yearly basis concerning any other matter relating to the implementation of the Indigenous recognition policy of Canada that they consider appropriate.
4. Direct the AFN to ensure that this work is reflective of the United Nations Declaration on the Rights of Indigenous Peoples.

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TITLE: Privacy of Survivor's IAP and CEP documents

SUBJECT: Residential Schools

MOVED BY: Chief Wayne Christian, Splitsin Indian Band, BC

SECONDED BY: Chief Norman Hardisty Jr., Moose Cree First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The Indian Residential School Settlement Agreement (IRSSA) provides for the privacy of former students, claimants of the Independent Assessment Process (IAP) and Persons of Interest (POI's) as well as any other person whose name may be mentioned or who may be identifiable in the documents referred to in the IRSSA.
- B. Thousands of student-on-student IAP claims have been made naming other students as perpetrators.
- C. The IAP process offers none of the protections to POI's available in Court proceedings.
- D. Canada transferred un-redacted documents containing personal information to the Truth and Reconciliation Commission (TRC) on the basis that the TRC was a branch of the Government of Canada and as such the privacy of the documents was protected under the *Privacy Act*.
- E. Church entities provided un-redacted documents to the TRC on the undertaking that the TRC agreed that they would be governed by Federal privacy provisions, including the *Privacy Act*.
- F. The TRC transferred un-redacted documents to the National Center for Truth and Reconciliation (NCTR) without ensuring the protection required by the IRSSA provisions and the *Privacy Act* or any other privacy protections offered to government documents.

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- G. The NCTR is not an institution of the Government of Canada or a signatory to the IRSSA and is not bound to safeguard and protect the privacy of Survivors, and the NCTR has not signed any agreements with the parties or made any undertakings with respect to the protection of the privacy of the Survivors.
- H. The NCTR has already published personal information identifying alleged perpetrators and some of their victims on its website where it is accessible to anyone.
- I. Disclosure of private information to the public at large without the consent or knowledge of IAP claimants places Survivors and their families in danger of re-victimize moving forward.

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

- 1. Direct the Assembly of First Nations (AFN) to participate in the National Administration Committee's Request for direction to the courts to ensure all information in possession of the National Centre for Truth and Reconciliation (NCTR) transferred by Canada, the Church entities or the Truth and Reconciliation Commission (TRC) be subject to the privacy interests of Independent Assessment Process (IAP) claimants and former students, including that:
 - a. Use, access, storage, copying and dissemination of information by or with the assistance of the NCTR must ensure that the privacy interests of IAP claimants and former students is protected at all times;
 - b. No one shall make any reference whatsoever to the civil or criminal liability of any person unless such findings or information about the individual have been established through legal proceedings;
 - c. No one shall use or permit access to statements made by any former students during any TRC or NCTR events, activities or processes, except with the express consent of the individual;
 - d. Except for former students who have complete and unfettered control over their own experience at an Indian Residential School, no one shall name names in events, activities, public statements, reports or recommendations, or make use of personal information which identifies a person unless the express consent of that individual is obtained or the identity of the person has been established through legal proceedings or by public disclosure by that individual;
 - e. When taking statements from individuals, the NCTR must do so in camera. No one shall provide the information obtained to any other proceeding or make available any information gained in this manner that identifies any person without that person's consent or unless that person's identity has been established and that person convicted for the alleged wrong doing;
 - f. No one shall, except as required by law, provide to anyone for any purpose, any personal information, statement, or any information identifying any person without that individual's express consent.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan's Principle

SUBJECT: Child Welfare

MOVED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

SECONDED BY: Chief Ian Campbell, Squamish Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The Federal Government of Canada funds First Nations child and family services on reserve through Indigenous and Northern Affairs Canada (INAC).
- B. Jordan's Principle is a child-first principle which provides, in the matter of public services available to all other children, that where jurisdictional disputes arise between Canada and a province or territory, or between government departments in the same government, the government or department of first contact pays for the service, and can seek reimbursement from another government or department after the fact.
- C. As an example, First Nations children in British Columbia are funded in accordance with Directive 20-1 which provides the lowest level of child welfare funding among INAC's four funding approaches. This means that culturally based prevention services to keep children safely at home are not available, contributing to growing numbers of children in foster care.
- D. In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint pursuant to the *Canadian Human Rights Act* alleging that INAC's provision of First Nations child and family services to over 163,000 First Nations children is discriminatory and that implementation of Jordan's Principle is flawed, inequitable and thus discriminatory under the *Canadian Human Rights Act* (CHRT 1340/7008).

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- E. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued its decision (2016 CHRT 2) regarding the complaint filed in February 2007 by the Caring Society and the AFN, finding among other things that:
- i. Canada's design, management and control of the First Nations Child and Family Services Program (FNCFS), along with its corresponding funding formulas and the other related provincial/territorial agreements, have resulted in the denial of services to many First Nations children and families living on-reserve and that the FNCFS Program resulted in adverse impacts for them because it was based on flawed assumptions about First Nations communities that did not reflect the actual needs of those communities.
 - ii. The FNCFS Program's two main funding mechanisms incentivized removing First Nations' children from their families.
 - iii. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - iv. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools.
- F. Subsequent to the Tribunal's decision, Canada unilaterally announced the budget allotments for First Nations child and family services without meaningful consultation with First Nations and unilaterally made an announcement about Jordan's Principle without meaningful consultation with First Nations. Budget 2016 is a five year budgetary plan where \$71 million is provided for child and family services for fiscal 2016/2017 and 54% of the planned funding is allocated for the year of the next federal election or the year after. This incremental budget approach fails to adequately consider children's development and the severity of the harms posed to children by unnecessary removals from their families.
- G. Such actions and impacts are inconsistent with the *United Nations Convention on the Rights of the Child* and articles of the *United Nations Declaration on the Rights of Indigenous Peoples*, which 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 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.

Certified copy of a resolution adopted on the 13th day of July 2016 in Niagara Falls, Ontario

- iii. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - iv. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools
- H. In its decision, the Tribunal made several orders, including:
- i. Cease its discriminatory practices regarding the FNCFS Program and reform the program.
 - ii. Cease applying a narrow definition of Jordan's Principle.
 - iii. Take measures to immediately implement the full meaning and scope of Jordan's Principle.
- I. The Tribunal also retained jurisdiction over the complaint to allow for gathering of further information regarding the immediate and long-term remedies sought by the Caring Society and the AFN, and to seek further information regarding the compensation sought for First Nations children impacted by child welfare practices on-reserve between 2006 and January 26, 2016.
- J. On April 26, 2016, the Tribunal issued a second decision (2016 CHRT 10) expressing concern with Canada's compliance with 2016 CHRT 2 and compelling Canada to confirm implementation of Jordan's Principle by May 10, 2016 and file detailed reports regarding its compliance with the non-discrimination order regarding First Nations Child and Family Services funding.
- K. The Tribunal is expected to issue a third order on remedies in the coming weeks.
- L. Prime Minister Justin Trudeau committed to implement all 94 Calls to Action of the Truth and Reconciliation Commission. A number of Calls to Action urge all levels of government to reduce the number of Aboriginal children in care and to provide adequate resources to support communities and child-welfare organizations in keeping families together.
- M. The Tribunal's order coupled with the Government of Canada's commitment to reconciliation requires that the federal government take immediate action.

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

1. Respectfully call upon the Government of Canada to:
 - a. Honour its commitment to fully implement the Truth and Reconciliation Commission's recommendations regarding children and families.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

ANNUAL GENERAL ASSEMBLY

JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON

Resolution no. 62/2016

- b. Take immediate and concrete actions to implement and honor the Canadian Human Rights Tribunal findings in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (2016 CHRT 2)* and all subsequent orders, and implement Jordan's Principle across all First Nations and all federal government services.
 - c. Allocate sufficient resources immediately to remedy the discrimination against children and their families, taking into full account the best interests of First Nations children, their vulnerability, development, and the significant harms posed by unnecessary placements in child welfare care resulting from insufficient and discriminatory prevention services.
 - d. Immediately and fully implement the measures outlined in the document entitled "First steps in fixing the inequities in First Nations child and family services: Immediate action reforms, Directive 20-1" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, Enhanced Prevention Focused Approach" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, 1965 Indian Welfare Agreement" to provide some immediate relief to the children's suffering while the longer-term issues are resolved.
 - e. Cease unilateral action without consultation with First Nations and cease engaging in bi-lateral discussions with provinces and/or territories regarding First Nations children without the participation of First Nations, and fully commit to full consultation with First Nations and First Nations child and family service agencies and the parties to *First Nations Child and Family Caring Society of Canada v. Attorney General of Canada (CHRT 1340/7008)* to fully remedy the discrimination.
2. Support the revitalization of the AFN National Advisory Committee on child and family services with equal representation of First Nations across the country.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

TITLE: Support Muskowekwan In Adopting and Implementing a Cultural Responsiveness Framework

SUBJECT: Health, Mental Wellness

MOVED BY: Chief Reginald Bellerose - Muskowekwan First Nation, SK

SECONDED BY: Chief Norman Whitehawk - Cote First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 23: Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes through their own institutions.
 - ii. 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. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* preface states: "Getting to the truth was hard, but getting to reconciliation will be harder. It requires that the paternalistic and racist foundations of the residential school system be rejected as the basis for an ongoing relationship. Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed."

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

ANNUAL GENERAL ASSEMBLY

JULY 12, 13, & 14, 2016; NIAGARA FALLS, ON

Resolution no. 63/2016

- C. Truth and Reconciliation Commission of Canada Calls to Action #21 states: "We call on 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.
- D. The Health Accord negotiations must establish a provincial relationship with First Nations to include long-term agreements for sustainable funding on operations and maintenance.
- E. First Nations in Canada have the Treaty right to health and includes the right to access quality care that accommodates First Nations cultural practices and traditional beliefs in a respectful manner.
- F. The Muskowekwan First Nation adopted the Cultural Responsive Framework (CRF) as a guiding framework in developing, restoring and utilizing the Muskowekwan Residential School as an education and healing center initiative that focuses on family centered care and mental health.
- G. Muskowekwan First Nation has contracted with a research team through Dr. Pete & Associates Consulting to develop a flagship model for the healing centre using the CRF as a guiding framework. The researchers include Dr. Shauneen Pete, Dr. JoLee Sasakamoose, and Dr. Kim McKay-McNabb.
- H. The intellectual property for the model and implementation process will adhere to OCAP (Ownership, Control, Access and Possession) principles with respect to the Muskowekwan First Nation.
- I. The research team will publish scholarship based on the framework and the implementation process in adherence to OCAP Principles.
- J. The CRF and the Muskowekwan Healing Centre's model is for all First Nation communities and may be adopted as a model for family oriented healing, and/or may be adapted at the local level to better reflect the cultural context and needs of the individual First Nations community.
- K. Federation of Saskatchewan Indian Nations Chiefs of Saskatchewan passed Resolution #1979, *Support Muskowekwan in Adopting and Implementing Cultural Responsiveness Framework* on February 16, 2016.
- L. The CRF is about foundationally placing appropriate responsiveness to culture within and across the health sector and to provide effective practices that encourage and support Indigenous peoples ways of knowing.
- M. Reconciliation requires partnership and vision. A foundational aspect of the CRF is relationship building and Muskowekwan First Nation will engage with key First Nations, federal, and provincial partners to utilize the CRF to further develop and implement this key mental health initiative.

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

1. Support the Muskowekwan First Nation's adoption of the Cultural Responsiveness Framework as a guiding framework for the development of the Muskowekwan First Nation Education Healing Centre Initiative which will be focused on family-patient-centered health and health care, as a means of achieving culturally safe and responsive mainstream health care.

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TITLE: Support for Stk'emlupsemc te Secwepemc Nation Project Assessment Process

SUBJECT: Implementing Rights, Environment

MOVED BY: Chief Fred Seymour, Tk'emlúps te Secwépemc Nation, BC

SECONDED BY: Chief Ron Ignace, Skeetchestn Nation, BC

DECISION Carried by Consensus

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 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
 - iv. Article 32 (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

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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. On May 3, 2016, BC Auditor General Carol Bellringer released "An Audit of Compliance and Enforcement of the Mining Sector" and concluded that the BC government's management of the mining industry is failing to protect the environment against significant risk. She based her decision on a two-year investigation that found the regulatory regime was underfunded, conducted infrequent inspections and had inadequate enforcement measures.
- C. The KGHM Ajax project is a proposed copper and gold open pit mine located in Secwepemc Nation territory at a culturally significant site known as Pipsell (Jacko Lake and the surrounding area), near Kamloops, BC. Stk'emlupsemc te Secwepemc Nation, has never ceded surrendered or given up any of their lands or interests. They uphold their sacred responsibility to protect and assert jurisdiction over their territory.
- D. Pipsell is directly connected to the oral history of the Stk'emlupsemc te Secwepemc Nation and together with its Secwepemc stsq'ey' (Indigenous laws) provides the narrative foundation for ownership and stewardship of Secwepemc lands and resources.
- E. The project proponent for KGHM Ajax is KGHM International, a subsidiary of KGHM Polska Miedz SA, a Polish state controlled company where Poland owns an 80% stake in the proposed project. Poland is a 2007 signatory to the UN Declaration.
- F. Stk'emlupsemc te Secwepemc Nation assert sovereignty and full control over their territory. By the Stk'emlupsemc te Secwepemc Nation political declaration and subsequent Notice of Civil Claim (filed on September 21, 2015), they put the provincial government of BC, the Canadian federal government, and KGHM on notice of their Aboriginal rights and title in Pípsell and of the responsibility to preserve Stk'emlupsemc te Secwepemc Nation's Aboriginal Interests.
- G. Given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes, Stk'emlupsemc te Secwepemc Nation has been required to undertake a precedent setting and historic first project assessment review process regarding the proposed KGHM Ajax open pit mine. The assessment was developed to ensure that their cultural perspectives, knowledge and history were duly considered in the assessment and was built on the "Principle of Walking on Two Legs"- Secwepemc and western support. The process involves an innovative community engagement program modeled to reflect a traditional governance model, respecting the role of families and the divisions, and includes both communities

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in Stk'emlupsemc te Secwepemc Nation. The panel is inclusive and representative, composed of Tk'emlups te Secwepemc and Skeetchestn Chief and Councils, family appointed representatives, elders, youth, and knowledge keepers.

- H. Prime Minister Justin Trudeau has publicly stated his government's commitment to renewing the relationship with First Nations in Canada embodying the following principles:
- i. This renewal must be a nation-to-nation relationship, based on recognition, rights, respect, cooperation, and partnership...to make real progress on the issues most important to First Nations.
 - ii. Serious, concrete actions [will be taken] to demonstrate [the government's] commitment to recognizing, respecting, and fulfilling its obligations and commitments to First Nations.
 - iii. A Federal Reconciliation Framework will be developed in full partnership with Indigenous peoples, which includes addressing outstanding land claims
- I. Stk'emlupsemc te Secwepemc Nation has requested the development of a nation-to-nation table regarding the KGHM Ajax Project. That request included letters sent both before (June 21, 2015) and after (November 30, 2015) Canada's 42nd General Election in October, 2015. Stk'emlupsemc te Secwepemc Nation clearly outlined out positions in those letters and has identified its development as a key component to consultation and the development of a nation-to-nation relationship.

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

1. Call on the Government of Poland to direct its KGHM Polska Miedz SA Supervisory and Management Board to uphold its commitments under the UN Declaration on the Rights of Indigenous Peoples (UN Declaration).
2. Support the development of an agreement whereby the KGHM Polska Miedz SA investment in the proposed KGHM Ajax project respect the Stk'emlupsemc te Secwepemc Nation's free, prior and informed consent concerning the project.
3. Declare that no project will proceed without the informed consent of Stk'emlupsemc te Secwepemc Nation as they have an Aboriginal right to fully participate in any decision which may affect their Aboriginal rights and title, and to maintain and develop their own Indigenous decision-making institutions whereby Stk'emlupsemc te Secwepemc Nation can determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
4. Declare that no project will proceed without the informed consent of Stk'emlupsemc te Secwepemc Nation as they have an Aboriginal right to fully participate in any decision which may affect their Aboriginal rights and title, and to maintain and develop their own Indigenous decision-making institutions whereby Stk'emlupsemc te

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Secwepemc Nation can determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

5. Call upon the federal, provincial and territorial governments to recognize and respect the Stk'emlúpsemc te Secwepemc Nation Indigenous Environmental Assessment Process as it reviews and assesses the project's tangible and intangible impacts on Stk'emlúpsemc te Secwepemc Nation Aboriginal title and rights.
6. Direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emlupsemc te Secwepemc Nation is fully involved in the federal governments comprehensive review of environmental assessment, national energy board, navigable waters act, through the appointment of a federal negotiator and provide financial resources for meaningful consultation and engagement.

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TITLE: Support for Repatriating Ceremonial and Cultural Artifacts

SUBJECT: Cultural Protection

MOVED BY: Chief Milton Tootoosis, Proxy, Poundmaker Cree Nation, SK

SECONDED BY: Chief Vincent Yellow Old Woman, Siksika Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. The Siksika Nation has had a long-standing cultural and historical relationship with Chief Poundmaker and the Poundmaker Cree Nation; as Chief Poundmaker was the traditional adopted son of Chief Crowfoot of the Siksika Nation.
- B. The Siksika Nation wishes to maintain and continue this special traditional relationship with Poundmaker Cree Nation and other First Nations.
- C. The Poundmaker Cree Nation supports the Siksika Nation in their endeavour to maintain their historical, cultural and spiritual identity.
- D. The Siksika Nation is in the process of repatriating ceremonial and cultural artifacts including Chief Crowfoot's items.

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

- 1. Shares Poundmaker Cree Nation's support of the endeavours of the Siksika Nation to return and bring ceremonial and cultural artifacts home.
- 2. Affirm their support for repatriation of Chief Crowfoot's items from the Exeter Museum in Exeter England.

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3. Support the need to return Chief Crowfoot's items to their rightful home.
4. Support the Siksika Nation in their endeavours to restore their historical, cultural, and spiritual identity.

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TITLE: Support Garry McLean and Spirit Wind Indian Day Schools Class Action

SUBJECT: Indian Day Schools

MOVED BY: Chief Cornell McLean, Lake Manitoba First Nation, MB

SECONDED BY: Chief Derrick Henderson, Sagkeeng First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. The settlement of Indian day schools remains an outstanding claim against the Government of Canada.
- B. Aboriginal students who attended Indian day schools, operating outside of Indian residential schools, were excluded from the Indian Residential Schools Settlement Agreement.
- C. Many Indian day school Survivors suffered severe physical, sexual and mental abuse while attending Indian day schools and were subject to the same assimilation policies as Indian residential school Survivors.
- D. Indian day school Survivors have yet to be compensated for their damages.
- E. The Innu Nation and its communities will use all means necessary (political, administrative, communications, legal) to defend its rights to its territory.

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

1. Support the Garry McLean and Spirit Wind class action litigation filed in Manitoba which includes claims for damages suffered by all Aboriginal students who attended Indian day schools and who were subject to the harmful impacts and damages of their forced attendance.

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2. Call upon the Government of Canada, in keeping with the Truth and Reconciliation Commission of Canada Call to Action no. 29, to work collaboratively with the representative plaintiffs of the Garry McLean and Spirit Wind class action litigation to seek an expedited means of resolving this litigation.

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TITLE: Support to protect Anticosti Island from industrialization

SUBJECT: Environment

MOVED BY: Chief Jean-Charles Piétacho, Conseil des Innu de Ekuanitshit, QC

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

DECISION Carried by Consensus

WHEREAS:

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

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- 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. Anticosti Island is unique, a place untouched by industrial development, a refuge for wildlife and in particular for the Atlantic salmon.
- C. The island has been occupied since time immemorial by the first peoples, and the Innu Nation and the Mi'kmaq Nation recognize that each people have an interest on the island.
- D. The Chiefs of the Innu Nation are opposed to the permits recently issued by the government of Québec authorizing three exploration wells with hydraulic fracturing on Anticosti Island.
- E. The government of Québec has invested in an oil and gas development project on Anticosti Island in a joint venture with private business.
- F. The government of Québec's decision does not meet the criteria recognized by Canada in the UN Declaration, including the principle of free, prior and informed consent.
- G. Anticosti Island is part of Nitassinan, the traditional territory of the Innu Nation.
- H. This project has been unanimously rejected by the municipal elected officials of the region, who are in full support of the Innu Nation's approach.
- I. The Innu Nation and its communities will use all means necessary (political, administrative, communications, legal) to defend its rights to its territory.

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

1. Support the Chiefs of the Innu Nation in their efforts to protect Anticosti Island from industrialization for oil and gas development, and from hydraulic fracturing.

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TITLE: Support World Indigenous Trade and Enterprise Summit and Festival

SUBJECT: Economic Development, Partnerships, International

MOVED BY: Chief Tom Bressette, Chippewas of Kettle & Stony Point First Nations, ON

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

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of 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 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 Chiefs in Assembly support trade and partnerships with Indigenous Peoples throughout the world.
- C. The World Indigenous Trade and Enterprise Summit and Festival is being organized by the Maori leader Billy Te Kahika for 2019 and has been supported by the United Nations as a means to reduce Indigenous poverty through trade, enterprise and cultural vitality.

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

1. Support the 2019 World Indigenous Trade and Enterprise Summit and Festival.
2. Direct the Assembly of First Nations (AFN) secretariat to support the development of the World Indigenous Trade and Enterprise Summit and Festival.

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TITLE: Support for the Peel River Watershed in Yukon Territory

SUBJECT: Environment, Implementing Rights

MOVED BY: Millie Olsen, Proxy, Na-cho Ny'a'k Dun First Nation, YT

SECONDED BY: Chief Ernest Betsina, Yellowknives Dene First Nation, NT

DECISION Carried by Consensus

WHEREAS:

- A. The Peel River watershed basin is critical to the wellbeing of the Yukon First Nations and Gwich'in.
- B. The Peel River watershed is a special habitat for fish, wildlife and waterfowl, and a source of food and clean water.
- C. On August 20, 2015 the Yukon Court of Appeal ruled that the land use planning process under the Umbrella Final Agreement must be respected by the Yukon territorial government.
- D. The parties involved in the litigation, including the Na-cho Nyak Dun First Nation, have appealed the lower court's decision to the Supreme Court of Canada.
- E. The Supreme Court of Canada granted leave to hear the Peel River Watershed case in February 2017.

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

1. Support the Na-cho Nyak Dun First Nation, Tr'ondëk Hwëch'in and the Gwich'in efforts to exercise the rights and privileges under modern Treaty, including joint processes on environmental approvals established under their respective Treaties. .

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2. Support the Na-cho Nyak Dun First Nation's efforts to protect the Peel River watershed basin by way of communications and media campaigns to "Protect the Peel" as this river is a watershed for all to enjoy and must be protected for the future generations as requested by our elders of Yukon.

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