

**ASSEMBLY OF FIRST NATIONS
2014 ANNUAL GENERAL ASSEMBLY– HALIFAX, NS
FINAL RESOLUTIONS**

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TITLE: Timing of the Election for the Office of the National Chief

SUBJECT: Election of National Chief

MOVED BY: Chief Catherine Merrick, Pimicikamak Cree Nation (Cross Lake), MB

SECONDED BY: Grand Chief David Harper, Proxy, Bunibonibee First Nation, MB

DECISION: Carried; 6 abstentions

WHEREAS:

- A. National Chief Shawn A-in-chut Atleo resigned on May 2, 2014.
- B. The Assembly of First Nations (AFN) Charter outlines at Article 22 (3) that in the event the National Chief does not fulfill their term, then "the rest of the Executive Committee shall assume his role and function until such time as other arrangements are made by the First Nations-in-Assembly".
- C. The Chief Electoral Officer has been appointed by the Chiefs-in-Assembly for the past three National Chief elections on 2006, 2009 and 2012.
- D. The Charter of the Assembly of First Nations states under Appendix "A" (1990) that "at least ten (10) weeks prior to the General Assembly at which the election is to occur, the Confederacy of Nations shall meet and have included on its agenda an item dealing with the appointment by resolution of the Chief Electoral Officer."
- E. The National Executive met on a number of occasions to discuss considerations for timing and location for the election of the National Chief and have identified a number of options.
- F. A Special Chiefs Assembly is scheduled to take place in Ottawa in December 2014.
- G. Winnipeg was selected through a competitive bid process as the location of the 2015 Annual General Assembly and the Manitoba Keewatinowi Okimakanak, Inc. was selected as the host.

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- H. The unprecedented vacancy in the office of the National Chief necessitates that an election of the National Chief take place on a date which does not reflect the established convention of the Assembly to hold the Annual General Assembly and the election of the National Chief during the month of July.
- I. The Chiefs in Assembly have considered the following options for the election of the National Chief:
- a. **Option No. 1.**
The Election of the National Chief take place in Winnipeg in October 2014.
 - b. **Option No. 2**
The Election of the National Chief take place concurrent with the scheduled 2014 Special Chiefs Assembly in December 2014 and that the 2014 Special Chiefs Assembly be held in Winnipeg, Manitoba on December 9, 10 and 11, 2014.
 - c. **Option No. 3**
The Election of the National Chief take place as previously scheduled at the 2015 Annual General Assembly in Winnipeg, Manitoba in July 2015.

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

1. Direct that the Election of the National Chief take place in accordance with Option No.2 as set out herein at Whereas "I".
2. Direct that the term of the National Chief be adjusted to expire in the month of July 2018, extending the term of office to three years and six months.

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TITLE: Confederacy of Nations and AFN Renewal and Restructuring

SUBJECT: AFN Renewal / Charter

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

SECONDED BY: Grand Chief Stewart Phillip, Proxy, Penticton Indian Band, BC

DECISION: Carried; 65 objections; 4 abstentions

WHEREAS:

- A. The AFN Charter confirms that the Confederacy of Nations is one of seven principle organs of the Assembly of First Nations (AFN).
- B. In January 2004, the AFN launched the AFN Renewal Commission to undertake broad-based discussions with First Nations and First Nations citizens across Canada, including urban First Nations peoples, about the renewal and restructuring of the Assembly of First Nations which included the issue of the Confederacy of Nations. The Renewal Commission Report, released in 2005, made 47 recommendations for renewal of the AFN.
- C. There have long been calls by Chiefs-in-Assembly, which were reflected in the Renewal Commission's public hearings, to address the restrictions inherent in the 1 delegate per 10,000 people for Confederacy of Nations meetings as mandated by the Charter.
- D. Previously, the Confederacy of Nations changed in practice to Special Chiefs Assemblies so that all Chiefs in attendance would have a vote.
- E. The AFN Renewal Commission in 2005 noted that there is *little separation between the Confederacy and the First Nations-in-Assembly. Over time, an AFN custom has emerged where any Chief may exercise delegate privileges, including voting rights, at a Confederacy meeting. The two structures share the same type of authority, decision-making processes and powers. Their business is similar. The apparent duplication of function and activity, sometimes working at cross-purposes, has led the AFN membership to conclude that the Confederacy and its meetings are unnecessary.*

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- F. The AFN Renewal Commission reported that during its public hearings *many expressed their view that the Confederacy is irrelevant and should be eliminated.*
- G. The AFN Renewal Commission concluded that a renewed AFN can and will function effectively and efficiently without the Confederacy of Nations.
- H. The Confederacy of Nations has not been active since 2003-2004.
- I. The organs in the AFN Charter have not been reviewed or revised in 29 years.
- J. First Nations have continued to assert their jurisdiction over decision-making on all matters that have impacts on their territories and the lives of their citizens. The Assembly of First Nations is their organization and must be organized in a way that responds to and reflects their needs.
- K. The Chiefs-in-Assembly have passed two resolutions, Resolution 21/2007 and Resolution 20/2013 calling for the restructuring of the AFN to reflect indigenous Nations.

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

1. Confirm that First Nations have rights, title and jurisdiction over our respective lands and resources and a right to participate in any decision-making process that directly impacts on our lives.
2. Confirm that the Chiefs Assemblies serve as an important opportunity for First Nations Chiefs-in-Assembly to represent our Nations and to participate in decision-making which impacts on our lives.
3. Direct the Assembly of First Nations (AFN) Secretariat to facilitate a process to revise the AFN Charter, as recommended by the AFN Renewal Commission in 2005 and endorsed by Chiefs-in-Assembly in Resolution 21/2007, utilizing the Nation Rebuilding Task Group established through Resolution 20/2013.
4. Direct the AFN Secretariat to begin this work immediately following this Assembly and report back on their progress to the Special Chiefs Assembly in December, with a view to have final recommendations for approval at the next AFN Annual General Assembly in 2015.

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TITLE: Support for First Nation and Federal Government Roundtable on Murdered and Missing Indigenous Women

SUBJECT: Women, Community Safety, Justice

MOVED BY: Alvin Fiddler, Proxy, Koocheching First Nation, ON

SECONDED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 22 (2) states: "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. Chiefs-in-Assembly have passed Resolutions 61/2010, 02/2011, 01/2012 and 55/2012 regarding murdered and missing Indigenous women and demanding that the federal government establish a Royal Commission or National Public Commission of Inquiry.
- C. On March 7, 2014 a parliamentary report entitled, *Invisible Women: A Call to Action*, was tabled in the House of Commons which made sixteen (16) inadequate recommendations to address the violence faced by Indigenous women but did not suggest an independent public inquiry.
- D. In response to the parliamentary report Justice Minister Peter MacKay stated in the House of Commons, "I do not want to stop the action and the forward-looking policies of this government to stop and have an inquiry...I want to say we will keep doing what we have been doing."
- E. On May 16, 2014 Minister MacKay issued a statement in response to the Royal Canadian Mounted Police (RCMP) report entitled, *Missing and Murdered Aboriginal Women: A National Operational Overview*, in which he further attempted to justify the refusal to call a National Inquiry into Murdered and Missing Indigenous Women.

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- F. On June 11, 2014, Nishnawbe Aski Nation (NAN) Deputy Grand Chief Alvin Fiddler, along with representatives from the Native Women's Association of Canada and the NAN Women's Council met with Minister MacKay.
- G. Minister MacKay agreed to support the creation of a roundtable where First Nation organizations and associated federal departments would be brought together to discuss the findings of the RCMP report and solutions to the issue of murdered and missing Indigenous women.

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

1. Direct the Assembly of First Nations (AFN) to support the creation of a roundtable as part of a framework for developing the national dialogue with respect to the ongoing issue of murdered and missing Indigenous women in Canada and any other identified issues.
2. Reassert that this dialogue can only achieve meaningful results if it culminates in an independent national inquiry into murdered and missing Indigenous women in Canada.

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TITLE: Support of Nova Scotia Native Women's Association Access to Information Request to the Royal Canadian Mounted Police (RCMP), Aboriginal Affairs and Northern Development Canada (AANDC) and the Status of Women

SUBJECT: Missing and Murdered Indigenous Women

MOVED BY: Grand Chief Stewart Phillip, Proxy, Penticton Indian Band, BC

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

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- a. Article 21, paragraph 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. Article 22: (1) Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration. (2) States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The Nova Scotia Native Women's Association (NSNWA) has initiated discussions with experts respecting possible approaches to resolving the over-representation of Indigenous women among the missing and murdered population in Canada.
- C. While the statistics respecting the breadth of the issue are largely unknown to Indigenous groups, this information is in the possession of the RCMP, AANDC and the Status of Women.

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- D. Pertinent information and statistics essential to the framing of future approaches on the issue may be accessed through an Access to Information request made under the auspices of the *Access to Information Act*, RSC, 1985, c A-1.

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

1. Support the Nova Scotia Native Women's Association (NSNWA) formal Access to Information request for disclosure from the Royal Canadian Mounted Police (RCMP), Aboriginal Affairs and Northern Development Canada (AANDC) and the Status of Women, to obtain, inter alia:
 - a. The background information and data used to prepare the RCMP's report entitled, "Missing and Murdered Aboriginal Women: A National Operational Review (2014)" (the "Report"), and any and all email exchanges among and between public servants and the RCMP respecting the same;
 - b. Information respecting the rationale for the timing of the decision to prepare the Report, any information shedding light on the reasons for which it was not prepared at an earlier time, and any and all email exchanges among and between public servants and the RCMP respecting the same; and,
 - c. Information and data about the number of missing and murdered Indigenous men and boys in Canada in the same period as the one encapsulated by the Report, and any and all email exchanges between and among public servants and the RCMP respecting the same.

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TITLE: Protection of Indigenous Women Involved in the Sex Trade

SUBJECT: Women, Community Safety, Justice

MOVED BY: Alvin Fiddler, Proxy, Koocheching First Nation, ON

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 (UNDRIP) Article 22 (2) states: "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination."
- B. The Federal Government of Canada has tabled Bill C-36, *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford (Bill C-36) and to make consequential amendments to other Acts* on June 4, 2014.
- C. The Chiefs-in-Assembly have passed numerous resolutions in regards to Missing and Murdered Indigenous Women and Violence against Indigenous Women advocating for the prevention of violence on Indigenous Women.
- D. The House of Commons Standing Committee on Justice and Human Rights is holding expedited hearings on Bill C-36.
- E. Witnesses that have appeared before the Committee have stated that a Charter Challenge will be forthcoming and the Bill as it stands is discriminatory.
- F. Indigenous women and girls who are involved within prostitution are often also victims of human trafficking or engaged in subsistence survival related to drug-use and addictions and are not involved by choice.

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

1. Direct the Assembly of First Nations (AFN) to work with other organizations to advocate to the Federal Government to create legislation that truly protects Indigenous women involved in the sex trade.
2. Direct the AFN to work with governments and service providers on measures to address the root causes that lead to the vulnerability of Indigenous women, including economic marginalization, addictions and violence.
3. Direct the AFN to work with governments and service providers to ensure that Indigenous women who want to exit the sex trade can do so with proper supports and programming in place.
4. Direct the AFN to advocate that stronger human trafficking laws and policies and resources are in place to protect Indigenous women and girls.

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TITLE: Treaty Implementation

SUBJECT: Treaties

MOVED BY: Chief Wilfred King, Gull Bay First Nation, ON

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

DECISION: Carried by Consensus

WHEREAS:

A. According to the United Nations Declaration on the Rights of Indigenous Peoples:

- a. 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.
- b. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- c. 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.
- d. 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.
- e. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their

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successors and to have States honor and respect such treaties, agreements and other constructive arrangements.

- B. The federal government continues to not fully respect Treaty.
- C. Resolution 22/2013 "Principles of Conduct in Facilitating Discussions on Treaty Implementation" directs the Assembly of First Nations (AFN) to eliminate the implementation of Treaty through the Senior Oversight Committee/Treaty Working Group process, until such time as Treaty Chiefs have fully informed and obtained the free consent of their Treaty members to move forward with a Treaty Nations–Crown dialogue.

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

1. Promote the importance of Treaties and Treaty implementation to all Canadians.
2. Develop and implement an advocacy strategy which includes a political plan, a communications plan and a legal plan to achieve direct discussions between the Crown and Treaty Nations on Treaty implementation strategies.
3. Direct the Assembly of First Nations (AFN) Regional Chief – Treaties Portfolio holder, and other members of the AFN Executive, to work with the Crown to engage in Treaty-by-Treaty implementation with groups that provide their fully informed and free consent.

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TITLE: Support for National Treaties #1-11/Treaty Alliance Gathering

SUBJECT: Treaties

MOVED BY: Carl Kennedy, Proxy, Little Pine First Nation, SK

SECONDED BY: Brian Lee, Proxy, Ermineskin Cree Nation, AB

DECISION: Carried by Consensus

WHEREAS:

- A. Prior to the arrival of Europeans, the Indigenous Nations of Turtle Island entered into agreements with each other in order to provide safety, security, shelter and sustenance for their respective members. These agreements were based on mutual respect for the legal, political and governance protocols that guided their respective nations.
- B. In order to strengthen nationhood and to forge alliances, Indigenous Nations of Turtle Island gathered on a regular basis to renew and reconsider the obligations and responsibilities that flowed from the Treaties, compacts, covenants and agreements they made with each other.
- C. The Peepeekisis First Nation honoured the protocols inherent in the National Treaties #1-11/Treaty Alliance Gathering in Onion Lake, SK, in 2013, and in partnership with Treaty 4 First Nations, will host the National Treaties #1-11/Treaty Alliance Gathering August 11-14, 2014.
- D. The 2014 National Treaties #1-11/Treaty Alliance Gathering will bring together and provide an opportunity for Indigenous Peoples from across Turtle Island to gather in unity and friendship as we learn from each other, including all the First Nations who adhered to and entered into the Peace and Friendship Treaties, the Pre-Confederation Treaties, the Numbered Treaties, the Modern Treaties and those Indigenous Nations who retain their traditional territories.

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- E. Under the guidance of Treaty 4 elders, Chiefs and grassroots people, and in the spirit of respect, solidarity and alliance with those First Nations who are exercising their sovereignty and jurisdiction over their land and resources, the organizers of the 2014 National Treaties #1-11/Treaty Alliance Gathering have neither lobbied, nor sought monetary support from the petroleum industries.

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

1. Direct the Assembly of First Nations Executive Committee to work in partnership with the organizers of the 2014 National Treaties #1-11/Treaty Alliance Gathering by providing support to the Gathering organizers in whatever form, including lobbying to obtain financial resources from corporate and other sponsors, in direct human and/or financial support, as well as other types of support that will assist the Treaty 4 Nations in hosting the National Treaties #1-11/Treaty Alliance Gathering on August 11-14, 2014.

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TITLE: Support for Kwakiutl "Douglas" Treaty Implementation

SUBJECT: Treaties

MOVED BY: Chief Coreen Child, Kwakiutl Indian Band, BC

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

DECISION: Carried by Consensus

WHEREAS:

A. According to the United Nations Declaration on the Rights of Indigenous Peoples:

- a. 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.
- b. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- c. 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.
- d. 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.
- e. 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,

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territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

- f. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- B. The Assembly of First Nations (AFN) Executive Consensus Document, which emerged from the AFN dialogue and strategy sessions held on January 8th and 9th, 2013 in Ottawa, identifies among eight “remedies and actions required immediately,” Action Item 1—“Commitment to an immediate high level working process with Treaty Nation leadership for establishing frameworks with necessary mandates for the implementation and enforcement of Treaties on a Treaty-by-Treaty basis, between the Treaty parties Nation-to-Nation”.
- C. The AFN National Strategy on Treaty Implementation is guided by Resolution 07/2010, “Sacred Treaties – Sacred Trust: Working Together for Treaty Implementation and Advancing our Sovereignty as Nations”, and in accordance the AFN will continue to support Treaty First Nations and Treaty Territories by coordinating the necessary dialogue and facilitating the advocacy efforts lead by each Treaty region.
- D. On February 8th, 1851, Kwakiutl Indian Band entered into treaty with the Crown, which after 163 years requires enforcement and implementation.
- E. The 1851 Treaty with the Crown demonstrates the Kwakiutl people’s distinct spiritual relationship with their ancestral land, territories, waters, coastal seas, and resources—and responsibility to protect and uphold its distinct spiritual relationship for future generations.

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

1. Fully support the implementation of the Kwakiutl’s 1851 Treaty.
2. Demand that the Crown governments establish mandates to directly engage Kwakiutl Indian Band in Treaty implementation.
3. Direct the Assembly of First Nations (AFN) –Treaties Portfolio holder, and the AFN Executive, to advocate on behalf of Kwakiutl Indian Band and communicate the clear support of the Chiefs-in-Assembly.

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TITLE: Just Resolution of Specific Claims

SUBJECT: Specific Claims

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

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

DECISION: Carried by Consensus; 1 Abstention

WHEREAS:

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

- a. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- b. 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;
- c. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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- B. Canada introduced the *Justice at Last* initiative in 2007 and committed to improve previous processes for specific claims resolution through meaningful negotiation and mediation which included the creation of a new tribunal which could make final, binding decisions on rejected specific claims and new policies designed to streamline the resolution of specific claims and eliminate the specific claims backlog.
- C. The Government of Canada has failed to fulfill all of the commitments made in *Justice at Last* by:
- a. Refusing to negotiate claims in good faith;
 - b. Rejecting and closing claims at unprecedented rates (85% of claims are rejected and closed, up from 46% pre-*Justice at Last*);
 - c. Engendering an environment that has created massive numbers of new claims while simultaneously asserting publicly that few new claims are entering the system;
 - d. Cutting funding to claims research and development by 35-60% across Canada;
 - e. Imposing bureaucratic and operational obstacles to the resolution of specific claims; and,
 - f. Transferring its lawful obligation to resolve Specific Claims, and its moral obligation to do so through good faith negotiations, from the Departments of Aboriginal Affairs and Northern Development Canada and Justice onto an under-resourced Specific Claims Tribunal.
- D. The Tribunal and Courts are sending a clear message to the Government of Canada that claims must be negotiated in good faith and that Canada must fulfill its lawful and moral obligations with respect to specific claims:
- a. The Specific Claims Tribunal has so far ruled on three claims – all strongly in favour of the First Nations claimants;
 - b. In *Aundeck Omni Kaning v. Canada*, Tribunal Justice Patrick Smith found that Canada's unilateral, take-it-or-leave-it approach to the resolution of specific claims represents a blatant refusal to negotiate and undermines the Honour of the Crown in its dealings with First Nations, calling Canada's position "frankly, paternalistic, self-serving, arbitrary and disrespectful of First Nations." Such a position affords no room for the principles of reconciliation, accommodation and consultation that the Supreme Court, in many decisions, has described as being the foundation of Canada's relationship with First Nations; and,
 - c. The Federal Court of Appeal upheld the Specific Claims Tribunal's decision in the Kitselas First Nation claim agreeing that Canada's lawful obligation to protect First Nation villages and settlements existed when reserves were being allotted and confirms that Canada has judicially enforceable fiduciary duties to protect First Nation villages and settlements.

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- E. Despite these rulings, the Government of Canada continues to walk away from its lawful obligations with respect to specific claims; continues to refuse to negotiate; continues to challenge final and binding Tribunal decisions at the Federal Court of Appeal; continues to refuse to restore funding to specific claims research; continues to mislead the public about the success of *Justice at Last*; and, persists in its failure to uphold the Honour of Crown.
- F. A legislated five-year review of the *Specific Claims Tribunal Act* (SCTA) is slated to occur with First Nations direct input. First Nations, First Nation organizations, the Assembly of First Nations (AFN) and members of the Specific Claims Tribunal have not been formally contacted or invited to participate.
- G. The recent decision in *Roger William et al. v. HMOBC and AG Canada*, the Supreme Court of Canada creates an opportunity for the Government of Canada to re-examine and redefine its relationship with First Nations as one that honours and promotes true reconciliation through negotiation and collaboration, not simply lip-service to these principles.
- H. The Chiefs Committee on Claims has met and unanimously appointed two of its Chiefs to act as co-chairs until such time that an Executive portfolio holder is identified to support this Chiefs Committee.

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

1. Direct the National Chief and the Assembly of First Nations (AFN) Executive to demand that the federal government:
 - a. Immediately restore funding to specific claims research and development, and separate research funding and funding for First Nations to take claims to the Tribunal;
 - b. Immediately review all take-it-or-leave-it offers and negotiate these claims fairly;
 - c. Immediately engage with the AFN, other First Nations organizations and the Specific Claims Tribunal in the five year review of the *Specific Claims Tribunal Act* (SCTA);
 - d. Immediately cease its practice of unilaterally valuating claims and begin to engage with First Nations;
 - e. Immediately review and reconsider all rejected claims or partially rejected claims with a goal of negotiating these claims fairly and in good faith;
 - f. Ensure that Judicial Review processes are fair by immediately providing the necessary resources to First Nations to respond to current active and future applications to have Tribunal decisions judicially reviewed; and,
 - g. Ensure that Judicial Review applications are submitted as per the *Justice at Last* principles of fairness and transparency, and do not become the standard course of action on Canada's part following a favourable Tribunal decision.

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2. Direct the National Chief and the AFN Executive to:
 - a. Make specific claims a key priority and take a lead role in working with like-minded organizations to advance an aggressive public information campaign, including necessary advocacy work, media releases, op-eds, presentations at meetings, conferences, speeches, and other mechanisms that raise the profile of specific claims and address the misinformation being presented by the Government of Canada;
 - b. Report on these activities regularly to all First Nations;
 - c. Publicly demand the Government of Canada fulfill the promises made in *Justice at Last*; and,
 - d. Coordinate and lead a strategy to support First Nations in taking direct action if these issues are not addressed by November 15, 2015.
3. Direct the National Chief and the AFN Executive to demand that Canada pays all cost associated with First Nations addressing their land grievances regardless of the process chosen.

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TITLE: Advancing First Nations Control of First Nations Education

SUBJECT: Education

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

SECONDED BY: Debra Foxcroft, Proxy, Tseshah First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. First Nations' inherent and Treaty rights to self-determination, protected by section 35 of the *Constitution Act, 1982*, includes the right to develop, manage and maintain our own education systems. This is reflected in two key policy documents: Indian Control of Indian Education (1972) and First Nations Control of First Nations Education (2010), which set out the fundamental goal of true First Nations control over First Nations education based on our inherent and Treaty rights.
- B. First Nations education has been chronically underfunded, particularly since the Government of Canada imposed a 2 percent cap on funding for First Nations education in 1996.
- C. On February 7, 2014, Canada announced \$1.9 billion in funding for First Nations education. On April 10, 2014 Canada introduced Bill C-33, *First Nations Control of First Nations Education Act*, into the House of Commons.
- D. Resolution 01/2014, passed at the May 27, 2014 Assembly of First Nations (AFN) Special Chiefs Assembly rejects Bill C-33 and calls for:
 - a. The federal withdrawal of Bill C-33;
 - b. Canada to negotiate an agreement on a new fiscal framework and relationship for our education systems, in which Canada provides fiscal transfer payments to First Nations; and,
 - c. Canada to provide the \$1.9 billion immediately with a 4.5 percent escalator to begin closing the funding gap for First Nations education until such time as a new fiscal framework is agreed upon.

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- E. A Unanimous Statement also passed by the Chiefs-in-Assembly on May 27, 2014 calls for Canada to engage in an honorable process with First Nations that recognizes and supports regional and local diversity leading to true First Nation control of education based on our responsibilities and inherent Aboriginal and Treaty rights.
- F. First Nations are committed to quality education and improving outcomes for our children, through the achievement of true First Nations control of First Nations education based on our inherent and Treaty rights protected under the Constitution of Canada.

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

1. Reaffirm the fundamental objective of fully achieving and implementing First Nations control of First Nations education.
2. Call on the Government of Canada to engage honourably in a jointly established process to bring about improved learner outcomes and the advancement of First Nations control of First Nations education in a manner that:
 - a. Fully respects regional and local diversity;
 - b. Protects and strengthens existing regional education initiatives;
 - c. Commits to properly resourced education systems in each region, where culture and language are integral components, and appropriate and agreed accountability mechanisms are in place;
 - d. Fully respects and reflects partnership and is consistent with Treaty relationships, reconciliation required by section 35 of the *Constitution Act, 1982*, and the United Nations Declaration on the Rights of Indigenous Peoples, in order to support implementation and achievement of First Nations jurisdiction over education; and,
 - e. Supports First Nations ultimate transition out from under the *Indian Act*.
3. Call on the Assembly of First Nations Executive Committee and designated Regional Education political and technical representatives to convene a meeting for the purpose of determining how to proceed to implement Resolution 01/2014 and the Unanimous Statement passed by the Chiefs-in-Assembly on May 27, 2014.
4. Direct that the meeting be convened within two weeks.

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TITLE: Appointment of a Chiefs Committee on Hydraulic Fracturing

SUBJECT: Natural Resource Extraction

MOVED BY: Chief Candice Paul, Saint Mary's First Nation, NB

SECONDED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples 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." Article 29 (1) "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." Article 29 (2) "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources." Article 32 (2) "Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration".
- B. The method of hydraulic fracturing for natural gas and oil, in shale rock and other geologic deposits is occurring throughout Canada and is expanding in scope.
- C. The expansion of hydraulic fracturing technology has caused significant conflict between the Crown and First Nations, leading to direct action across Canada that is likely to continue and expand.
- D. There is currently no First Nations national strategy on approaches to energy issues and a need to advocate for a new process that respects First Nations authority, rights and title.

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- E. The Chiefs-in-Assembly have called for Canadian Government to launch a formal investigation into cumulative impacts of shale gas developments on First Nation lands, resources and environment by adopting Resolution 28/2011 on the 14th day of July, 2011 in Moncton, New Brunswick.
- F. The Chiefs-in-Assembly adopted a "Moratorium on Hydraulic Fracturing" by virtue of Resolution 69/2011 the 8th day of December, 2011 in Ottawa, Ontario.
- G. The Indigenous Peoples have a moral obligation to their lands and waters.
- H. The Chiefs-in-Assembly resolved to offer "Support for Action" by adopting Resolution 82/2011 on the 19th day of December, 2011 in Ottawa, Ontario that has not yet been fully implemented.
- I. The Chiefs-in-Assembly have resolved to create a "National First Nations Water Strategy" by adopting Resolution 20/2012 on the 19th day of July, 2012 in Toronto, Ontario.
- J. The Chiefs-in-Assembly have resolved to support the Fort Nelson First Nation Call for a Moratorium on all Water Act Licensing for Fracking by adopting Resolution 80/2012 on the 6th day of December, 2012 in Gatineau, Quebec.
- K. The Chiefs-in-Assembly have resolved to support the creation of "Indigenous Protected Areas" by virtue of Resolution 10/2013 adopted on the 17th day of July, 2013 in Whitehorse, Yukon.

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

1. Re-affirm their commitment to the principles, values and goals of the aforementioned resolutions.
2. Demand a ban on hydraulic fracturing until a Commission of Inquiry, with membership appointed by First Nations, investigates and provides First Nations with reliable and independent information on the cumulative effects of fracking on the environment and on the Treaty rights and inherent rights of First Nations.
3. Direct the Assembly of First Nations Executive to identify through their regional representatives Chiefs who are facing or are likely to face hydraulic fracturing on their traditional territories for the purposes of convening a Chiefs Committee on Hydraulic Fracturing as soon as practicable.
4. Direct that the Chiefs Committee on Hydraulic Fracturing should examine strategies to fully implement and support this resolution as soon as practicable, including but not limited to legal, scientific and advocacy strategies at the local, regional, national and international level.

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TITLE: Protecting the Confidentiality of Resource Agreements

SUBJECT: Economic Partnerships, Environment, Governance

MOVED BY: Chief Anne Archambault, Conseil de la Première Nation Malecite de Viger, QC

SECONDED BY: Chief Terence McBride, Timiskaming First Nation, QC

DECISION: Carried by Consensus

WHEREAS:

- A. As affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the First Nations of Canada have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired as well as the right to own, use, develop and control such lands, territories and resources.
- B. Article 26 of the UNDRIP states that 1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired; 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; and, 3) States shall give legal recognition and protection to these lands, territories and resources and such, recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.
- C. First Nations have rights in and to the natural resources of their traditional lands by virtue of their Aboriginal rights, Aboriginal title and treaty rights, as recognized and affirmed by the *Constitution Act, 1982*.
- D. The Supreme Court of Canada has recently affirmed such rights in the landmark *Tsilhqot'in Nation v. British Columbia* decision, thereby sending a clear message to governments that they cannot continue to ignore First Nations' rights to their traditional lands and natural resources.

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- E. First Nations support the sustainable development of the natural resources of their traditional lands, provided that such development respects their rights and interests, that such development is socially acceptable to the First Nations, that appropriate measures are taken to protect their environment and traditional activities, and that benefits flow to the First Nations.
- F. After years of confrontation and litigation, resource industries and First Nations are increasingly entering into partnerships with respect to the development of natural resources on the traditional lands of First Nations, to their mutual benefit and that of Canada as a whole.
- G. The Government of Canada seeks to violate the confidentiality of present and future resource agreements concluded between First Nations and the mining and other extractive resource sectors by proposing the mandatory publication by industry of the financial benefits received by First Nations under such agreements.
- H. Contrary to the Constitutional Law of Canada, no meaningful consultation has taken place with First Nations regarding these proposed measures, which would have serious adverse impacts on First Nations.
- I. Although the principles of transparency and accountability have been invoked by the Government of Canada as justification for attacking the confidentiality of such agreements, the real objective is to force the disclosure of so-called "own source revenues" received by First Nations from industry so as to permit the Government of Canada to "claw back" these revenues and to off-load its own financial obligations toward First Nations onto these Nations themselves, as well as onto developers and provincial governments.
- J. The proposed publication of payments to First Nations diverges from reporting standards in the United States of America and the European Union, setting the stage for confrontation with Aboriginal peoples across Canada.
- K. The agreements between the First Nations and resources industries are private, commercial agreements that contain sensitive, confidential information, the disclosure of which is normally prohibited by Access to Information legislation.
- L. There is no compelling public interest to require the disclosure of these agreements, but, on the contrary, the public interest favours the continued confidentiality of such agreements as necessary for the orderly development of the resource wealth of Canada, for the benefit, not just of the First Nations communities, but of all Canadians.
- M. Putting an end to the confidentiality of partnership agreements between First Nations and industry would hinder their conclusion, undermining the support of First Nations for sustainable resource development in Canada, jeopardizing the emerging partnership between First Nations and industry, and putting at risk resource development in Canada.

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

1. Firmly oppose the Government of Canada's attack on the confidentiality of the economic and financial terms of agreements concluded between industry and First Nations regarding mining and other extractive resource sectors.
2. Demand that Canada and the provinces take all required measures, including legislative, regulatory and administrative measures, to prevent the mandatory publication of agreements between industry and First Nations, including the payments made under such agreements, and to respect and protect their privacy and confidentiality and the interests of the emerging partnership between First Nations, governments and industry for responsible resource development in Canada.
3. Instruct the Assembly of First Nations Secretariat to correspond with the Government of Canada on the need for this federal initiative to respect First Nations rights and jurisdiction.

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TITLE: Post-Secondary Education

SUBJECT: Education

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

SECONDED BY: Chief Sheri Doxtator, Oneida Nation of the Thames, ON

DECISION: Carried by Consensus

WHEREAS:

- A. There is a well-documented education achievement gap between First Nations learners and others which has become the focus of several well-intentioned efforts to close the gap.
- B. The gap has evolved as a result of several contributing factors not the least of which are: social policy and education programming designed to eradicate "Indian" identity through the destruction of the Indigenous ways of living and knowing (culture and language), and to assimilate Indigenous peoples into the broader public.
- C. First Nations-in-Assembly have endorsed the *Taking Action for First Nations Post-Secondary Education: Access, Opportunity, and Outcomes Discussion Paper* as a key resource for the development of a national First Nations' position on post-secondary education in Resolution 11/2010.
- D. Resolution 11/2010 also acknowledges that existing federal government management practices must be addressed and confirm that First Nations need to play a significant role in the development of policy solutions to improve and enhance the post-secondary education program.
- E. The Federal Minister of Aboriginal Affairs and Northern Development Canada (AANDC) announced that the Federal Government will provide Indspire up to \$10 million from the Government of Canada's Economic Action Plan 2013, matching any donations or contributions Indspire can raise – First Nations were not duly consulted, nor did they play a significant role in this decision.

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- F. First Nation post-secondary education is a Treaty right and in the announcement, Minister Valcourt stated, “Canada will continue to work with our partners to support First Nations and Inuit students so that they can reach their potential and become full participants in the Canadian economy”, which confirms Canada’s position that post-secondary education funding is a social program.
- G. First Nations in Canada require Indigenous education and not just education designed to further assimilate our people.

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

1. Direct that any further funding provided by the Federal Government of Canada for post-secondary education be provided directly to First Nations.
2. Encourage and welcome education funding support from the private sector provided that funding is directed to Indigenous education as designed and delivered by the First Nations in Canada. Private sector funding must not diminish federal government funding for education.
3. Direct the Assembly of First Nations to assign a Task Team to these ends and report back to the Chiefs-in-Assembly on the progress made in regards to securing further post-secondary funding from the Federal Government and the private sector.

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TITLE: Support for Reconciliation Canada and its New Way Forward Initiatives

SUBJECT: Indian Residential Schools

MOVED BY: Grand Chief Stewart Phillip, Proxy, Penticton Indian Band, BC

SECONDED BY: Chief Shane Gottfriedson, Tk'emlups Te Secwepemc, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples sets out:
- a. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group;
 - b. Article 8(2): States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration.
- B. On May 8, 2006, Canada and the Assembly of First Nations (AFN) entered into the Indian Residential Schools Settlement Agreement (IRSSA).
- C. On June 11, 2008, Prime Minister Stephen Harper issued a Statement of Apology on behalf of Canadians for the Indian Residential Schools (IRS) System.
- D. The IRSSA called for the establishment of the Truth and Reconciliation Commission of Canada (TRC) to learn the truth about what happened in the residential schools and to inform all Canadians.
- E. The TRC is scheduled to complete its mandate in the spring of 2015 and it is imperative that the momentum to support reconciliation initiatives to-date be sustained.

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- F. Reconciliation Canada is an Indigenous-led, non-partisan charitable project established to build a campaign leading up to the Vancouver National TRC event in 2013 and to connect communities to develop a new way forward together.
- G. Reconciliation Canada is initiating a national campaign to engage all Canadians - from every level of society and background - to take steps to create a new way forward in the relationships between and among Indigenous and non-Indigenous Canadians.
- H. Reconciliation Canada's New Way Forward initiatives will catalyze and facilitate reconciliation dialogue and action between and among Indigenous and non-Indigenous peoples and communities across Canada.

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

1. Support the work of Reconciliation Canada creating events and educational experiences to revitalize relationships among Indigenous peoples and Canadians to build successful, inclusive and prosperous communities.
2. Direct the Assembly of First Nations National Executive to support Reconciliation Canada and the establishment of its reconciliation activities in each region of the country.

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TITLE: Personal Education Credits - Indian Residential School Settlement Agreement

SUBJECT: Indian Residential Schools

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

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

DECISION: Carried; 3 abstentions

WHEREAS:

- A. The Canadian government created the Indian Residential School (IRS) System for the sole purpose "to kill the Indian in the child."
- B. The deep impacts of the IRS System have had a devastating effect on Indigenous Peoples and are the main contributing factor to loss of language, culture and ceremonies, and the occurrence of sexual, physical, emotional and spiritual abuse, impacting all generations of First Nation people.
- C. On June 11, 2008, Prime Minister Stephen Harper apologized to Indigenous Peoples and finally acknowledged that Canada's IRS policies have had a negative and long lasting impact on Indigenous Peoples.
- D. Overall, around only 80,000 survivors received Common Experience Payments (CEP) since many former students did not receive information about the Indian Residential School Settlement Agreement (IRSSA) and did not apply, including former students who were incarcerated, homeless and in remote locations.
- E. Article 5.07(1) of the IRSSA states that if there is an excess in the Designated Amount Fund for the CEP of over \$40 million, that all CEP recipients are eligible for non-cash Personal Credit for education up to \$3,000.
- F. The Assembly of First Nations (AFN) has reported that there is an unspent balance of \$323 million in the CEP Designated Amount Fund.

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- G. The roll-out of Personal Credits was only announced in January 2014 with the unrealistic expectation that all applications must be received by October 2014 and personal credits redeemed by December 1, 2014 at eligible educational entities.
- H. Any remaining unspent funds will be provided to the National Indian Brotherhood Trust and the Inuvialuit Education Foundation for education purposes.

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

1. Direct the Assembly of First Nations (AFN) to strongly advocate:
 - a. That the Personal Credits for educational programs and services be eliminated entirely, and the value of the remaining unspent funds from the Designated Amount Fund be paid directly to all the Survivors and/or their heirs, if they are deceased, who received the Common Experience Payment (CEP).
 - b. If there is no success in eliminating the Personal Credits program, that all remaining unspent funds be released to the National Indian Brotherhood Trust, and that any unspent funds from the CEP Designated Amount Fund be given directly to all the Survivors who received CEP and, if they are deceased, to their heirs.
2. Direct the AFN to report back to the Chiefs-in-Assembly on the progress made in regards to these options.

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TITLE: Support for Reconciliation and the Continuation of Healing Programs for the Indian Residential School Survivors and their Families

SUBJECT: Indian Residential Schools, Reconciliation

MOVED BY: Gord Peters, Proxy, Flying Post First Nation, ON

SECONDED BY: Chief Louise Hillier, Caldwell First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. Article 8 (2) of the United Nations Declaration on the Rights of Indigenous Peoples states that “States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; and (d) Any form of forced assimilation or integration”.
- B. Since contact, colonial governments have maintained a course to undermine our Nationhood, use all available methods to assimilate and extinguish our National identities, and disenfranchise us from our homelands.
- C. The Indian Residential School (IRS) system was used by Canada and the Churches as a means to achieve assimilation both in terms of religious and cultural integration of Indigenous people.
- D. The Royal Commission on Aboriginal Peoples recognized that there needs to be a network of healing lodges to support healing and wellness of Indigenous peoples and to fill the acute need of treatment for residential school survivors overwhelmed by social, emotional and spiritual distress.
- E. Prime Minister Harper, on June 11, 2008, offered an apology on behalf of Canada asking for forgiveness for their policy of assimilation, recognizing the wrong and the great harm caused by IRS.

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- F. In the 2010 Federal Budget, the federal government announced that the funding to the Aboriginal Healing Foundation (AHF) would not be renewed and that Health Canada would be responsible for the health needs of survivors and their families.
- G. The health supports provided through Health Canada are often external to the community and include a limited number of support sessions which are approved to deal with individual survivor therapeutic needs. The supports are often delivered without any cultural healing or wellness perspective, thereby limiting the services in terms of effectiveness.
- H. Necessary healing services funded through the AHF terminated December 31, 2013 leaving gaps in services for residential school survivors and their families.
- I. The Aboriginal Healing Network (AHN), a national healing network, is filling a gap created by Health Canada and the ending of the AHF in providing/designing a health-care delivery system of care that supports a traditional and mainstream of health care to support healing, wellness and reconciliation among survivors and their families.
- J. Implementation of the Indian Residential School Settlement Agreement (IRSSA) has also created complex and serious problems arising from the residential school Independent Adjudication Process and other processes through which survivors are emotionally triggered, including the Truth and Reconciliation Commission (TRC) events and testimony.
- K. The TRC, in its Interim Report, recommends the establishment of wellness centres that would specialize in childhood trauma and long-term grief counselling for residential school survivors and their families and communities.
- L. When the IRSSA has been completed under its original timelines, as decided by the Courts, the Residential School Support Program will end, leaving the path of healing for survivors and their families to be followed on an individual basis with no outside support. Healing is going to take some time and the long-term health of our communities depends upon there being proper health supports put in place.

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

1. Call upon the Assembly of First Nations (AFN) National Executive to address unresolved issues related to the Indian Residential School Settlement Agreement (IRSSA) directly with the Prime Minister, including the Independent Assessment Process, Personal Education Credits and ongoing healing supports to the Indian Residential School (IRS) survivors and their families.
2. Direct the AFN to develop a communication strategy related to the potential transfer of funds from the Common Experience Payment Designated Amount Fund to the National Indian Brotherhood Trust and to develop a process for survivor engagement on use of these funds.

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3. Direct the AFN to advocate for continued supports to IRS survivors and the national healing network to deal with the re-victimization of survivors in all aspects of implementation of the IRSSA including: law firms who have taken financial advantage of survivors (such as the Blott and Company), other form fillers, ongoing processes related to IAP hearings and personal education credits, etc.
4. Direct the AFN to support the development of a strategy to address needs related to the rebuilding of our families and communities as a result of residential school impacts.
5. Direct the National Executive to provide political support to the Aboriginal Healing Network (AHN) in the development and implementation of a strategy to secure additional funding through the Churches, governments and other potential sources to achieve sustainable funding for essential healing services for our communities.
6. Support survivors to freely choose what is done with their information, stories and evidence as the intellectual property of each individual survivor.

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TITLE: Orange Shirt Day

SUBJECT: Indian Residential Schools

MOVED BY: Chief Shane Gottfriedson, Tk'emlups Te Secwepemc, BC

SECONDED BY: Chief Mike Archie, Canim Lake Indian Band, BC

DECISION: Carried by Consensus

WHEREAS:

- A. United Nations Declaration on the Rights of Indigenous Peoples Article 7: Number 2 – Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- B. Orange Shirt Day is a legacy of the St. Joseph's Mission Residential School Commemoration Project and Reunion that took place in May 2013. Phyllis Webstad shared her story of St. Joseph's Mission Residential School when she had her new orange shirt, bought by her grandmother, taken from her as a six-year old girl.
- C. Orange Shirt Day is an opportunity to create meaningful discussion about the effects of Residential Schools and the legacy they have left behind. It involves a discussion all Canadians can tune into and create bridges with each other for reconciliation, a day for survivors to be reaffirmed that they matter, as well as those that have been affected. From now on, Every Child Matters, even if they are an adult.
- D. Resolutions declaring September 30th as Orange Shirt Day have been passed from the Cities of Williams Lake; Quesnel; Wells; 100 Mile; the Cariboo Regional District; and, School Districts #27 and #28.
- E. The Orange Shirt Day Committee would like the support of the Assembly of First Nations Chiefs-in-Assembly for Orange Shirt Day.

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

1. Declare September 30th as Orange Shirt Day annually.
2. Commit to bringing the message home and doing their part to raise awareness behind the essence and meaning of Orange Shirt Day to their citizens and surrounding communities.
3. Direct the AFN Executive to promote and uphold the meaning of Orange Shirt Day, Every Child Matters, and pass along this message to the Canadian Government and Churches responsible.
4. Call upon all Canadians to listen with open hearts to the stories of survivors and those affected by Residential School to fully comprehend each other. This is a first step in reconciliation.

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TITLE: Support for the World Conference on Indigenous Peoples 2014

SUBJECT: International

MOVED BY: Grand Chief Stewart Phillip, Proxy, Penticton Indian Band, BC

SECONDED BY: Chief Shane Gottfriedson, Tk'emlups Te Secwepemc, BC

DECISION: Carried; 5 objections; 3 abstentions

WHEREAS:

- A. First Nations Chiefs and Leaders across Canada have consistently worked to address the extreme disadvantages that Indigenous Peoples have typically faced across a range of social and economic indicators and have worked to address the impediments to their full enjoyment of their Aboriginal title and rights.
- B. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) addresses the individual and collective rights of Indigenous Peoples, and is considered a milestone in the recognition of the rights of indigenous peoples.
- C. The World Conference on Indigenous Peoples (WCIP) is a high-level plenary (HLP) meeting of the United Nations General Assembly, to be held September 22-23, 2014, at United Nations (UN) headquarters in New York, U.S., and is intended to build on the achievement of the adoption by the UN General Assembly of the UNDRIP.
- D. The Chiefs in Assembly have supported First Nation Engagement at the WCIP through Resolution 62/2012, "World Conference on Indigenous Peoples" and Resolution 01/2013, "Status for Constitutional and Customary Governments at the United Nations World Conference on Indigenous Peoples 2014, UNDRIP and Indigenous Peoples' Priorities".
- E. Further, the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples have undertaken various activities and have been involved in the preparatory process for the WCIP.
- F. The WCIP provides an opportunity for Indigenous Peoples to share perspectives and best practices on the realization of the rights of Indigenous Peoples, including pursuing the objectives of the UNDRIP.

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- G. First Nations and Indigenous Peoples across Canada recognize the opportunity offered by the WCIP, leading toward the ultimate objective of an action-oriented outcome document aimed at the realization of the human rights of Indigenous peoples, which could consider inclusion of the following issues:
- i. Indigenous governance and authorities;
 - ii. The substantive legal rights of Indigenous Peoples to their "lands, territories and resources";
 - iii. The full and effective implementation of "treaties, agreements and the constructive arrangements" including an effective international mechanism for implementing, monitoring, resolving disputes and violations of these "treaties, agreements and other constructive agreements" and other provisions of the UNDRIP;
 - iv. The survival of Indigenous languages which are becoming extinct at a rate of one language every two weeks;
 - v. The continued unacceptable violence against Indigenous women and girls;
 - vi. The full and effective participation of Indigenous Peoples in all UN processes;
 - vii. Using the framework of the UNDRIP as the basis of a third decade on Indigenous Peoples and for the development and implementation of the post-2015 development agenda;
 - viii. The inclusion of disabled Indigenous representatives, as well as youth and elders, in the HLP/WCIP; and,
 - ix. The full and effective participation of Indigenous Peoples where States are developing laws, policies and administrative arrangements which impact on Indigenous Peoples as substantial components of the right to self-determination.
- H. The zero-draft of the final document of the HLP meeting of the 69th session of the General Assembly, to be known as the WCIP, has recently been published and is the product of submissions by Member States and Indigenous Peoples to date and will serve as the basis for advancing negotiations. This document will serve as the basis for informal consultations scheduled for July 16, 2014, after which a second-zero draft will be released for the second and final informal consultation on August 18, 2014.

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

1. Support the high-level plenary meeting of the United Nations (UN) General Assembly, to be held September 22-23, 2014, at UN headquarters in New York, New York, USA, known as the World Conference on Indigenous Peoples (WCIP).
2. Direct the Assembly of First Nations Executive and senior administrative leadership to encourage all interested First Nations to take advantage of opportunities for Indigenous Peoples to participate in the WCIP process and to share perspectives and best practices on the realization of the rights of Indigenous Peoples.

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TITLE: Support for Manitoba First Nations Affected by Flooding

SUBJECT: Water and Infrastructure

MOVED BY: Chief Jim Bear, Brokenhead Ojibway Nation, MB

SECONDED BY: Tim Catcheway, Proxy, Waywayseecappo First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. Article 10 of the United Nations Declarations of Indigenous Peoples (UNDRIP) provides that, "Indigenous peoples shall not be forcibly removed from their lands and territories. No relocation shall take place without the free, prior and informed consent of the people concerned and after agreement on just and fair compensation and, where possible, with the option of return."
- B. Article 24(2) of the UNDRIP provides that, "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."
- C. Article 23 of the UNDRIP provides 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 programs affecting them and, as far as possible, to administer such programs through their own institutions."
- D. Section 7 of the Charter of Rights and Freedoms, forming part of the *Constitution Act, 1982*, assures that, "(e)veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."
- E. Article 35(1) of the *Constitution Act, 1982* provides that "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

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- F. Resolution 73/2011 called on the "Federal government and Minister of Aboriginal Affairs and Northern Development to expedite the process of finding new land and converting it to reserve status so that the Lake St. Martin First Nation community members can move out of hotels and temporary housing and into their own community."
- G. Interlake Reserves Tribal Council wrote a letter to Manitoba Premier Greg Selinger dated July 14, 2014, stating that "to date, dozens of displaced Indigenous peoples from the Treaties One, Two, Three, Five and Ten lands have passed away while living in temporary accommodations in the post flood years since 2011."
- H. Access to adequate and comparable emergency services in First Nation communities by the Government of Canada has been guaranteed by the acceptance of the responsibility for such services by the Minister of Aboriginal Affairs and Northern Development Canada.
- I. Refusals and delays by the Government of Canada in responding to the repeated calls for free, prior, and informed consent in matters that affect their people, communities, and livelihoods has resulted in the preventable and needless hardships for affected First Nation communities, and represents a direct violation of constitutionally protected Aboriginal and Treaty rights.

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

1. Declare that any refusal or delay by the Government of Canada in responding to calls for free, prior, and informed consent in matters that affect First Nations Peoples, communities, and livelihoods is contrary to the rights to health of Indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples.
2. Call on the Assembly of First Nations and National Chief to call on the Minister of Aboriginal Affairs and Northern Development Canada to immediately takes steps to fulfill the fiduciary duty to protect the health, safety, property, and economic livelihood of First Nations affected by the flooding crises of 2011 and 2014, and to negotiate in good faith to address outstanding grievances.

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TITLE: Five Year Review of the Application of the *Canadian Human Rights Act* (CHRA) on First Nations

SUBJECT: *Canadian Human Rights Act*

MOVED BY: Chief Donald Maracle, Mohawks of the Bay of Quinte, ON

SECONDED BY: Brennan Manoakeesick, Proxy, Fox Lake First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. Article 2 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides that the Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- B. Article 27 of UNDRIP provides that 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.
- C. On June 18, 2008, parliament passed *An Act to amend the Canadian Human Rights Act* ("amendment") repealing section 67.
- D. The amending legislation requires the Government of Canada to provide a comprehensive report to Parliament. Section 2 of the amending legislation provides that:
 - a. Within five years after the day on which this Act receives royal assent, a comprehensive review of the effects of the repeal of section 67 of the *Canadian Human Rights Act* shall be jointly undertaken by the Government of Canada and any organizations identified by the Minister of

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Indian Affairs and Northern Development as being, in the aggregate, representative of the interests of First Nations peoples throughout Canada.

- b. A report on the review referred to in subsection (1) shall be submitted to both Houses of Parliament within one year after the day on which the review is undertaken under that subsection.
- E. A five year comprehensive review on the effects of section 67 was required to be jointly undertaken with representatives of First Nations by June 18, 2013.
- F. The comprehensive report was due in Parliament one year later on June 18, 2014.
- G. The Minister of Aboriginal Affairs and Northern Development Canada (AANDC) has not undertaken this comprehensive study with First Nations or the Assembly of First Nations (AFN) and furthermore has not provided a report to Parliament due on June 18, 2014.
- H. AFN submitted a proposal to AANDC to work with First Nations to compile a comprehensive report and was denied in place of a one-month timeframe and limited resources for completion.
- I. This comprehensive report is without prejudice to any cases currently before the Canadian Human Rights Commission or the Canadian Human Rights Tribunal.

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

1. Recognize that completion of a comprehensive review on the effects of the repeal of s. 67 of the *Canadian Human Rights Act* (CHRA) is impossible to complete within one month.
2. Reject the one-month timeframe as allotted by the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) for the Assembly of First Nations (AFN) to undertake a report as set out in section 2 of the amendment.
3. Direct the AFN to call on the Minister of AANDC to seek adequate time and resources to work with First Nations to provide a comprehensive report to Parliament.
4. Call on the Minister of AANDC to inform Parliament that it has not met the legal requirement in section 2 of the amendment to jointly undertake a comprehensive report on the effects of the repeal.
5. Invite First Nations to submit information on implementation of the CHRA to AANDC and to AFN to assist in the development of a comprehensive report to Parliament.

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TITLE: Support for the First Nations Mental Wellness Continuum Framework

SUBJECT: Health, Mental Wellness

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

SECONDED BY: Chief Candice Paul, Saint Mary's First Nation, NB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) states in section 18: "Indigenous people 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". The UNDRIP states in section 24.2: "Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right".
- B. First Nations communities across Canada are declaring a state of crisis with regards to mental wellness 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.
- C. Federal mental health services focus on upstream or general prevention and promotion activities targeting the community and downstream on crisis response, primary prevention and issues specific programming, but they are often not well coordinated. Significant gaps exist between and among these services and they are not always delivered in a culturally-safe manner.
- D. The Assembly of First Nations (AFN), National Native Addictions Partnership Foundation (NNAPF), Indigenous mental health leaders and Health Canada have worked collaboratively to develop a First

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Nations Mental Wellness Continuum Framework that honours principles of meaningful engagement, cultural competence and respect.

- E. The First Nations Mental Wellness Continuum Framework builds off of the work created in the Honouring Our Strengths Framework (Resolution 60/2010) that describes a strength-based approach to prevention, intervention and healing. The Framework outlines opportunities to strengthen existing mental wellness programming within our communities. This work is based on the social determinants of health, and more importantly demonstrates that there is no “one size fits all” approach to community wellness. This framework will be available to communities to adapt, reform and realign their mental wellness programs and services according to their own priorities and at their own pace.
- F. Previous resolutions on mental wellness include: 30/2013, 29/2013, 08/2013, 57/2012, 55/2012, 57/2011, 07/2011, 04/2011, 60/2010, 06/2010, 30/2009, 05/2009, 06/2008, and 15/2005.

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

1. Endorse the First Nations Mental Wellness Continuum Framework.
2. Direct the AFN to continue discussion with Health Canada to advocate for the inclusion of provinces and territories in all future discussions regarding the implementation activities of the First Nations Mental Wellness Framework.
3. Direct the AFN to advocate to the federal government to support the full implementation of the First Nations Mental Wellness Continuum Framework at all levels (community/provincial/territorial/federal).
4. Direct the AFN to continue to advocate for adequate resources to support the implementation of the First Nations Mental Wellness Continuum Framework.

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TITLE: Pay Equity Renewal Opportunities (National Native Alcohol and Drug Abuse Program)

SUBJECT: Health, Social Services

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

SECONDED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples notes that Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions in the areas of education, employment, and health.
- B. The National Native Alcohol and Drug Abuse Program (NNADAP) began 30 years ago as a prevention program and has expanded to encompass many other areas of addictions inclusive of prevention, intervention, crisis response and knowledge translation.
- C. NNADAP has not received a funding increase since the 1990s and no new resources have been made available to implement the range of services recommended in the Honouring Our Strengths Framework, to adequately address addictions needs in First Nation communities.
- D. The Assembly of First Nations (AFN), the National Native Addictions Partnership Foundation (NNAPF), and the First Nations and Inuit Health Branch (FNIHB) of Health Canada have collaborated on a comprehensive, community-driven review of substance use-related services and supports for First Nations people in Canada that resulted in the Honouring Our Strengths Framework that presented recommendations to re-profile services to better address addictions in our communities.
- E. The Regional Health Survey of 2010 identified substance use as the number one issue challenging First Nations.

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- F. Despite initiatives taken by NNADAP workers to increase their professional competency by meeting standards for Addictions Counsellor Certification, in addition to post-secondary education, the full-time salaries of some NNADAP workers do not meet or even approach provincial standard wages for qualified addictions workers with the same education, skills, and hours of work resulting in a drain on the available workforce for First Nations.
- G. The current funding formula does not provide adequate resources to support equitable salaries, operation or program delivery, despite the fact that the qualified workforce is burdened with high caseloads that require commitment to address more complex needs related to conditions including intergenerational trauma, residential school impact, and poverty.
- H. Eighty-six percent of NNADAP Treatment programs are accredited with standards of excellence for health care and there are more accredited treatment programs in NNADAP than across provincial treatment centers; it is an absolute necessity for the treatment centres to receive a significant investment to adequately manage the ever increasing operating costs (fuel, food, utilities, etc.), in order to continue meeting standards of excellence in the delivery of quality of services.
- I. Chronic underfunding places families and communities at risk with higher numbers of children in care, unsafe conditions for children and elders, and high stress as NNADAP workers bear increasing responsibility for assessing safety and risk in a multi-faceted field of high-risk substance abuse behaviour levels, resulting in worker burnout and turnover – a situation that we will no longer tolerate as this is a violation to our rights as human beings to live a life enjoyed by the majority of Canada.
- J. NNADAP workers are not always compensated equitably for their professional competencies, qualifications, skills and tireless contributions to the well-being of community members across the continuum of care.
- K. In 2014, the Ontario Chiefs-in-Assembly endorsed the development and implementation of a pay equity strategy led by the NNADAP Treatment Centre Directors of Ontario and the Ontario Regional Addictions Partnership Committee in Ontario Chiefs Assembly Resolution 13/2007.

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

1. Unite in our efforts to support more investments in National Native Alcohol and Drug Abuse Program (NNADAP) of the community-based and treatment centre programs, as per recommendations and information provided by the Ontario Regional Addictions Partnership Committee.
2. Mandate the Assembly of First Nations (AFN) to work with National Native Addictions Partnership Foundation (NNAPF) to define and seek equitable funding to implement the continuum of care to address substance use issues in our communities as defined in the Honouring Our Strengths renewal framework and advocate for these funds across all levels of government.

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3. Mandate the AFN to work with the NNAPF to investigate the feasibility of a complaint under the Canadian *Human Rights Act* challenging the lack of pay equity, pension and employee assistance programming for NNADAP workers as compared to the rest of Canada.
4. Mandate that a National Chiefs Committee be established to work with Ontario Regional Chiefs Committee to advocate for support on this initiative, and/or to work as part of the Chiefs Committee on Health.
5. Direct the AFN to investigate and continue to advocate for opportunities for funding for implementation of the Honouring Our Strengths Framework.
6. Direct the AFN to define the fiduciary responsibilities for this funding and seek support for lobbying efforts with the federal government.

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TITLE: Protecting Trade and Commerce of Indigenous Peoples

SUBJECT: Jurisdiction/Tobacco

MOVED BY: Darryl Hill, Proxy, Six Nations of the Grand River Territory, ON

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

DECISION: Carried by Consensus

WHEREAS:

- A. Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that Indigenous peoples have the right to self-determination and by virtue of that right, they can freely determine their political status and freely pursue their economic, social and cultural development.
- B. Article 20 of UNDRIP states that 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.
- C. Article 26 of UNDRIP states that 1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired; 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; and, 3) States shall give legal recognition and protection to these lands, territories and resources and such, recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.
- D. The Treaty of 1701 (Peace Treaty of Montreal) was applied to beaver hunting grounds in recognition of beaver pelts as currency for trade and commerce, thereby creating economic rights, and is recognized by the Courts in Ontario resulting in the creation of an economic protectorate for First Nations.
- E. Indigenous Peoples have the inherent right to trade within and between Nations as pursued since time immemorial, including the right to acquire, possess, store, transport, handle, trade or retain Indigenous

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manufactured products, in particular tobacco products, without restrictions from any foreign government, as to quantity or proposed or actual use or disposition.

- F. This resolution does not abrogate or derogate from any existing First Nation, Treaty rights, or any trade agreements previously made.

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

1. Reject federal Bill C-10, *Tackling Contraband Tobacco Act*, as it is in direct contravention of First Nations' inherent right to trade.
2. Encourage First Nation communities to inform and engage Members of Parliament and to use all measures at their disposal to stall, stop and prevent Bill C-10 from becoming Canadian Law as it is in direct violation of our established rights to trade and commerce.
3. Commit to increasing the knowledge and understanding, through public relations and public awareness efforts among First Nations and the public-at-large, of the requirement and sacredness of tobacco in the lives of Indigenous Peoples.
4. Direct the Assembly of First Nations Secretariat to make efforts to secure funds to host a forum for First Nations, organizations and businesses to discuss all matters related to tobacco. This forum would bring together First Nation communities and experts to develop a template/framework consisting of regulations and laws and other tools for the use and benefit of Indigenous Peoples and First Nation communities.

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TITLE: Increase Funding Advocacy Efforts to Support the AFN Tri-Council

SUBJECT: AFN Tri-Council

MOVED BY: Chief Glenda Campbell, Tzeachten First Nation, BC

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

DECISION: Carried by Consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) Tri-Council (consisting of the Women's Council, National Youth Council and the Council of Elders) was established to ensure the perspectives and concerns of First Nations Elders, women, and youth are fully understood and incorporated into work of the AFN Secretariat.
- B. The purposes of the AFN Women's Council are:
 - a. To unify and assist in creating healthy, happy and harmonious communities through cultural identity and cultural teachings, based on respect, love, courage, wisdom, honesty, humility and truth.
 - b. To establish a gender-balanced perspective within First Nation communities and within all entities dealing with First Nations, that honours the rights and aspirations of First Nations women.
- C. The National Youth Council represents First Nations youth across the country. The Council provides insight to many committees and working groups, as well as the AFN Secretariat, on various youth-related issues.
- D. The Council of Elders advises and provides guidance to the AFN Executive and Secretariat on all matters.
- E. Members of the Tri-Council have expressed concern that due to financial constraints, they have not had full and active involvement in moving forward the priorities and activities of the AFN.

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

1. Affirm their ongoing and strong support for the AFN Tri-Council and agree that respect for the traditional roles of Indigenous Elders, women and youth must be restored to fulfill our rightful place as Nations.
2. Direct the AFN Secretariat to increase funding advocacy efforts to increase financial support to facilitate the work of the AFN Tri-Council.

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TITLE: Housing Backlog within the Keewatin Tribal Council (KTC) Region

SUBJECT: Housing

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

SECONDED BY: Brennan Manoakesick, Proxy, Fox Lake First Nation, MB

DECISION: Carried by Consensus

WHEREAS:

- A. Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples states: 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. Article 23 states: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.
- C. The Keewatin Tribal Council (KTC) includes one-third of the Northern Region of Manitoba and provides services for 10 member First Nation communities with a total population of 16,528 on and off reserve (First Nations & Inuit Health Status Verification System Population Totals Report, Manitoba Region June 2012) and saw a 2.88% increase from June 2011 of 16,065 (Total On-Reserve as of June 2012 is 10,579).
- D. The KTC communities are remotely situated in the northernmost part of Manitoba with 8 isolated First Nation communities that do not have all-weather road access. Further, these communities rely on high cost air transportation and winter roads which are open for up to 8 weeks annually when weather allows.
- E. The KTC communities have an estimated backlog of 2,625 homes (based on 4 people per home) with an estimated 400 additional backlogged homes required to meet current requests for housing, both within KTC communities and from those stating a desire to move back home.

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- F. The KTC communities face significant overcrowding with multiple families living in one home. The overcrowding of homes increases wear and tear and leads to mold growth resulting in an estimated 85% of KTC housing needing minor to major repairs. Overcrowding also leads to increased health risk factors for all housing occupants.
- G. The Canada Mortgage and Housing Corporation (CMHC) has continuously, in the last 10 years, reduced the number of homes from 18 units annually down to their core allocation of 8 homes per year to the KTC region.
- H. Aboriginal Affairs and Northern Development Canada (AANDC), through their debt reduction strategy interventions (Co-management, Third Party Management), further inhibits the KTC communities from being eligible for the Ministerial Loan Guarantee (MLG) which is a requirement by the CMHC Section 95 Housing Program.
- I. The Capital Housing Allocation allotted by the Federal Government of Canada to the KTC communities is a minimal restricted budget and in no way meets the demands of the communities, and;
- J. In 2005 the Assembly of First Nations identified that 85,000 homes were needed immediately for First Nation housing needs.
- K. AANDC's commissioned study of housing needs during the 2010-2034 time period estimated 130,197 new units are needed to accommodate household and family growth; and another 11,855 new units are needed to replace units which are lost to the stock or deteriorate to the point where they cannot be economically renovated.
- L. The June 2011 status report of the Auditor General of Canada reported profound disappointment that despite federal action in response to its recommendations over the years, a disproportionate number of First Nations people still lack the most basic services that other Canadians take for granted.

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

1. The Keewatin Tribal Council (KTC) communities elected Chief and Councils are requesting assistance from the Assembly of First Nations (AFN) in opening a dialogue with the Federal Government and Aboriginal Affairs and Northern Development Canada (AANDC) in resolving the housing backlog faced by KTC communities.

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TITLE: Sectoral Self-Government in Social Development

SUBJECT: Social Development Programming

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

SECONDED BY: Chief Norman Bernard, Wagmatcook First Nation, NS

DECISION: Carried by Consensus

WHEREAS:

- A. The Assembly of Nova Scotia Mi'kmaq Chiefs through resolutions has rejected the proposed changes to the Aboriginal Affairs and Northern Development Canada (AANDC) National Social Policy Manual, (adopted by AANDC), that came into effect April 1, 2012.
- B. The Assembly of Nova Scotia Mi'kmaq Chiefs supported the Assembly of New Brunswick Mi'kmaq Chiefs and Prince Edward Island Mi'kmaq with their court case and the Federal Court of Canada issued an interlocutory injunction that prevented AANDC from implementing the provincial rates and eligibility criteria for social assistance on reserves.
- C. The Assembly of Nova Scotia Mi'kmaq Chiefs commissioned a report entitled, "The Social Cost and Impact Analysis Study", on social assistance reform affecting the Mi'kmaq communities of Nova Scotia. The report was completed by Dr. Fred Wien of Dalhousie University on the social impacts on individual family realities that explored the potential hardships the program would impose on the Mi'kmaq People.
- D. The Assembly of Nova Scotia Mi'kmaq Chiefs had mandated the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) to negotiate a sectoral self-government agreement respecting social development at the Made-In-Nova Scotia Process negotiation table. The Assembly of Nova Scotia Mi'kmaq Chiefs wish to advance these negotiations as quickly as possible.
- E. The Social Policy injunction was upheld by the Federal Court and a hearing took place on June 19 and 20, 2013. On November 4, 2013 the Judge found that the AANDC decision was unreasonable because Canada failed to study what the impacts of the social development decision would have on social welfare

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recipients and that procedural fairness required the government to consult with First Nations about the decision and they failed to do so.

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

1. Endorse the principle put forth by the Assembly of Nova Scotia Mi'kmaq Chiefs to have a culturally appropriate, managed and delivered social development program that respects the autonomy and rights of Band Governments and the Mi'kmaq Nation.
2. Support the Assembly of Nova Scotia Mi'kmaq Chiefs in their deliberations with Aboriginal Affairs and Northern Development Canada (AANDC) on the negotiation of a sectoral agreement in self-government respecting social development.

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TITLE: Political Strategy for Engagement with the Council of the Federation

SUBJECT: Intergovernmental relations

MOVED BY: Chief Donald Maracle, Mohawks of the Bay of Quinte, ON

SECONDED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. There are a number of processes, mechanisms and approaches being utilized by First Nations and First Nation organizations across Ontario and Canada in relation to advancing priority issues.
- B. First Nations and First Nation organizations currently develop responses and approaches to implementing First Nation jurisdiction and asserting rights that are reflective of regional priorities.
- C. Often these regional approaches are reflective of the unique characteristics of individual First Nations and there is a need to develop and define mechanisms to better represent these at a national level.
- D. The Council of the Federation (COF) comprises Canada's 13 provincial and territorial Premiers.
- E. The objectives of the COF are to:
 - a. Promote interprovincial-territorial cooperation and closer ties between members of the Council, to ultimately strengthen Canada;
 - b. Foster meaningful relations between governments based on respect for the Constitution and recognition of the diversity within the federation; and,
 - c. Show leadership on issues important to all Canadians.
- F. The COF was established in 2003 and enables Premiers to work collaboratively to strengthen the Canadian federation by fostering a constructive relationship among the provinces and territories, and with the federal government.

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- G. It is imperative that First Nations across Canada define and develop a new approach and a new mechanism to ensure improved regional representation and accountability in a coordinated and efficient manner when advancing issues at the national level.

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

1. Direct that the Assembly of First Nations develop a political strategy to redefine the mechanism for advancing issues from a regional level in a manner that builds on regional approaches and harnesses the opportunities within the Council of the Federation process.
2. Direct that this political strategy be developed with the direct involvement of each region in a manner that is transparent and accountable.

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TITLE: Right to Safe Drinking Water on Reserve

SUBJECT: Water and Infrastructure

MOVED BY: Regena Crowchild, Proxy, Tsuu T'ina Nation, AB

SECONDED BY: Brian Lee, Proxy, Ermineskin Cree Nation, AB

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples recognizes a positive obligation on states to ensure continuing improvement of the social conditions for Indigenous people, which includes safe drinking water.
- B. The United Nations General Assembly resolution from the 108th Plenary Meeting of the 64th Session (2010) recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.
- C. The International Covenant on Economic, Social and Cultural Rights (1976) requires that States ensure access to basic shelter, housing and sanitation and an adequate supply of safe and potable water.
- D. The Convention on the Rights of the Child (1989) requires State parties to take appropriate measures to combat disease through the provision of clean drinking water.
- E. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) requires State parties to ensure women in rural areas enjoy adequate living conditions, including in relation to water supply.
- F. Canada has a fiduciary duty and a legal obligation under the Canadian *Charter of Rights and Freedoms* ("Charter") to ensure on-reserve drinking water systems provide First Nations communities with safe drinking water.

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- G. Canada is in breach of those duties as a result of systemic conduct that has created, contributed to and sustained unsafe drinking water conditions on First Nations' reserves.
- H. In failing to ensure on-reserve drinking water is safe, Canada has acted in a manner inconsistent with the Honour of the Crown.
- I. Tsuu T'ina Nation, Sucker Creek First Nation, Ermineskin Cree Nation and Blood Tribe have decided to commence legal action against Canada for breach of its fiduciary duty and legal obligations under the Charter to ensure safe on-reserve drinking water by jointly retaining JFK Law Corporation and MacPherson, Leslie & Tyerman LLP ("Legal Action").
- J. The outcome of this Legal Action will profoundly impact First Nations across Canada, and the prospects for safe on-reserve drinking water.
- K. Any First Nation wishing to provide support for the Legal Action, can provide their support Band Council Resolutions (BCRs) using a draft template to JFK Law Corporation, to the attention of Rosanne Kyle at rkyle@jfkllaw.ca.

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

1. Fully support the legal action against Canada for breach of its fiduciary duty and legal obligations under the Charter of Rights and Freedoms to ensure safe on-reserve drinking water.
2. Recognize the extreme importance of this Legal Action in setting a precedent in the law and defining Canada's duties to First Nations to ensure safe on-reserve drinking water.
3. Encourage each First Nation wishing to support the Legal Action to pass a Band Council Resolution that will specifically outline how the First Nation will provide support for the challenge.

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TITLE: Protecting National Child Benefit Reinvestment Funds

SUBJECT: Social Development

MOVED BY: Chief Walter Naveau, Mattagami First Nation, ON

SECONDED BY: Chief Sheri Doxtator, Oneida Nation of the Thames, ON

DECISION: Carried by Consensus

WHEREAS:

- A. Aboriginal Affairs and Northern Development Canada's (AANDC) National Child Benefit Reinvestment (NCBR) is the on-reserve equivalent to one component of the broader National Child Benefit (NCB) initiative which is a child poverty initiative that was jointly established in 1998 by federal, provincial, and territorial governments.
- B. The NCBR budget is generated by the savings in welfare expenditure realized by AANDC as a result of the introduction of the NCB. The NCBR "reinvests" these savings in community-based supports and services for low to middle income families with children, while working towards achieving three objectives: to help prevent and reduce the depth of child poverty; to promote attachment to the workforce by ensuring that families will always be better off as a result of working; and, to reduce overlap and duplication by harmonizing program objectives and simplifying administration.
- C. AANDC has unilaterally cut the NCBR budget across Canada.
- D. AANDC Ontario Region has unilaterally cut the NCBR budget for 2014/15 by approximately 50 percent, equivalent to \$6 million.
- E. Families in remote, semi-remote and isolated First Nation communities must meet the challenge of high cost of living and basic necessities to survive and have come to depend on NCBR reinvestment funds to fill the gap between welfare/NCBR benefits and real the cost of living (largely by supporting food banks and in-school meal programs).

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- F. The funds being cut from the NCBR budget are being moved to support other areas of expenditure such as education and the First Nations Job Fund initiative, which is in contradiction to the federal/provincial NCBR agreement.
- G. It is estimated that AANDC Ontario Region is also realizing, at the same time as this NCBR cut is being made, additional savings in welfare expenditures of approximately \$6 million per year as a result of a reduction in cost-sharing obligations under the 1965 Canada/Ontario Welfare Agreement resulting from changes made to the Ontario welfare program.

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

1. Direct the Assembly of First Nations to advocate for and support the 133 Ontario First Nations seeking to protect the National Child Benefit Reinvestment (NCBR) against funding cuts.
2. Direct the Assembly of First Nations to advocate and secure a meeting between the Ontario First Nation leadership and the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) to demand that NCBR funding in Ontario be maintained, at minimum, at the 2013/14 level, given both the serious needs of First Nation families and the fact that AANDC is saving an additional savings in welfare expenditures resulting from reductions in cost-sharing obligations.
3. Direct the Assembly of First Nations to coordinate discussions between the federal government, provincial governments, and First Nation governments with respect to the protection of NCBR funding levels across the country.

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TITLE: Respecting First Nations Autonomous Fisheries

SUBJECT: Environment/Fisheries

MOVED BY: Chief Donald Maracle, Mohawks of the Bay of Quinte, ON

SECONDED BY: Michael Moore, Proxy, Wabauskang First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The Assembly of First Nations (AFN) hosts multiple tables and committees on fisheries.
- B. First Nations that practice fisheries are not appropriately represented at these tables and committees.
- C. No resolution has directly stated whether these tables and committees have mandates to make decisions or advise the Crown.
- D. AFN documents have referenced these tables and committees as granting mandates to the AFN.

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

- 1. Clarify that the tables and committees on fisheries exist for information purposes only and are not authorized to engage, consult with, or advise the Crown on behalf of First Nations.
- 2. Clarify that the tables and committees on fisheries cannot grant mandates to the AFN, and that any new mandates related to fisheries must come from the Chiefs-in-Assembly.
- 3. Clarify that the AFN may not approach or incorporate regional federal offices or provincial ministries into tables and committees on fisheries without the express consent of First Nations served by those offices or ministries.
- 4. Direct the AFN to ensure an approach to fisheries that respects Treaties and each First Nations' sovereign rights and inherent jurisdiction.
- 5. Direct the AFN to ensure that tables and committees on fisheries are open to all interested First Nations representatives.

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TITLE: Constitutional challenge on *Family Homes on Reserves and Matrimonial Interest or Rights Act*

SUBJECT: Jurisdiction, Governance

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

SECONDED BY: Chief Ira Lavallee, Piapot First Nation, SK

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 19 states:
"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. First Nations across Canada have a Nation-to-Nation relationship with the Crown as recognized in the 1763 Royal Proclamation.
- C. Section 35 of Canada's *Constitution Act, 1982* recognizes and reaffirms existing Aboriginal and Treaty rights of Aboriginal people.
- D. Section 25 of the Charter of Rights and Freedoms guarantees certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, Treaty or rights or freedoms that pertain to the aboriginal peoples of Canada, including any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763.
- E. Canada has legislated the 2013 *Family Homes On Reserves And Matrimonial Interest Or Rights Act* as an exercise of First Nations law-making power.
- F. First Nations across Canada did not give consent to this legislation.

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- G. It is recognized that a gap exists in family law matters between the application of provincial laws and the *Indian Act*.
- H. We have grave concerns about the imposition of provincial family law and their institutions into our First Nations which violates our inherent jurisdiction over our family law, land management, administration of justice and individual and collective human rights.
- I. First Nations in Canada have experienced the imposition of the *Child & Family Services Act* which has caused undue hardship on our children and families because of inadequate human and financial resources for administration, inadequate support systems for inter-governmental relations and inadequate Band representative costs.
- J. Whereas, Canada's *Indian Act* created discrimination as evidenced in the 1985 *Act to Amend the Indian Act*, Bill C-31 and the *Gender Equity in Indian Registration Act*, 2010 which together have resulted in making First Nations carry the burden of increased administration costs, services, land, housing, child welfare, other relative costs and voting inequalities since the majority population reside off-reserve.
- K. Canada is not fulfilling fiduciary responsibilities to ensure First Nations control over family law and a justice system with full recognition and adequate resources.

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

1. Request the Assembly of First Nations initiate a constitutional challenge on Canada's violation of Constitutional protections of section 35 and section 25 of the Charter of Rights and Freedoms by legislating the *Family Homes On Reserves And Matrimonial Interest Or Rights Act*.

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TITLE: Support a Provincial Commission of Inquiry – First Nation Student Deaths

SUBJECT: Education, Justice

MOVED BY: Chief Gordon Beardy, Muskrat Dam First Nation, ON

SECONDED BY: Alvin Fiddler, Proxy, Koocheching First Nation, ON

DECISION: Carried; 1 abstention

WHEREAS:

- A. Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states 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” and obligates State governments to “take effective measures, in order for Indigenous individuals... to have access, when possible, to an education in their own culture and provided in their own language”.
- B. First Nation students across Canada are often required to leave their home community to pursue secondary education studies in urban centres.
- C. Since 2000, seven youth from Nishnawbe Aski Nation (NAN) Territory have died in troubling circumstances while attending secondary school in Thunder Bay, ON.
- D. The Ontario Chief Coroner’s office ordered an inquest into the death of one student, Reggie Bushie, in 2008, which was delayed due to the lack of First Nation representation on the District of Thunder Bay jury roll, a problem that extends to many areas in Canada.
- E. In 2011, the Coroner agreed to order an inquest for all seven student deaths, but this inquest has now been delayed due to the continued lack of First Nation representation on the Thunder Bay jury roll.
- F. The inquest is further delayed due to the Crown’s failure to complete the necessary coroner’s brief, the foundational document required to begin the inquest process.

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- G. This inquest is the best way to fully investigate the circumstances surrounding these tragic deaths and to find ways to prevent similar tragedies throughout Ontario and Canada.
- H. First Nation students throughout Canada should be able to pursue their treaty right to education without intimidation and fear of risk to life or well-being.

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

1. Call upon the Assembly of First Nations to compel the Ontario Government to convene a provincial commission of inquiry into the deaths of the seven youth in Thunder Bay, ON.
2. Direct the Assembly of First Nations to advocate that the Ontario Government take immediate steps to address the dysfunctional state of the jury rolls in Northern Ontario including implementing practical and legally viable alternatives to the recently deemed invalid 2014 District of Thunder Bay jury roll, as outlined in the Honourable Frank Iacobucci's 2012 report entitled, "First Nations Representation on Ontario Juries", which suggests a process that would ensure First Nation individuals to volunteer are on a jury roll for the purpose of empanelling a jury for a coroner's inquest.
3. Direct that, once the public inquiry into the seven deaths is complete, the Assembly of First Nations advocate for the creation of a process through which relevant government ministries and First Nation organizations collaborate on the implementation and subsequent monitoring of the inquest recommendations.
4. Continue to affirm that federal and provincial governments amend current laws affecting education and training that are inconsistent with the exercise of the inherent and Treaty rights of Indigenous Peoples, which includes the personal well-being of all First Nation students.

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TITLE: First Nations Confederacy of Cultural Education Centres

SUBJECT: Aboriginal Languages Initiative (ALI) Funding

MOVED BY: Tim Catcheway, Proxy, Waywayseecappo First Nation, MB

SECONDED BY: Chief Rufus Copage, Shubenacadie (Indian Brook) First Nation, NS

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states in Article 13: "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".
- B. The UNDRIP states in Article 14: "Indigenous peoples have the right to establish and control their own educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning".
- C. First Nations languages provide the foundation for an understanding of our Nations, our cultures and our social, political and spiritual structures.
- D. The First Nations Confederacy of Cultural Education Centres (FNCCEC) is a grassroots national organization working continuously since the 1970s on the preservation, enhancement and revitalization of languages by developing and delivery cultural education programs to First Nations communities.
- E. The Assembly of First Nations (AFN) and FNCCEC entered into a Memorandum of Understanding (MOU) in 1998 forming a partnership to support the protection, enhancement and promotion of First Nations languages.
- F. The AFN demonstrated support of the FNCCEC through a number of resolutions previously ratified at the AFN Annual General Assembly and Special Chiefs Assembly.

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G. The Aboriginal Languages Initiative (ALI) is a federal program funded and administered by the Department of Canadian Heritage to provide funding support for community and regionally-based projects directed at maintaining, revitalizing and promoting First Nations languages; however, the current funding formula for ALI creates significant inequities in funding to the different regions of Canada which is resulting in accelerated First Nations' language loss.

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

1. Call on the federal government and the Department of Canadian Heritage to respect and abide by Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
2. Endorse and support the notion that, due to its proven expertise in program delivery, the involvement and coordination of the First Nations Confederacy of Cultural Education Centres (FNCCEC) in the Aboriginal Languages Initiative (ALI) program would deliver First Nations languages and cultural programming more effectively and efficiently.
3. Mandate the National Chief and the AFN to work collaboratively with the President and the Executive Director of the FNCCEC in advocating for the transfer of the administration of the ALI program from the Department of Canadian Heritage to the FNCCEC to deliver the funding for First Nations community language programs.

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