



ASSEMBLY OF FIRST NATIONS
2016 SPECIAL CHIEFS ASSEMBLY– GATINEAU, QC
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TITLE: Inequitable Funding of On Reserve Women's Shelters

SUBJECT: Violence against Women and Children

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The Government of Canada has endorsed the United Nations Declaration of the Rights of Indigenous Peoples (UN Declaration). The UN Declaration states:
 - i. Article 22 (2): States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous Women and Children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. The four First Nations women's shelters of Neepinse Family Healing Centre, Ermineskin Women's Shelter Society, Eagle's Nest Stoney and Sucker Creek Emergency Women's Shelter in Treaty 6, 7 and 8 in Alberta are funded by Indigenous and Northern Affairs Canada.
- C. The First Nations Women's Shelters provide a vital component in the prevention of domestic violence and the protection of women and children in crisis within their respective communities.
- D. The lack of adequate funding causes on-reserve First Nations women's shelters to operate contrary to provincial legislation requiring two Crisis Intervention Workers (CIW) between the hours of 4:00 p.m. to midnight, as shelters can only afford one CIW at times to remain open.
- E. In 2006, the federal government funded the *Johnston Research Inc. Report* that included recommendations from the First Nation's shelter directors, including a formula for increased funding.

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- F. In 2011, the *Moving Forward! Planning for Self Determination Johnston Research Inc. Report* found that on-reserve First Nations shelters were underfunded by 50 percent, compared to off-reserve shelters.

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

1. Direct the Assembly of First Nations (AFN) to respectfully call upon the Government of Canada to:
 - a. Address the funding shortfall of on-reserve First Nations women's shelters as compared to off-reserve women's shelters.
 - b. To ensure Indigenous and Northern Affairs Canada staff work with the on-reserve First Nations women's shelter directors to develop a new funding formula that reflects the actual costs to run viable, safe and legislatively compliant shelters, and to ensure annual increases in cost-of-living are factored in the formula.
 - c. Implement the recommendations in the 2006 and 2011 *Johnson Research Inc. Reports* to ensure the funding formula for on-reserve First Nations women's shelters is predictable, sufficient and sustainable.
2. Direct the AFN to report back to Chiefs-in-Assembly on the progress of this work at the 2017 Annual General Assembly.

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TITLE: Descheneaux Decision: First Nations Jurisdiction on Citizenship and Identity

SUBJECT: First Nations Citizenship

MOVED BY: Chief Kim Sandy-Kasprick, Northwest Angle #33 First Nation, ON

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

DECISION Carried, 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
 - ii. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
- B. On August 3, 2015, a Quebec Superior Court rendered its decision in *Descheneaux et al., v. Canada*. The court found sections to Indian registration under section 6 of the *Indian Act* violated the equality provisions guaranteed under the Canadian Charter because of difference in treatment in eligibility to Indian registration between Indian women, men and their descendants. The court delayed its decision to strike down the offending provisions of the *Indian Act* until February 3, 2017 to allow Canada to make the necessary legislative amendments.
- C. Canada has until February 3, 2017 to amend section 6 of the *Indian Act* to eliminate the gender-based inequalities in Indian registration and has committed to continue with an engagement process beyond the February deadline to examine broader issues relating to registration, band registration and citizenship.

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- D. On July 28, 2016, National Chief Perry Bellegarde stated, "This cannot simply be about amendments, but about working together to move beyond the Indian Act in a way that respects First Nations rights and is consistent with the UN Declaration on the Rights of Indigenous Peoples."
- E. First Nations assert First Nation sovereignty and self-determination and promote decolonization and gradual disengagement from the *Indian Act*.
- F. Jurisdiction on citizenship and other related issues (e.g. Identity and recognition of Treaty cards) ought to be part of the government process of reconciliation and commitment to repeal those laws of Canada that violate Indigenous rights.
- G. The Government of Canada introduced Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), in the Senate without adequate consultation with First Nations, resulting in legislation that does not meet the needs or respect the rights of First Nations.

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

1. Support those First Nations who wish to disengage and opt-out of the *Indian Act* at their own pace to develop governance regimes in accordance to their own customs and traditions.
2. Support those First Nations who aspire to implement their own citizenship laws without regard to section 6 of the *Indian Act*. Unequivocally support the elimination of the second generation cut-off provision found in section 6(1) and (2) of the *Indian Act* that results in a decline of registrants and members of First Nations.
3. Call on Canada to repeal the impugned provision in its entirety and to transfer the authority of citizenship and identity to the First Nations.
4. Acknowledge those First Nations that have Treaty with the Crown in right of the United Kingdom to have Treaty cards, and call upon Canada to jointly recognize the reinstatement of the Treaty cards.
5. Call upon Canada to withdraw Bill S-3 and consult and accommodate with First Nations in a manner consistent with section 35 of the Constitution Act of Canada prior to reintroducing any legislation to accommodate.

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TITLE: Call for the Canada Revenue Agency to End the Harassment of Former OI/Native Leasing Inc. Employees

SUBJECT: Taxation

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

SECONDED BY: Cathie Jamieson, Proxy, Mississaugas of New Credit First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
 - i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- B. Since 1995, approximately 4,000 First Nation citizens located across Canada who were employed through OI/Native Leasing Inc., which operates out of the Six Nations of the Grand River reserve, have been unduly and unfairly harassed by the Canada Revenue Agency (CRA) while asserting their rights as First Nation peoples.
- C. As a basic principle of Canadian taxation jurisprudence, all persons are entitled to arrange their affairs, whether it be for business or personal, to enable them to benefit from the most advantageous tax situation within the legal framework.
- D. OI/Native Leasing Inc. leased its First Nation employees (the Employees) to various Indigenous friendship centres, health centres, women's shelters, as well as other Indigenous and non-Indigenous organizations across Canada, so as to allow such First Nation employees to take advantage of the section 87 exemption found in the *Indian Act* (the Exemption).

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- E. The majority of the Employees are First Nation women, single mothers and low income earners, who in honesty and good faith asserted what was believed their rights as First Nations peoples, and attempted to end the historic cycle of poverty for their families through meaningful employment.
- F. The CRA since 1995, through its interpretation of the Supreme Court of Canada's decision in *Williams v. Canada*, and without First Nation consultation, has been interfering with the Employees rights contained in the Exemption.
- G. OI/Native Leasing Inc. and the Employees since 1997 have been defending and asserting the rights of all First Nations citizens to the Exemption through many levels of court, which ultimately was decided in favour of the CRA, with the final Court ruling made in April of 2009, when leave to appeal to the Supreme Court of Canada in *Horn et al v. The Queen*, was denied.
- H. The final ruling of *Horn et al v. The Queen* resulted in the creation of severe hardships for former employees who have endured intense collection pressure from the CRA such as wage and bank garnishment, withholding pensions, and liens of any assets in order that CRA collect what it believes are taxes owed.
- I. In 2012, OI/Native Leasing Inc. Employees requested a group remission order from the Minister of National Revenue, based on their good faith understanding that if the Employees were unsuccessful in Court that the CRA would grant a remission order whereby the Minister of National Revenue would waive the amounts owed, including penalties and interests, due to the Employees clarifying the Canadian jurisprudence in regards to the Exemption.
- J. While the Minister of National Revenue reviews the remission order request, the CRA continues to exert undue and unfair collection pressure.
- K. Due to CRA collection campaign, hundreds of the Employees whom have honestly and in good faith defended and asserted all First Nation peoples' right to the Exemption, are now being forced into bankruptcy, while others are remortgaging homes and having wages, social benefits and pensions garnished to pay outstanding amounts to the CRA.
- L. The CRA harassment of the Employees continues to this day and the CRA has deliberately delayed reaching a decision on the remission order request for over four (4) years and continues to delay the process through the creation of new barriers. While the Minister of National Revenue reviews the remission order request, the CRA continues to exert undue and unfair collection pressure.
- M. In 2016, the CRA provided a swift and fair "amnesty" settlement package to privileged top income earners in Canada regarding an inappropriate, if not illegal, tax evasion scheme for clients of the accounting firm KPMG; and yet the Employees' remission order request has been ongoing for over four (4) years without any resolution by the Minister of National Revenue despite constant advocacy.

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- N. The Minister of National Revenue's stalling in making a decision on this matter allows the CRA collection officers to continue their campaign to put intense collection pressure on the Employees, causing undue hardship, mental and emotional strain, and in many cases the re-marginalization of an already marginalized segment of the Canadian population.
- O. The Minister of National Revenue has shown an unacceptable and extreme bias to First Nations citizens generally, and the Employees specifically, by providing a swift and fair "amnesty" package to KMPG's clients, while aggressively collecting against the Employees – all of which is contrary to the Liberal government's promise to forge a new relationship with First Nations people.
- P. Approximately one (1) year ago, the Prime Minister of Canada as well as the Ministers of National Revenue, Justice and the Attorney General, and Indigenous Affairs and Northern Development all received correspondence and information regarding the above-noted matters, but have not taken any action to resolve the issues.

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

1. Call upon Canada and the Minister of National Revenue, in the spirit of reconciliation, to provide immediate direction to the relevant Canada Revenue Agency employees to end all collection procedures against current and former OI/Native Leasing Inc. employees and their spouses/partners, as the case may be, including garnishment, seizure and sale of assets and other tactics.
2. Call upon the Minister of National Revenue to live up to the Liberal government's promise to forge a new relationship, including an economic relationship, with First Nations, as well as to demonstrate the Ministry of National Revenue's commitment to equal treatment of First Nations by immediately granting the requested group remission order request to all current and former OI/Native Leasing Inc. employees and their spouses/partners, as the case may be.
3. Direct the National Chief of the Assembly of First Nations to make representations to the Minister of National Revenue concerning this issue and report the Minister's response to the Chiefs-in-Assembly.

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TITLE: Explore Practical Solutions for Canada-U.S. Border Crossing by First Nations Citizens

SUBJECT: Border Crossing

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

SECONDED BY: Chief Dean Sayers, Ojibways of Batchewana, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - ii. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B. Canada has stated its unqualified support for the UN Declaration and has committed itself to the full implementation of the UN Declaration and to work with First Nations to develop policies and operational practices based on rights recognition and rights implementation.
- C. The Canada-United States of America (U.S.) border has been imposed on First Nations in ways that infringe our pre-existing mobility rights and other unextinguished inherent rights as Indigenous peoples.
- D. First Nations, Canada and the U.S. share concerns and responsibilities for the safety and security of all peoples living on Turtle Island and have recently expressed a desire to advance these responsibilities as partners.

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- E. There are opportunities for First Nations and Canada to work together to develop practical solutions, grounded in rights recognition, that would facilitate border crossing by First Nations whose daily lives and inherent rights are most severely impacted by the failure of current federal policies and operational practices to accommodate and respect First Nations inherent and pre-existing rights.
- F. The U.S. recognizes the right of Indigenous peoples under the Jay Treaty to pass freely, to identify their citizens, and to create secure border crossing identification to facilitate the free passage of Indigenous Nations' citizens across the Canada-U.S. border.
- G. First Nations have the inherent right to determine membership (or citizenship) of our Nations.
- H. Public Safety Canada, Indigenous and Northern Affairs Canada and Citizenship and Immigration Canada have indicated an interest in working with First Nations to identify solutions to address border crossing issues affecting First Nations.
- I. The Jay Treaty and the UN Declaration confirm the rights of First Nations to move across international borders created by colonizing States and their successors, and the obligations of such States to take effective measures to facilitate the exercise of Indigenous Peoples rights and support their implementation.

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

1. Direct the Assembly of First Nations (AFN) to seek resources from the Government of Canada to develop possible solutions for Canada-U.S border crossing by First Nations citizens.
2. Direct the AFN to develop a strategy and a Chiefs committee to enable the development of secure Indigenous border security identification cards consistent with Canada's desire to re-establish the nation-to-nation relationship.
3. Direct the AFN Executive Committee to report back to Chiefs-in-Assembly at the December 2017 Special Chiefs Assembly on the status and progress of all work and discussions.

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TITLE: First Nations Trust Funds by the Government of Canada

SUBJECT: Treaties

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
 - i. Article 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- B. The Crown entered into sacred Treaties with the First Nations, and the Government of Canada has a legal and moral duty to work with First Nations to fulfil the needs of First Nations people.
- C. An audit of First Nation trust funds in 2009 identified over \$1.15 billion in funds being held in trust by the Government of Canada.
- D. The interest rates on First Nation trust funds held by the Government of Canada has not exceeded 2.0% since 1996, and has not exceeded 1.0% since 2009.
- E. Many First Nations governments have demonstrated a desire to work with advisors to invest funds on their own and achieve returns and interest rates far exceeding the interest rates paid on First Nation trust funds held by the Government of Canada.

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- F. Legislative initiatives, such as First Nations Oil and Gas and Moneys Management Act (FNOGMA) and First Nations Land Management Act (FNLMA), developed by the Government of Canada to simplify the process of First Nations accessing their own monies, have been time-consuming and involved excessive cost.
- G. First Nation governments are better positioned and more knowledgeable of the needs of First Nation communities and members.
- H. First Nation governments and communities are in dire need of investments in community assets, businesses, and unfunded programming.

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

1. Call for the eradication of the paternalistic holding of all First Nation trust funds by the Government of Canada, and the replacement of this system with one based on best practices established by First Nations.
2. Support professionally managed and accountable private trusts that First Nations can use to achieve greater returns.

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TITLE: Support for Williams Lake Indian Band before the Supreme Court of Canada

SUBJECT: Specific Claims

MOVED BY: Chief Harry St Denis, Wolf Lake First Nation, Quebec

SECONDED BY: Cheryl Casimir, Proxy, St. Mary's Band, BC

DECISION Carried, 1 abstention

WHEREAS:

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

- i. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- ii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- iii. Article 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.

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- iv. Article 28 (2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- B. The Williams Lake Indian Band filed a specific claim against the Crown with the Specific Claims Tribunal in 2011, under the federal *Specific Claims Tribunal Act*, regarding the wrongful dispossession of the band's village lands prior to confederation.
- C. In 2014, the Specific Claims Tribunal ruled in a final and binding decision that the Williams Lake Indian Band had established a valid claim against the Crown.
- D. In response, the Crown sought a judicial review, and on February 29, 2016, the Federal Court of Appeal took an extraordinary step by dismissing the Specific Claims Tribunal's ruling and substituting its own while rejecting the longstanding claim made by the Williams Lake Indian Band.
- E. On October 13, 2016, the Williams Lake Indian Band was granted leave by the Supreme Court of Canada to appeal the Federal Court of Appeal decision.
- F. First Nations receive no funding to respond to Canada's judicial reviews of the final and binding decisions of the Specific Claims Tribunal. These imposed costs are unfair since Canada appears to have ample resources for these activities. This disparity is unacceptable and First Nations should not have to bear the financial burden of having to address a judicial review application before the Federal Court of Appeal or the Supreme Court of Canada.
- G. A judicial review provision exists only for matters where the Tribunal's jurisdictional reach, procedures and correct application of the law are at issue, however, Canada's practice to date has been to seek what is tantamount to full appeals of Tribunal decisions.

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

1. Support the Williams Lake Indian Band and mandate the Assembly of First Nations (AFN) by seeking leave to intervene at the Supreme Court of Canada in this case, on its own or as part of a coalition, to reaffirm that this decision has national implications for First Nations across Canada; and that steps be carried out as soon as possible in this regard.
2. Direct the AFN to urge the federal government to uphold decisions of the Specific Claims Tribunal Canada, rather than engage in a politics of attrition by challenging First Nations through judicial review, as this is essential to upholding justice and inherent rights for all First Nations seeking justice before the Specific Claims Tribunal.

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3. Until such time as Canada's halts its practice of seeking judicial review of Tribunal decisions, direct the AFN to urge the federal government to provide funding for First Nations to initiate and participate in judicial reviews of Tribunal decisions commensurate with the resources available to Canada to engage in judicial review.

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TITLE: Support for the Athabasca Harvesting Protocol

SUBJECT: Treaties, Harvesting Rights

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- B. The Denesuline culture, history and way of life are highly dependent on the health of the caribou herds, and they have an Inherent and Treaty right to harvest caribou.
- C. The Denesuline have been exercising their traditional harvesting practices within their traditional harvesting areas for millennia.
- D. Concerns have been raised about harvesting practices in other communities' traditional harvest areas.
- E. The Denesuline First Nations of Hatchet Lake, Black Lake and Fond du Lac in Saskatchewan, and Tadoule Lake and Lac Brochet in Manitoba, have adopted a Harvesting Protocol between the Manitoba and Athabasca Denesuline at the Denesuline Sector meeting.

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

1. Support the Athabasca Harvesting Protocol that the Denesuline have adopted in exercising their traditional harvesting practices within their traditional harvesting areas for millennia.

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TITLE: Maintaining Oversight Mechanism in AFN Charter Renewal

SUBJECT: AFN Renewal

MOVED BY: Chief Dean Sayers, Batchewana 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 (UN Declaration) affirms:
 - i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- B. There has been an evolution in the social, political, legal and constitutional status of First Nations since the Assembly of First Nations (AFN) was first established in 1982.
- C. First Nations continue to develop their own institutions promoting nation building, affecting social justice for their citizens, promoting their respective priorities for economic prosperity, and protecting the natural environment, while strengthening the cultural heritage of First Nations, consistent with the UN Declaration which affirms the right to self-determination of Indigenous peoples.
- D. Various proposals over decades have been put forward for developing a renewed structure of the AFN that reflects the political realities of First Nations and their right to self-determination, ultimately based on the foundation of democracy, transparency, and accountability.

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- E. Agreements have been concluded between First Nations and Canada which have led to aggregate systems of First Nations governance, as well as the recognition of traditional governance structures, and the leaders of these structures desire to strengthen their links and/or acquire membership within the AFN while ensuring there is a mechanism in place to oversee the AFN to maintain accountability.
- F. AFN Chiefs Committee on Nation Building and Restructuring has been working diligently to provide proposed AFN Charter amendments and will continue to develop options for organizational renewal that will be brought forward for consideration and deliberation to First Nations-in-Assembly.

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

- 1. Direct the Assembly of First Nations (AFN) Chiefs Committee on Nation Building and Restructuring to continue to work and develop viable options on AFN restructuring that include an oversight mechanism to be brought forward for consideration by the Chiefs-in-Assembly in July 2017.
- 2. Direct that options for the renewal of the AFN take into account the current priorities of First Nations for AFN governance structures and processes.
- 3. Approve the following guidelines for these reforms to the AFN Charter:
 - a. The role and nature of the AFN be redefined to ensure appropriate governance consistent with nation building.
 - b. The governance structure of the AFN should enable leaders of traditional governance systems, clans and modern governance arrangements to participate in the decision making.
 - c. The AFN should become more representative of First Nations and all of their citizens, regardless of where they reside or their status under the colonial Indian Act.
- 4. Direct the AFN to convene a Special Chiefs Assembly, at an appropriate time and before any decisions are taken on future AFN Charter reforms, to consider, deliberate and vote on proposed amendments to the AFN Charter that would allow the AFN to evolve.

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TITLE: Indigenous Youth Suicide

SUBJECT: Suicide, Mental Health

MOVED BY: Chief Peter Beatty, Peter Ballantyne Cree Nation, SK

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

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
 - ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- B. The Assembly of First Nations National Youth Council's Calls to Action on Life Promotion states that "we recognize that the prevention of suicide does not rest with one sector or government department. It is a complex and multi-dimensional problem that requires the concerted efforts of individuals, families, communities, as well as federal, provincial, territorial and Indigenous governments to solve it. In other words, we recognize that we are all implicated in the solution, albeit in different ways."
- C. Indigenous youth are experiencing physical, emotional, spiritual and mental health trauma as a result of the intergenerational impacts from colonialism. Suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth and are considered to be among the highest in the world.
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- D. It is recognized that the current mainstream western-approach to suicide, when dealing with Indigenous and national crises, are ineffective. These approaches are required to adopt a holistic framework that emphasizes physical, emotional, spiritual and mental well-being within their programmatic agenda. Further, they require multiyear resourcing for community based intervention, prevention and after-care services.
- E. It is understood that the current crises facing our youth require significant national attention. The *First Nations Mental Wellness Continuum Framework* reflects the Indigenous worldview of holistic well-being, whereby traditional knowledge as guided by Elders and Knowledge Keepers, is the focal point to prevention, intervention and after-care and is equally recognized as an effective method when dealing with youth suicide.

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

1. Urge the Prime Minister of Canada to recognize the national crisis regarding the current state of youth suicide in Canada and to take immediate remedial action that is guided by communities as they see fit.
2. In recognition of resolution 22/2014 and 26/2015, it is required that the Chiefs-in-Assembly encourage National Chief Perry Bellegarde to advocate to fully implement the *First Nations Mental Wellness Continuum Framework*.

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TITLE: Support for the Standing Rock Sioux Tribe's Opposition to the Dakota Access Pipeline

SUBJECT: Treaty Rights, UNDRIP, Sacred Sites, Environment

MOVED BY: Alvin Fiddler, Proxy, Kingfisher Lake First Nation, ON

SECONDED BY: Chief Brian Perrault, Couchiching First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) includes the following articles:
- i. Article 26 (3): States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the Indigenous peoples concerned.
 - ii. Article 29 (2): States shall also take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.
 - iii. Article 32(2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources.

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- B. On July 25, 2016, the U.S. Army Corps of Engineers approved the construction of the over 1,100-mile Dakota Access Pipeline to carry over a half-million barrels of crude oil through Lake Oahe, only a half-mile from the Standing Rock Sioux Reservation.
- C. The Dakota Access Pipeline poses a dangerous threat to the health and wellbeing of the Dakota and Lakota people of the Standing Rock Sioux tribe, threatening to contaminate their waters, crops, and sacred burial grounds, and the construction of the pipeline violates United States federal law requiring meaningful consultation of Indigenous tribes, the 1868 Fort Laramie Treaty, and the United Nations Declaration on the Rights of Indigenous Peoples.
- D. On December 4, 2016, the U.S. Army Corps of Engineers announced that it will not be granting the easement to cross Lake Oahe for the proposed Dakota Access Pipeline. Instead, the Corps will be undertaking an environmental impact statement to look at possible alternative routes.
- E. Unfortunately, Energy Transfer Partners and Sunoco Logistics, the proponents of the project, remain “fully committed to ensuring that this vital project is brought to completion and fully expect to complete construction of the pipeline without any additional rerouting in and around Lake Oahe.

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

- 1. Fully support through letters, showcases of solidarity, and social media posts the Standing Rock Sioux Tribe and allies in their opposition to the construction of the Dakota Access Pipeline.
- 2. Recognize and affirm the importance of standing with and supporting Indigenous peoples internationally who are defending their Title and Rights, and Treaty Rights.
- 3. Direct the Assembly of First Nations (AFN) to support the Standing Rock Sioux Tribe and those opposing the construction of the Dakota Access Pipeline through support letters, showcases of solidarity, social media posts, and, subject to the availability of resources, monetary and other donations as may be requested by the Standing Rock Sioux Tribe and those protecting the waters at the construction site.
- 4. Direct the AFN to inform the Government of Canada, all provincial/territorial governments and the three Canadian Financial Institutions supporting the Dakota Access Pipeline (Bank of Nova Scotia, Toronto Dominion (TD Canada), and Royal Bank of Canada (RBC)) of this resolution, and support the circulation of this resolution to other Indigenous organizations around the world in order to garner support for international Indigenous collaboration against environmental destruction, government-sanctioned poisoning of Indigenous resources, and denial of inherent Indigenous rights to the land that Indigenous peoples have inhabited since time immemorial.

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TITLE: Indigenous Prison Reform

SUBJECT: Criminal Justice

MOVED BY: Chief Patricia Faries, Moose Cree First Nation, ON

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

DECISION Carried by Consensus

WHEREAS:

A. Whereas United Nations Declaration on the Rights of Indigenous People states:

- i. Article 2: that 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. Whereas the following Truth and Reconciliation (TRC) Calls to Action state:

- i. #30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
- ii. #31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
- iii. #32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

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- iv. #33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
- v. #34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety
- vi. #35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
- vii. #36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
- viii. #37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
- ix. #38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
- x. #39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

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- xi. #42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.
- C. At the Assembly of First Nations (AFN) National Justice Forum in 2012, then Regional Chief Wilson-Raybould underscored the importance of understanding how First Nations fit into and relate to the Canadian system of justice when working to rebuild and strengthen First Nation systems. Community safety and security can be supported through strengthening governments to create responsive justice systems that focus on healing and wellness.
- D. The Office of the Correctional Investigator has found that between 2001-2002 and 2011-2012, the incarceration of Indigenous people increased by 37.3% and is expected to continue to rise due to the younger demographics in Indigenous communities.
- E. Research has shown that Indigenous offenders have better outcomes once released when they have access to culturally-appropriate programs.
- F. The Supreme Court of Canada ruled that mandatory minimum sentences for offences committed under a broad set of circumstances may violate s.12 of the Charter of Rights and Freedoms.

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

1. Mandate the National Chief of the Assembly of First Nations (AFN) to advocate to the federal government and provinces in support of the Truth and Reconciliation (TRC) Calls to Action #30, #31, #32, #34, #35, #36, #37, #38, #39 and #42.
2. Direct the AFN to advocate for increased funding from the federal government to address prison reform through various measures.
3. Call on the federal government and provinces to work with First Nations on prison reform measures that are culturally appropriate.
4. Call on the federal government to establish and fund First Nations culturally appropriate programs as viable alternatives to custodial sentencing and post-release programs.

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TITLE: Support for a Grandmother's Advisory Circle to address Youth Suicide

SUBJECT: Mental Wellness, Elders

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

SECONDED BY: Chief Stan Beardy, Muskrat Dam First Nation

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- B. First Nations communities across Canada are declaring states of crisis with regards to mental wellness, specifically for youth suicides. The current suicide rates of First Nations are five to seven times higher than the Canadian population. First Nation communities recognize the need to support a coordinated and comprehensive approach grounded in culture and guided by our Grandmother's.

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- C. Current federal mental health services focus on crisis response. Significant gaps exist with respect to prevention strategies and life promotion with little to no support for cultural prevention and intervention efforts.
- D. Grandmothers are seen as the source of life for all. Grandmothers are held in the highest regards within our families and communities.
- E. Grandmothers are care givers and are therefore in a unique position of opportunity to define and promote health in their families and communities. Grandmothers anchor the traditional way of life and very often the physical well-being of our youth.
- F. Grandmothers play an integral role in First Nation communities as supporters, advisors, decision makers and carry out the responsibility to convey informal and formal educational and socio-cultural knowledge to their family and community members through intergenerational interaction.
- G. The Grandmothers are seeking formal support to come together in meeting to discuss ways in reducing the numbers of lives lost to suicide.
- H. Whereas the Assembly of First Nations Women's Council is in full support of this resolution.

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

1. Support the establishment of an independent Grandmother's Advisory Circle as a vital part of rebuilding nations, families and communities; with a focus on addressing the health and wellbeing of First Nations with particular focus on youth suicide. This group will reinforce the authority and influence of Grandmothers as leaders and teachers within First Nation communities.
2. Support the Assembly of First Nations (AFN) in seeking funding to support regional and national Grandmothers gatherings to be held in the spring of 2017. A final report from these gatherings to be shared with leadership at the 2017 AFN Annual General Assembly to provide insight on lessons learned and to determine future actions.

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TITLE: Development of a First Nations Opioid Strategy

SUBJECT: Health, Substance Use

MOVED BY: Chief Simon Fobister, Grassy Narrows First Nation, ON

SECONDED BY: Chief Stan Beardy, Muskrat Dam First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

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- D. Data suggests that the harm associated with opioid misuse occurs at disproportionately high levels in First Nations communities
- i. Some First Nations communities have reported epidemics with as many as 43% to 85% of the communities' population addicted to opiates
 - ii. A national survey of First Nations communities (completed between 2008–2010) reported that alcohol and drug use and abuse was considered to be the number one challenge for community wellness faced by on-reserve communities (82.6%), followed by housing (70.7%) and employment (65.9%).
- E. There is growing concern in First Nations communities over the dangers of fentanyl and carfentanyl. Fentanyl is 100 times more potent than morphine and can cause an individual to die from overdose within 15 minutes of consumption. Carfentanyl, a synthetic opioid and an analogue of fentanyl, is 100 times more potent than fentanyl, 10,000 times more potent than morphine, and 4,000 times more potent than heroin. A dose of fentanyl as small as two grains of sand can be lethal, while one drop of carfentanyl is equal to six times the lethal dose of morphine.
- F. The Honourable Jane Philpott, Minister of Health and the Honourable Eric Hoskins, Ontario Minister of Health and Long-Term Care, recently hosted the Opioid Conference and Summit. The outcome of the Opioid Summit was a *Joint Statement of Action to Address the Opioid Crisis*, which prioritizes a set of actions of prevention, treatment and harm reduction, to reduce problematic opioid use. However, given the short timeline, engagement with First Nations was not possible and as a result, a First Nations specific approach to addressing the opioid crisis was left out.
- G. Meaningful engagement with First Nations to determine community priorities and support community based solutions to addressing and reducing problematic opioid use is required

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

1. Direct the Chiefs Committee on Health to create a First Nations specific action plan to address the opioid crisis occurring in Canada, including in the areas of prevention, treatment and harm reduction, through engagement with relevant experts.

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TITLE: National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy

SUBJECT: Child Welfare

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

SECONDED BY: Chief Arnold Paul, Temagami First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - ii. Article 17 (2): States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
- B. The Truth and Reconciliation Commission of Canada Calls to Action #1 and #3 affirm the need to address First Nation child welfare reform and to fully implement Jordan's Principle. The Prime Minister of Canada has formally agreed to implement all of the Calls to Action.

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- C. In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint pursuant to the *Canadian Human Rights Act* alleging that Indigenous and Northern Affairs Canada's (INAC) provision of First Nations child and family services to over 163,000 First Nations children is discriminatory and that implementation of Jordan's Principle is flawed, inequitable and thus discriminatory under the *Canadian Human Rights Act* (CHRT 1340/7008).
- D. On January 26, 2016, the Canadian Human Rights Tribunal (CHRT) issued its decision (2016 CHRT 2) regarding the complaint filed in February 2007 by the Caring Society and the AFN. The CHRT substantiated the complaint and concluded that First Nations children and families living on reserve and in the Yukon are discriminated against in the provision of child and family services by INAC and further found that Canada's implementation of Jordan's Principle is discriminatory. In its decision, the CHRT made several orders, including:
- i. Cease its discriminatory practices, and reform the First Nation Child and Family Services program (FNCFS).
 - ii. Cease applying a narrow definition of Jordan's Principle.
 - iii. Take measures to immediately implement the full meaning and scope of Jordan's Principle.
- E. Shortly after the CHRT January 26, 2016 decision, the AFN and the Caring Society initiated discussions with INAC to re-establish the National Advisory Committee (NAC) and Regional Tables to oversee recommendations for medium and long term relief related to the CHRT decision and to provide general advice on program reform. The NAC and Regional Tables is a joint committee composed of First Nations child and family service experts appointed by AFN Regional Chiefs, the AFN, the Caring Society, and INAC. This process was used for the Joint National Policy Review of First Nations Child and Family Services (2000) and the Wen:de reports in 2005. INAC agreed to the process in general but failed to respond to correspondence in a timely fashion resulting in substantial and unnecessary delays in establishing the NAC.
- F. On both April 26, 2016, and September 14, 2016, INAC was issued with two supplemental rulings from the CHRT. The CHRT found that INAC compliance to the rulings was inadequate. The CHRT made further specific orders regarding FNCFS funding and ordered Canada to apply Jordan's Principle to all First Nations children on and off reserve, to cease case conferencing before the child receives the service and apply it to all jurisdictional disputes.
- G. In response to Canada's failure to fully comply with the CHRT orders, the NDP tabled an opposition motion on October 27, 2016 calling on the government to comply with the historic rulings of the CHRT ordering the end of discrimination against First Nations children. On November 1, 2016, the NDP motion was unanimously passed by the House of Commons. The motion specifically called for the government to:

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- i. Immediately investing an additional \$155 million in new funding for the delivery of child welfare – the identified shortfall for this year – and establish a funding plan for future years that will end the systemic shortfalls in First Nations child welfare.
 - ii. Implement the full definition of Jordan's Principle as outlined in a resolution passed by the House on December 12, 2007.
 - iii. Fully complying with all orders made by the CHRT and stop fighting Indigenous families in court who are seeking access to services covered by the federal government.
 - iv. Make public all pertinent documents related to the overhaul of child welfare and the implementation of Jordan's Principle.
- H. On October 27, 2016, without consulting with the AFN or the Caring Society, INAC Minister Carolyn Bennett appointed a Ministerial Special Representative on First Nations child and family services (MSR) whose role is to advise the government as it executes its engagement strategy with provinces, territories and child welfare agencies to overhaul the FNFCS program.
- I. To date, these engagement processes have been led by the MSR, without consultation with the AFN or the Caring Society. To date, the engagement process appears to have been conducted in an ad hoc manner, absent any terms of reference or accountability mechanisms, needed to clarify the goals and outcomes of the MSR and ensure the work is conducted in a manner consistent with the UN Declaration and domestic law.
- J. In the spirit of Article 15 (2) and 17 (2) of the UN Declaration, accountable engagement processes should be meaningful and guided by clear terms of reference developed in consultation with First Nations and First Nations child and family service agencies that clearly outline the intent, scope, impacts and accountability mechanisms of the engagement. Such procedures have been lacking throughout INAC's engagement plan.

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

1. Express deep concern regarding Canada's failure to immediately and fully comply with the Canadian Human Rights Tribunal (CHRT) decision.
2. Call on Canada to immediately comply with any and all orders issued by the CHRT without reservation.
3. Fully support the opposition motion passed in the House of Commons on November 1, 2016 and call on Canada to take immediate steps to fully comply with the motion.
4. Call on Canada to affirm that the National Advisory Committee (NAC) and Regional Tables process proposed by Assembly of First Nations and the First Nations Child and Family Caring Society is the legitimate process to provide advice to the Chiefs and federal government on First Nations child and family services reform and the implementation on Jordan's Principle.

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5. Call on Canada to immediately provide the information, resources and support necessary for the NAC and Regional Tables process to convene and complete their work.
6. Inform Canada that the Ministerial Special Representative on First Nations child and family services (MSR) engagement process is not a replacement for the NAC and Regional Tables process and in no way should prejudice Canada's full and proper compliance with the CHRT decisions.
7. Call on Canada to immediately refocus the mandate of the MSR to enhance the internal capacity of INAC and other federal departments to implement the CHRT decisions (2016 CHRT 2; 2016 CHRT10; 2016 CHRT 16 and any further orders) and the Truth and Reconciliation Commission of Canada Calls to Action. This includes, but is not limited to, shifting Indigenous and Northern Affairs Canada operating culture to promote non-discrimination, reconciliation, and observance of the United Nations Declaration on the Rights of the Indigenous Peoples and the Organization of American States American Declaration on the Rights of Indigenous Peoples, by designing and delivering professional training and performance measures for every member of the civil service up to and including Deputy Ministers along with any of its agents, successors or assigns related to the provision of services to First Nations peoples on and off reserves.

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TITLE: Canada's Duty to Free, Prior, and Informed Consent First Nations Traditional Territory

SUBJECT: Land Rights and Claims

MOVED BY: Joseph Baxter, Proxy, Wawakapewin First Nation, ON

SECONDED BY: Dan Kohoko, Proxy, Algonquins of Pikwakanagan First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. TransCanada, as part of its operations and maintenance activities on its pipelines, engages in intrusive work called integrity digs, which includes excavating land around large sections of its existing pipelines in order to expose the pipeline for inspection.
- C. The excavation and despoliation of traditional lands through pipeline maintenance activities, including integrity digs, is a disruptive activity that infringes on the Aboriginal and Treaty rights of impacted First Nations and can potentially cause irreversible damage to a First Nations traditional lands, including archaeological and cultural heritage sites.
- D. The Crown granted TransCanada approval for the existing pipelines without first notifying, consulting with or accommodating impacted First Nations, or obtaining the free and informed consent of impacted First Nations.
- E. The Crown and its regulator, the National Energy Board, have the opportunity and the legal obligation to ensure that any maintenance activities like integrity digs, requires consultation and accommodation with impacted First Nations.

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

1. Call upon the Government of Canada to fulfill the duty to consult and accommodate in accordance with Canadian law, Section 35 of Canada's Constitution, and the Honour of the Crown in all its dealings with First Nations including reconciliation, and Canada's support and endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.
2. Direct the National Chief of the Assembly of First Nations to call on Canada to fulfill its duty to consult and accommodate prior to undertaking intrusive maintenance activities, including integrity digs for pipelines, on any First Nation traditional lands. The duty to consult and accommodate entails reaching agreements with potentially impacted First Nations on accommodation measures, and to identify all potential impacts to traditional lands, and uses of, connections to and values in such lands (including archaeological and cultural heritage sites), and to avoid, mitigate and compensate for such impact.

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TITLE: Working Together for a Better Future for First Nations Youth

SUBJECT: Youth, Mental, Health, Remote and Northern Communities

MOVED BY: Chief Arnold Paul, Temagami First Nation, ON

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institution.
- B. The Assembly of First Nations National Youth Council's Call to Action on Life Promotion states that, "we recognize that the prevention of suicide does not rest with one sector or government department. It is a complex and multi-dimensional problem that requires the concerted efforts of individuals, families, communities, as well as federal, provincial, territorial and Indigenous governments to solve it. In other words, we recognize that we are all implicated in the solution, albeit in different ways."

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- C. In May 2016, the Liberal Party Aboriginal Peoples Commission (APC) passed a priority resolution that spoke to the challenges facing indigenous youth. Accordingly, suicide is not only a direct result of mental health, but it is also reflective of Canada's colonial history and dismantling of Indigenous cultures, languages, and way of life. The APC has resolved to work with Indigenous communities, organizations, and nations on ways to begin healing, reconciling, as well as implementing mental health and suicide prevention strategies.
- D. In the wake of recent youth tragedies throughout Saskatchewan, the Prince Albert Grand Council is working collaboratively with local communities affected by the recent tragedies.
- E. Prince Albert Grand Council is hosting a *Community Medicine Conference*, an inter-agency approach to youth suicide prevention in Prince Albert, Saskatchewan. They have requested two members from each of their communities to attend the two-day strategic planning session and invite other First Nations community representatives from across Canada to attend.
- F. The purpose of the *Community Medicine Conference* is to collaboratively promote life through a process of healing and planning, with an opportunity to discuss the cause of youth suicide and to create comprehensive planning and prevention strategies that need immediate and long term action.

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

1. Call upon federal and provincial governments to support the *Community Medicine Conference* and its resulting recommendations.
2. Call upon the Indigenous Peoples Commission of the Liberal Party of Canada to ensure their May 2016 commitments are upheld, including the commitment to seek to collaborate and partner with Indigenous communities and organizations at the most immediate instance, as this situation among our youth is dire and requires immediate action.
3. Call upon the federal government to commit to working together for a better future for Indigenous youth to end the crises such as the tragedies that have taken place in Pimicikamak Cree Nation, in northern Saskatchewan and across Canada.
4. Direct the Assembly of First Nations (AFN) to report back to the Chiefs-in-Assembly on the progress of this work at the 2017 Annual General Assembly.

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TITLE: Meaningful Consultation and Engagement with First Nations in the Environmental and Regulatory Review

SUBJECT: Environment, Fisheries

MOVED BY: Chief Calvin Sanderson, Chakastaypasin Band, SK

SECONDED BY: Chief Eileen Morrison, Buffalo River Dene Nation, SK

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People includes the following articles:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32, (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- B. As part of Bill C-38: *Jobs, Growth, and Long-term Prosperity Act*, and Bill C-45: *Jobs and Growth Act*, the previous Government of Canada introduced, debated and passed significant changes to the *Canadian Environmental Assessment Act*, *National Energy Board*, *Fisheries Act*, and the *Navigable Waters Protection Act* (known as the *Navigation Protection Act*), among many others, without engaging and consulting with First Nations.
- C. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nations' rights, and the honour of the Crown is always at stake in these scenarios.
- D. The Assembly of First Nations (AFN) has passed four resolutions concerning this process: Resolution 12/2016: *Moving Beyond Federal Legislation to Establish a Nation-to-Nation Relationship*; Resolution 35/2016: *First Nations' inclusion in the review of Environmental and Regulatory processes*; Resolution 24/2012: *Consultation and Engagement on Amendments to the Fisheries Act*; and Resolution 47/2012: *Opposition to Unilateral Changes in Fisheries Management in Canada*
- E. Prime Minister Justin Trudeau has publicly committed "to a renewed nation-to-nation relationship with First Nations (...) one that is based on recognition of rights, respect, cooperation and partnership" and to "conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government."
- F. Instead of engaging First Nations in the review of "legislation unilaterally imposed on Indigenous Peoples by the previous government, on June 20, 2016, the Government of Canada announced a broad public review of various environmental and regulatory processes that includes:
 - i. Reviewing federal environmental assessment processes.
 - ii. Modernizing the National Energy Board.
 - iii. Restoring lost protections and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*.
- G. The reviews are currently in progress and present serious challenges, including: the unrealistic timelines for preparation and participation; lack of adequate and timely funding; an overreliance on the internet to elicit opinion, low First Nations participation during the "engagement sessions"; and disregarded requests to appear before Standing Committees, among others.

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

1. Direct the Assembly of First Nations (AFN) to engage the Prime Minister in a focused dialogue with First Nations to substantively identify, recognize and engage the protocols, elements and processes of a renewed nation-to-nation relationship.

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2. Direct the AFN to call on the Prime Minister to reiterate his commitment to conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government, as well as to call on the Prime Minister to engage in a focused dialogue with First Nations to substantively identify, recognize and engage the protocols, elements and processes to conduct joint legislative drafting.
3. Direct the AFN to write a letter to the Prime Minister and Ministers of Environment and Climate Change, Natural Resources, Fisheries, and Transport Canada to express dissatisfaction with the existing environmental and regulatory review process, remind the federal government of their duty to consult, and call for meaningful engagement and shared decision-making for all First Nations.
4. Direct the AFN, in partnership with the Ministers of Environment and Climate Change, Natural Resources, Fisheries, and Transport Canada, to jointly develop the protocols, elements, and processes for meaningful First Nation engagement and consultation in the environment and regulatory reviews, including to extend the timelines.
5. Support the interventions of First Nations, regional organizations, and provincial/territorial organizations, such as that of the Federation of Sovereign Indigenous Nations, to strengthen and improve the federal environmental and regulatory processes, such as:
 - a. Establishing an Indigenous Constitutional Rights Compliance Office.
 - b. Broadening the definition of "Environmental Effects."
 - c. Lengthening timelines for First Nations-specific consultation.
 - d. Increasing opportunities for First Nations consultation within environmental processes.
 - e. Engaging First Nations at the strategic policy level.
 - f. Ensure adequate funding for First Nation engagement and consultation in all federal and provincial/territorial environmental assessment review processes.
6. Direct the AFN to collect the various positions and/or presentations on the federal environmental and regulatory review process and disseminate to the AFN member First Nations.

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TITLE: Support for Treaty 8 Chiefs in the Mackenzie River Basin

SUBJECT: Natural Resources

MOVED BY: Chief Liz Logan, Fort Nelson First Nation, BC

SECONDED BY: Chief Lynette Tsakoza, Prophet River First Nation, BC

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People states:
- i. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- B. On June 21, 2016, Prime Minister Justin Trudeau stated, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation and partnership."
- C. Together, the Treaty 8 Nations in the Mackenzie River Basin (British Columbia/Alberta/Northwest Territories) are dealing with three water-intensive major energy projects, including the Site C Hydroelectric Dam, LNG Fracking, and the Oil Sands, that are in the national interest but threaten the health of the land, water and people, and are heavily reliant on water.

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- D. Canada is a signatory to the Mackenzie River Basin Transboundary Waters Master Agreement (Master Agreement) that establishes common principles for the cooperative management of the Aquatic Ecosystem of the Mackenzie River Basin including:
- i. Managing the water resources in a manner consistent with the maintenance of the ecological integrity of the aquatic ecosystem.
 - ii. Managing the use of the water resources in a sustainable manner for present and future generations.
 - iii. Resolving issues in a cooperative and harmonious manner.
- E. The provincial governments of British Columbia (BC), Alberta (AB) and the Northwest Territories (NWT) have all signed bilateral water agreements under the Master Agreement and the NWT has used these agreements to work towards collaborative water governance with Indigenous peoples.
- F. In May 2016, Prime Minister Trudeau referred to the NWT's approach when discussing First Nations' "veto" on resource development projects, stating: "In the NWT they have boards that examine the projects from the very beginning with Indigenous voices. The talk of veto or not veto is highlighting the failure of the process as it exists right now. It shouldn't ever even come to the decision, is it a veto or not a veto. We should be working together from the very beginning."

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

1. Support a Treaty 8 Chiefs Gathering for all First Nations in the Mackenzie River Basin (British Columbia/Alberta/Northwest Territories) to meet with the Prime Minister and Ministers of Indigenous and Northern Affairs Canada, and the Minister of Environment and Climate Change to discuss implementing nation-to-nation relationships in the context of these major energy projects in the Mackenzie River Basin.
2. Call upon the National Chief of the Assembly of First Nations (AFN) to request the Prime Minister, Minister of Indigenous and Northern Affairs Canada and the Minister of Environment and Climate Change attend and participate in the gathering.
3. Direct the AFN to support and participate in the development of the Treaty 8 Chiefs Gathering, including leads for finding financial support, expertise, and content for the gathering.

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TITLE: Support for Community-Based Emergency Care (CBEC)

SUBJECT: Health, Emergency Care Services, Remote Communities

MOVED BY: Frank McKay, Proxy, Sachigo Lake First Nation, ON

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

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 24 (2): Indigenous peoples 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 in Northern Ontario face elevated rates of emergency health problems, including trauma, mental health emergencies, and complications of chronic and communicable diseases. First response emergency services are inadequate or non-existent in many remote Northern First Nations communities.
- C. In the absence of local paramedic services, the immediate management of health emergencies depends on the capacity of local health providers and laypeople.
- D. There is a need for a process to be established which provides the necessary geographically and culturally appropriate first response protocols.

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- E. Community-Based Emergency Care (CBEC) is a community-driven approach to delivering essential emergency first response medical services in remote First Nations communities and is a partnership between health care providers, health researchers, governance and policy-making organizations, and local community members.
- F. A proposal has been submitted to the communities of the Windigo First Nations Council and subsequently supported through band council resolutions at the community level and by the Windigo First Nations Council
- G. The first response process needs to be supported through training and on-going support for community-based first response personnel and laypeople to ensure patients receive a high quality of safe care.

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

1. Support the Community-Based Emergency Care (CBEC) proposal with expansion to five Northern Ontario communities and evaluation with a national scope.
2. Direct the Assembly of First Nations (AFN) to urge the federal and provincial governments to work with CBEC leadership, regional First Nations communities and political partners to financially support and promote the expansion of CBEC programs in remote First Nations communities.

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TITLE: Support for an Inquiry into the Sub-Standard Health Care in Cross Lake First Nation

SUBJECT: Health

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

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

DECISION Carried; 1 abstention

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iv. Article 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.

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- B. Call to Action # 19 of the Truth and Reconciliation Commission of Canada calls upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends.
- C. The health care and medical system serving the Cross Lake Band of Indians (CLBI) in northern Manitoba, a community of approximately 8,400 people, has been receiving sub-standard health care for many years that is not on par with other people living in Canada.
- D. The sub-standard health care services received by members of the CLBI over the years is resulting in premature and preventable deaths, higher illness rates, lack of access to proper medical testing and care, including lack of proper access to diagnostics, physician services and nursing care.
- E. The sub-standard health care services received by members of the CLBI is part of a systematic pattern of discrimination and inequity in Canada, whereby Indigenous people who have sought medical treatment have systematically received substandard care or been denied services.
- F. Lack of local medical services in Indigenous communities has resulted in the forced relocation of Indigenous peoples, temporary or permanent, to urban centers in order to receive adequate health and clinical care services.
- G. The family of the late Tyson McKay, a member of the CLBI, as represented by Sydney Garrioch, filed a lawsuit CI 16-01-03228 in the Manitoba Court of Queen's Bench on August 3, 2016, against the Government of Canada and the Government of Manitoba and other defendants, alleging that the health care system failed to provide adequate health care services to Tyson McKay.
- H. Tyson McKay received inadequate health care, including improper diagnostics testing and improper treatment for what turned out to be a heart attack.
- I. According to the 2015 *Report 4--Access to Health Services for Remote First Nation Communities* of the Auditor General of Canada, Canada is failing to provide adequate health care services and clinical care with respect to nursing stations, medical transportation, and comparable access to health and clinical care services as other residents in comparable geographic locations.
- J. Section 36(1)(c) of the *Constitution Act, 1982* of Canada provides that Canadian Governments are committed to providing essential public services of reasonable quality to all people in Canada and the Honour of the Crown requires that the Crown act with integrity, fundamental justice and fairness and avoid "sharp dealing."

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- K. In *First Nations Child and Family Caring Society et al v. Canada* 2016 CHR 2 the Canadian Human Rights Tribunal found that Aboriginal Affairs and Northern Development Canada should cease its discriminatory practices with respect to underfunding child and family services in First Nation communities and that it is discriminatory to fail to provide adequate funding for the well-being of children on First Nations reserves.

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

1. Direct the Assembly of First Nations (AFN) to support the Cross Lake Band of Indians in their call to the Government of Canada and the Government of Manitoba for an immediate independent public inquiry to the health and clinical care services that are provided to the First Nations of Cross Lake, in order to prevent premature and preventable deaths, high illness rates, lack of access to proper medical testing, and other needed healthcare treatments and services.

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TITLE: Support for First Nation Client Registry

SUBJECT: Health, Social

MOVED BY: Chief Simon Fobister, Grassy Narrows First Nation, ON

SECONDED BY: Terry Skead, Proxy, Wauzhushk Onigum Nation, ON

DECISION Carried; 1 abstention

WHEREAS:

- A. The following article of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. Call to Action #19 of the Truth and Reconciliation Commission of Canada calls upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual reports and assess long-term trends. Such efforts would focus on indicators such as: Infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- C. Currently, there is little system-wide, accurate data on First Nation statistical health information and health surveillance systems.

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- D. To address issues related to the lack of First Nations data that is under the control of First Nations, the eight communities of the Kenora Chiefs Advisory have developed a First Nation Client Registry (FNCR). The FNCR is First Nations owned and operated and respects the principles of Ownership, Control, Access and Possession (OCAP®) of data.
- E. The FNCR is a First Nation database that can be linked with provincial and federal databases to provide epidemiological data for evidence-based health program planning, implementation and evaluation.
- F. The FNCR builds capacity for First Nations to lead a coordinated and comprehensive approach to develop and measure First Nations indicators of health and wellness.
- G. The FNCR was developed as a standard that supports interoperability with federal/provincial eHealth/Health applications, and supports community initiatives and health planning.
- H. The FNCR supports the documentation of health services and the collection of health statistics that are necessary to monitor health trends and health outcomes deemed to be priorities for First Nations.
- I. The FNCR has been operational since 2012 and has linked with Cancer Care Ontario's database to provide information on cancer rates and cancer screening requirements for participating communities.
- J. The FNCR is scalable to include all First Nations in Ontario and Canada. Each respective community would have their own secure portal to the FNCR, and each respective community will own and control their own community data.

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

1. Support the Kenora Chiefs Advisory First Nation Client Registry (FNCR) and their compliance with the First Nations principles of Ownership, Control, Access and Possession (OCAP®), which respects participating First Nations' ability to protect its own data and determine how and under what circumstances its information is collected, used, disclosed and destroyed.
2. Support the FNCR that respects First Nations' inherent and Treaty rights of self-determination as it relates to First Nations owned data.
3. Direct the Assembly of First Nations (AFN) to advocate to the federal, provincial and territorial governments to financially support the FNCR and its expansion to communities that wish to participate in its benefits.

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TITLE: Support for a Partnership between Katimavik and the AFN National Youth Council

SUBJECT: Education, Youth

MOVED BY: Chief Cadmus Delorme, Cowesses First Nation, SK

SECONDED BY: Chief Abram Benedict, Mohawk Council of Akwesasne, ON

DECISION Carried; 1 abstention

WHEREAS:

A. The UN Declaration on Indigenous Rights Peoples states:

- i. Article 21: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health, and social security.
- ii. Article 23 (1): Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. The Truth and Reconciliation Commission Calls to Action state

- i. Call to Action 66: We call upon the federal government to establish multiyear funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

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- C. The Assembly of First Nations (AFN) National Youth Council has developed its priorities to reflect the needs of Indigenous youth as reflected within the AFN National Youth Council Calls to Action on Life Promotion in First Nation Communities, as well as reflecting the need to engage the broader Canadian public on the need for reconciliation.
- D. Katimavik is a national youth development organization that has identified truth and reconciliation as the most important civic issue facing Canada today, and will be developing active-based foundational curriculum for all its programs. This curriculum will ensure that all Katimavik volunteers will:
 - i. Learn about colonialism and its impacts in Canada.
 - ii. Learn about the contributions that Indigenous people make to Canada.
 - iii. Engage with local Indigenous nations to learn about their history, engage in present issues affecting the nation, learn traditions and cultural practices of the communities and use this knowledge throughout their programs and in their life going forward.
- E. Through an approach called *Indigenous Youth in Transition*, Katimavik is seeking to develop partnerships with Indigenous organizations and governments across Canada to jointly develop programs for youth in those nations that will focus on their personal development, employment skills, a positive post-secondary experience, and language and culture learning. These programs will be owned by the Indigenous organizations and governments.

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

1. Support the development of an agreement between Assembly of First Nations (AFN) Youth Council and Katimavik to partner and develop joint priorities, including life promotion, improving educational outcomes and others, for Katimavik to engage young Indigenous and non-Indigenous women and men through its programs.
2. Support Indigenous-owned programs for youth that focus on their personal development, employment skills, education experience, and language and culture.
3. Direct the AFN to call upon the Government of Canada, Canadian Foundations and corporate partners to fund this partnership through reconciliation and youth service programs.
4. Direct the AFN Youth Council to report annually to Chiefs-in-Assembly regarding its progress on this joint partnership with Katimavik.

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TITLE:	Mismanagement of Fraser River Spring Chinook Salmon Fisheries
SUBJECT:	Fisheries
MOVED BY:	Chief Robert (Bob) Chameberlain, Kwikwasu'tinuxw Haxwa'mi First Nation, BC
SECONDED BY:	Chief Wayne Christian, Spallumcheen Indian Band (Splatsin First Nation), BC
DECISION	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources
 - iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
 - iv. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- B. Fraser River First Nations have fished for Spring Chinook Salmon since time immemorial, and continuing to today this practice remains fundamental to who they are as Indigenous peoples.

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- C. Spring Chinook Salmon provide Fraser River First Nations with a unique source of physical, cultural and spiritual sustenance as these fish are generally the first salmon returning to the Fraser River following winter, and as such are generally the first fresh salmon harvested by Fraser River First Nations.
- D. Fraser River Spring Chinook Salmon have been subject to serious conservation concerns for several years and Fraser River First Nations' food, social and ceremonial (FSC) needs have not been met.
- E. Despite the conservation concerns and the unmet FSC needs of Fraser River First Nations, Department of Fisheries and Oceans (DFO) continues to authorize marine recreational and commercial fisheries that intercept and impact significant numbers of Fraser River Spring Chinook Salmon contrary to the constitutional priority confirmed in *R. v. Sparrow*, [1990] 1 SCR 1075.
- F. Katzie First Nation, Kwantlen First Nation and Seabird Island have commenced a judicial review in Federal Court of DFO decisions in 2016 to authorize unconstitutional marine recreational fisheries that intercept and impact significant numbers of Fraser River Spring Chinook Salmon.

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

1. Direct the Assembly of First Nations to fully support the judicial review commenced by Katzie First Nation, Kwantlen First Nation and Seabird Island, and call on the federal government to correct its application of the constitutional priority in its management of Fraser River Spring Chinook Salmon fisheries.

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TITLE: Marine Emergency Information Management Protocol

SUBJECT: Fisheries

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

SECONDED BY: Bernd Christmas, Proxy, Eel Ground First Nation NB

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

B. First Nations are the traditional stewards of fisheries and aquatic resources.

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- C. Marine emergencies have required the recent heroic efforts of the Heiltsuk and Ahousaht First Nations councils and individuals on their shores with limited supplies and planning.
- D. Marine emergencies require the rapid exchange of information on the nature of the emergency and the action needed, and requires advanced planning and practice with First Nations within their traditional territories.
- E. AFN Resolution 40/2010 "Security Against Impacts from Offshore Oil Spills" calls upon the Government of Canada to develop an emergency offshore oil spill strategy and protect the livelihood of First Nations impacted by oil spills in both Canada and the United States of America.

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

1. Direct the Assembly of First Nations (AFN) to continue its efforts as directed in AFN Resolution 40/2010 "Security Against Impacts from Offshore Oil Spills".
2. Call on the AFN to provide further leadership in establishing strong and respectful relationships with Fisheries and Oceans Canada, the Canadian Coast Guard and Transport Canada, to begin to address responses to First Nations impacted by marine emergencies in their traditional territories.
3. Direct the AFN to open the Marine Emergency Information and Response Protocol for signature by the Minister of Fisheries and Oceans, Minister of Transport Canada and the Canadian Coast Guard.

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TITLE: Changes to the Post-Secondary Students National Policy Guidelines

SUBJECT: Education

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- B. First Nations have an inherent and Treaty right to education including post-secondary education.
- C. Saskatchewan First Nations Post-Secondary Student Support Programs (PSSSP) are currently administered by each First Nation and are funded by the federal government based on population.
- D. The funding and administration of the PSSSP across Canada is directly dependent on the federal government's *PSSSP National Program Guidelines*.
- E. Both the Residency clauses and the Limits of Assistance (with or without funding) clauses included in the *PSSSP National Program Guidelines* are discriminatory to First Nations students and a violation of the Treaty right to education.

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

1. Direct the Assembly of First Nations' Chiefs Committee on Education to take the necessary steps required to advocate for the removal of the Residency and Limits of Assistance clauses (in particular the without clause) from the *Post-Secondary Student Support Program National Program Guidelines*.

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TITLE:	First Nations Focused Labour Market Strategy
SUBJECT:	Employment, Training
MOVED BY:	Chief Reginald Bellerose, Muskowekwan First Nation, SK
SECONDED BY:	Chief Randall Phillips, Oneida Nation of the Thames, ON
DECISION	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- B. First Nations peoples in Canada require a future that fosters improvements to the socio-economic circumstances of our communities/citizens and increased ability to enhance indigenous economies and access their labour market opportunities by addressing related personal and systemic barriers.
- C. The current five-year Aboriginal Skills Employment Training Strategy ended in March 2015 and has been extended by two years until March 31, 2017. First Nations are calling for a strategy that is sustained over a ten-year term with increments reflecting this need.

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- D. Assembly of First Nations (AFN) Resolution 22/2016 *Reaffirmation of the Chiefs Committee on Human Resources Development* re-established and mandated the Chiefs Committee on Human Resources Development (CCHRD) to prioritize and focus on a long term strategy that will support First Nations employment, skills development, participation in the labour force and other labour markets.
- E. The July 2016 First Nations Labour Market Forum recommended that First Nations need a First Nations-specific process that will lead to a distinct First Nations Labour Market Strategy and that the CCHRD should provide leadership for the AFN.
- F. The approach of the CCHRD will be based on, and articulate, necessary structural changes at an 'arms-length' from government methodology and include the recommendation for a new First Nation labour market authority and the requirement for an appropriate level of resources that will address the distinct needs of our First Nations.
- G. The Minister of Employment, Workforce Development and Labour has committed to working together with our First Nations to achieve a collaborative policy development process. This process should not only create minimal and administrative program impacts but seek to make fundamental changes to the current labour market program. It should be guided by the principles of a government-to-government /nation-to-nation relationship with Canada and upholds proper recognition of rights, respect, co-operation and partnership.
- H. The CCHRD and its technical team have prepared to engage with government officials to inform the development of a joint cabinet submission with the goal of a new, long-term First Nations specific labour market strategy.

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

- 1. Direct the Chiefs Committee on Human Resources Development to call on the Minister of Employment, Workforce Development and Labour to begin:
 - a. Work with First Nations on a joint Memorandum to Cabinet for a long-term, First Nations focused labour market strategy. This model should seek to foster success, be inclusive, address the disadvantaged and accommodate the geographical challenges and costs of isolated, remote and northern communities.
 - b. Work towards a legislative process that will solidify the creation and funding of that strategy.

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TITLE: Relationship Protocol between Canada and First Nations Related to Housing and Infrastructure

SUBJECT: Housing and Infrastructure

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Canada has adopted the UN Declaration.
- C. The federal government has committed to working in consultation and cooperation with First Nations and Indigenous peoples.
- D. The federal government has promised Canadians real change – in both what they do and how they do it. This ‘new relationship’ will fundamentally transform the way the federal government works with First Nations on the implementation of housing and infrastructure programs and services in First Nation communities.

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- E. The Prime Minister of Canada has informed his Ministers that no relationship is more important than the one with First Nations and Indigenous peoples.
- F. It is time for a renewed nation-to-nation relationship with First Nations and Indigenous peoples based on the recognition of rights, respect, co-operation and partnership.
- G. There is a recognized need for the federal departments responsible for managing housing and infrastructure programs to work cooperatively, with the full participation and consent of First Nations, to meet the housing and infrastructure needs and requirements of First Nation communities.
- H. The current lack of cooperation between federal departments responsible for housing and Infrastructure impairs effective program delivery and impacts the health and well-being of all First Nation communities.
- I. At the May 2016 Chiefs Committee on Housing and Infrastructure joint meeting, which included Assembly of First Nation (AFN) technical experts on housing and infrastructure, representatives from Indigenous and Northern Affairs Canada, Canadian Mortgage and Housing Corporation, and Health Canada, all parties agreed to establish a Relationship Protocol to guide the relationship between First Nations and the relevant federal departments to ensure the effective development and delivery of sustainable housing and infrastructure programs and services to First Nation communities.

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

1. Direct the Assembly of First Nations (AFN) to work with the Minister of Indigenous and Northern Affairs Canada, the Minister of Health, and the Minister of Families, Children and Social Development, to establish a Relationship Protocol that will guide the relationship between Canada and First Nations and ensure the effective development and delivery of sustainable housing and infrastructure programs and services to First Nation communities.
2. Direct the AFN to provide a progress report on the development of a Relationship Protocol at the 2017 AFN Special Chiefs Assembly.

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TITLE: First Nations Full and Meaningful Inclusion in Climate Action

SUBJECT: Environment

MOVED BY: Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK

SECONDED BY: Chief Calvin Sanderson, Chakastaypasin First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. International leaders set global targets to reduce carbon emissions as part of the 21st Conference of the Parties (COP 21), which led to the *Paris Agreement* – officially signed by Canada in April 2016.

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- C. All of the parties to the *Paris Agreement* agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.
- D. At a First Ministers Meeting in Vancouver in March 2016, the First Ministers agreed to the *Vancouver Declaration on Clean Growth and Climate Change* (the Vancouver Declaration), in a process that sets out a plan to achieve Canada's international commitments through the creation of a Pan-Canadian Framework for Clean Growth and Climate Change.
- E. International leaders and representatives of Indigenous peoples from all regions of the world, including the Assembly of First Nations (AFN) as an autonomous delegation, met at the 22nd Conference of the Parties (COP 22) in November 2016, in Marrakesh, Morocco.
- F. At COP 22, a high-level dialogue was held regarding the development and launch of an Indigenous Peoples Platform referenced in Decision 1/CP.21 paragraph 135 of COP21 (Paris).
- G. The Pan-Canadian Framework Process is set to conclude at the upcoming First Minister's Meeting in Ottawa, December 9, 2016.
- H. First Nations require a concrete mechanism to ensure their full and effective participation in understanding and contributing to climate change policies, as well as the tools and knowledge to give their free, prior and informed consent on all said policy.
- I. The AFN has passed numerous resolutions supporting First Nations involvement in Climate Change discussions. These include: "*Engaging in Climate Action and the Environment*" (resolution 29/2016), "*Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action*" (Resolution 48/2016), "*Support First Nations in Addressing Climate Change*" (resolution 59/2015), and "*Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies*" (resolution 51/2015).
- J. Climate change will significantly alter our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.
- K. The AFN has established its Advisory Committee on Climate Action and the Environment (ACCAE), and participating Elders have met to formalize an Elders' Statement on climate action and the environment.

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

1. Call on the Prime Minister and provincial/territorial premiers to fully and meaningfully include First Nations in the drafting, finalizing, and implementation of the Pan-Canadian Framework on Clean Growth and Climate Change (PCF) through, among other things, the development of concrete mechanisms to ensure our full and effective participation in current and ongoing climate change policies, including the implementation of the PCF.

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2. Support the development of the Indigenous Peoples' Platform within the United Nations Framework Convention on Climate Change (UNFCCC) process and the implementation of the Paris Agreement, and endorse the concept of an Indigenous co-moderator of the UNFCCC Platform process in an effort to support equitable and collaborative relationship building with a non-Indigenous state representative.
3. Call on the Government of Canada to ensure that any Canadian climate change plan must reflect and include the Trudeau Government's commitment to fully implement, and adopt without qualification, the *United Nations Declaration on the Rights of Indigenous Peoples*, including achieving the free, prior and informed consent of Indigenous peoples prior to the approval of any project affecting their lands or territories and other resources.
4. Direct the Assembly of First Nations (AFN) to advocate for the incorporation of an Indigenous human rights based approach that is inclusive of the development of Indigenous laws, protocols, and processes, in full partnership with individual First Nations.
5. Direct the AFN, with support from the Advisory Committee on Climate Action and the Environment (ACCAE), to begin discussions on a First Nations-led climate plan that prioritizes First Nations issues and interests.
6. Call on the federal, provincial, and territorial governments to establish a fund to support First Nations to conduct community-led climate change assessments, create mitigation and adaptation action plans, and invest in capacity-building to participate in the federal, provincial, and territorial framework and processes.

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TITLE: Support the Development of a First Nations National Housing and Infrastructure Strategy

SUBJECT: Housing, Infrastructure

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations have an inherent Treaty right to housing which has never been surrendered. This includes the supporting infrastructure, including education infrastructure requirements, which cannot be diminished.

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- C. First Nations are the holders of the right to determine what is best for First Nations and have never given up the right to self-determination in establishing the best way forward for future generations.
- D. First Nations have overwhelmingly rejected the manner in which housing has been implemented since the 1996 First Nations Housing policy and are now in the position to exercise “full First Nations control”, with the support of the federal government, over all housing and infrastructure projects in their First Nations communities.
- E. First Nations have overwhelmingly stated that their vision for the future of housing and infrastructure development must be rooted in “full First Nations control” including all of the necessary resources and budget commitments that will lead to successful outcomes.
- F. First Nations have stated that communities must have access to all of the modern financial tools for housing and infrastructure development that are available off reserve and must receive a full federal political commitment to provide the resources and budgets necessary to eliminate the current housing backlog and infrastructure deficit, determined by the Assembly of First Nations (AFN), and create a sustainable approach to housing and infrastructure development.
- G. First Nations have stated that there must be a renewed commitment to building the necessary capacities and skills in order to support the development of the new First Nations led sustainable approach to housing and infrastructure development. It must be recognized that skills and capacity development begins with the homeowner and extends through every one of the resources necessary for local construction and implementation.
- H. The federal government has committed to rebuilding the relationship with First Nations. This commitment must extend to all levels of settler government if it is to be successful. Further, this new relationship must be based on nation-to-nation and must accord cultural, Treaty, and local First Nation community approaches the highest respect and value.
- I. The federal government, First Nation leaders, and the housing, infrastructure and capital managers, all agree that First Nations must take full control of housing and infrastructure implementation to ensure effective delivery.
- J. The Chiefs-in-Assembly have passed a First Nation housing and First Nation water strategy to facilitate First Nation control over First Nation housing and water. Housing and infrastructure are linked, and a need exists to develop a First Nations housing and infrastructure strategy.
- K. The AFN planned and delivered the *First Nations National Housing and Infrastructure Forum* whose outcomes, which are fully supported by the delegates, will be used to guide the development of a First Nations national housing and infrastructure strategy to assist in the development of housing and infrastructure in First Nation's communities.

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

1. Support and affirm the importance of an inherent and Treaty right to housing and infrastructure, which includes the continued need to eliminate the infrastructure deficit.
2. Support AFN and First Nation efforts to leverage local, regional, and national networks, grassroots organizing, shared research and resources, and joint action to assert the inherent and Treaty right to housing.
3. Call upon the Government of Canada to recognize and affirm the inherent and Treaty right to housing and commit to eliminating the infrastructure deficit, and to enter into an honourable process of consultation, collaboration and negotiation with First Nations across Canada to implement this right and address housing shortages and the infrastructure deficit.
4. Support the development of a First Nations National Housing and Infrastructure Strategy based on the outcomes of a regional engagement process that informs fully the *First Nations National Housing and Infrastructure Forum*, to facilitate First Nation control of housing and infrastructure.

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TITLE: Call on Canada to Invest in First Nation Information Communications Technology to support Governance

SUBJECT: Infrastructure, Connectivity

MOVED BY: Chief David Jimmie, Squiala First Nation, BC

SECONDED BY: Tracy Desjarlais, Proxy, Piapot First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- B. Assembly of First Nations (AFN) resolutions 11/2006 *"First Nation Basic Infrastructure Includes Information Communication Technology"* and 53/2011 *"First Nations e-Community Strategy"* direct the federal government of Canada to invest in appropriate programs and services supporting First Nations Information Communication Technology (ICT) infrastructure.
- C. AFN resolution 21/2015 *"Support for Continued Investment of First Nations Data and Information Governance"* calls on the federal government of Canada to invest in the First Nations Information Governance Centre to support regional infrastructure and information governance for all First Nation communities.

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- D. The Government of Canada itself recognizes that managing information is an essential component in the effective management of business of a department, and managing information is part of how the Government of Canada conducts business.
- E. The Government of Canada has clear accountabilities for information management to ensure that information retains its value throughout the entire period for which it is required for government business.
- F. Information Communications Technology (ICT) is a broad term that includes connectivity and related technologies; routers and other hardware; computers and access to information; software and applications; skilled workforce and training; and the development of data and information management principles essential to the rebuilding of strong First Nations.
- G. Developing and implementing enhanced integrated First Nations community ICT services and First Nations control of data and privacy considerations continue to be priorities and require strategic investments in new technology, infrastructure and systems.
- H. Enhanced integrated ICT services provide First Nations communities with the tools and processes to assist in developing and implementing policy and practice that supports informed decision-making and strategic planning, increase efficiency of operations, reduce reporting burdens, promote information management, support appropriate collection and storage of data, and can provide access to a range of information, programs and services necessary for governance.
- I. Enhanced integrated ICT services are a key enabler in facilitating access to essential services such as education, environmental stewardship, health, and social and economic development.

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

1. Commit to actively advocating for the continued development of enhanced connectivity and integrated Information Communication Technology (ICT) services, which are vital to support sustainable, locally-driven development and operational practices.
2. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to fund and support a First Nations specific ICT strategy and capacity framework to ensure that First Nations possess the tools to effectively implement the principles of OCAP®, Ownership, Control, Access and Possession, and provide free, prior and informed consent on matters that directly affect them.
3. Direct the AFN to call upon the federal government to renew support for a First Nations e-community approach to ICT, and for sustainable, strategic investments in ICT infrastructure locally and regionally.

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4. Direct the AFN, through the Chiefs Committee on Economic Development, to continue to advocate for resources for the continued development of broadband connectivity and integrated ICT services.
5. Affirm that Canada engage in respectful and meaningful consultation with First Nations in the implementation of an ICT strategy.

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TITLE: Ensuring First Nations have Access to Fire Suppression Equipment

SUBJECT: Infrastructure

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

SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (1): Indigenous people 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. Fire prevention and suppression equipment are an important aspect of adequate and safe housing for Indigenous Nations in Canada.
- C. Indigenous Nations throughout Canada are often subject to housing and infrastructure that is a fire hazard, and where a lack of proper fire suppression equipment results in an unnecessary and preventable loss of life and infrastructure.
- D. The Special Rapporteur on the rights of Indigenous peoples, James Anaya, documented the impact of underfunded housing and infrastructure as a human rights violation in Indigenous communities, which includes a critical lack of fire suppression equipment.

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

1. Direct the Assembly of First Nations to urge the Government of Canada and Indigenous and Northern Affairs Canada to create a fund specifically for the purchase of fire suppression equipment for First Nation communities under their Community Infrastructure Program.

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TITLE: Support for Connecting 17 Remote First Nations to the Ontario Provincial Electricity Grid through Wataynikaneyap Transmission Project

SUBJECT: Infrastructure

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The First Nation communities discussed and identified specific regional issues relating to lands and resources, economic development and energy.
- C. The First Nation communities located in remote northwestern Ontario have identified energy as a priority and want to connect their communities to the provincial grid and agreed to work in partnership as Wataynikaneyap.

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- D. A majority of remote Ontario First Nations using diesel generation are currently at capacity and face electrical load restrictions.
- E. The remote First Nation communities are unable to connect further housing or additional community infrastructure to the diesel generators, which has a detrimental impact on living standards, health and safety, economic development, and providing adequate education to future generations.
- F. On July 20, 2016, Ontario passed an Order-in-Council prioritizing the construction of electricity transmission lines to connect remote Ontario communities to the provincial electricity grid.
- G. Wataynikaneyap Power is a licensed transmission company in Ontario owned by 22 First Nations with a vested interest in the project.
- H. On July 20, 2016, Ontario passed an Order-in-Council approving a directive issued by the Minister of Energy requiring Wataynikaneyap Power to proceed with the project to connect certain remote Ontario communities to the provincial electricity grid.

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

1. Support the Wataynikaneyap Power transmission project and their efforts to connect 17 remote Ontario First Nations communities to the provincial electricity grid.
2. Direct the National Chief to write a letter to Prime Minister Justin Trudeau identifying the connection of remote Ontario First Nation communities to the Ontario provincial electricity grid as a federal priority.
3. Call on the Government of Ontario and the Government of Canada to immediately develop a funding framework to resource the Wataynikaneyap Power transmission project.

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TITLE: Support for First Nation-based Mental Health Crisis Response Teams

SUBJECT: Mental Health

MOVED BY: Michele Solomon, Proxy, Fort William First Nation, ON

SECONDED BY: Chief Thomas Bressette, Chippewas of Kettle and Stony Point, ON

DECISION Carried by Consensus

WHEREAS:

- A. The following article of the United Nations Declaration on the Rights of Indigenous Peoples asserts:
- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. On June 13, 2016, Prime Minister Justin Trudeau announced new health oriented funding of approximately \$69 million over three years. This funding is intended to support various measures, including:
- i. Four new crisis response teams that provide surge capacity for rapid response services and crisis coordination in regions of Ontario, Manitoba and Nunavut, which are identified as having the greatest need.
 - ii. An increased number of mental wellness teams, from 11 to 43, for communities most at-risk in order to strengthen existing community supports.
 - iii. Training for existing community-based workers to ensure that care services are provided in a culturally appropriate and competent way.

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- iv. The establishment of a 24-hour culturally safe crisis response line.
 - v. Support for Inuit-specific suicide approaches to mental wellness.
- C. The funding is intended to provide immediate interventions that will strengthen access to needed mental health services for First Nations and Inuit:
- i. As a “stop-gap” measure to deal with current mental health and social emergencies affecting remote and isolated communities.
 - ii. To expand mental health coverage to address service gaps and prevent more crisis situations from emerging.
- D. The initiatives within the June 2016 announcement are based on input from First Nations through the collaborative process for development of the First Nations Mental Wellness Continuum Framework and thus the implementation should continue in this collaborative model ensuring First Nations engagement.
- E. The federal government’s current crisis teams often consist of non-Indigenous mental health service providers external to the local area and are often unfamiliar with the issues experienced by First Nations, or come from other First Nation communities who are not adequately resourced for their services.
- F. No evaluation has been conducted on the efficacy or impact of existing crisis teams from the community perspective.
- G. First Nation community engagement must be the core of all mental health investments, so that each community can design and implement programs in a way that addresses their unique needs and priorities based on its unique asserts. Health services must be community driven and not derived from the top-down.

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

1. Direct the Assembly of First Nations (AFN) to work with Health Canada to conduct an evaluation of the impact and outcome of existing crisis response teams in order to inform further investments.
2. Direct the AFN to advocate to Health Canada for new crisis team staffing to be based on criteria set by First Nations in each region.
3. Direct the AFN to advocate to the First Nations Inuit Health Branch (FNIHB) of Health Canada to work within the AFN-FNIHB engagement protocol to ensure that existing regional processes/tables are engaged on implementation of the crisis response teams, and that the engagement reflects a respectful, inclusive and participatory policy approach.

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4. Direct the AFN to advocate to Health Canada that they adequately resource First Nations for any engagement required for implementation of these initiatives.
5. Direct the AFN to report the progress on implementation and evaluation of the mental wellness teams to Chiefs-in-Assembly on an annual basis.

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TITLE: Food, Environment, Nutrition and Health of First Nations Children and Youth Study

SUBJECT: Health, Environment

MOVED BY: Chief Thomas Bressette, Chippewas of Kettle and Stoney Point, ON

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

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 24(1) states: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- iii. Article 29 (3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

B. Many First Nations utilize traditional food systems to meet their nutritional, cultural, and physical well-being needs.

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- C. First Nations traditional food systems continue to be threatened by environmental contamination and further research is needed to examine the extent of this endangerment.
- D. There is a large disparity between the health status of First Nations children living on-reserve and other children in Canada.
- E. Child nutritional and environmental welfare on-reserve continues to be an important and evolving issue and Indigenous communities have higher levels of respiratory illness.
- F. The First Nations Food, Nutrition, and Environment Study (FNFNES), a partnership between the Assembly of First Nations, the University of Ottawa, the University of Montreal, and Health Canada, is approaching the final stage of research.
- G. The researchers involved in FNFNES propose to examine the following factors of First Nations children on-reserve, including: nutritional status, housed food security and community food environments, lead and chemical exposure from food and drinking water, and indoor air quality.

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

1. Direct the Assembly of First Nations (AFN) to collaborate with the University of Ottawa, the University of Montreal, and Health Canada on the final stages of this research initiative.
2. Direct the AFN to provide technical support on all aspects of the research process, including: the research protocols, research tools, methodology, and the interpretation and communication of results in accordance with the principles of Ownership, Control, Access, and Possession (OCAP®).
3. Direct the AFN to ensure Health Canada adequately fund this research initiative so that the objectives of the study are met, the research findings are sound, and that the project incorporates an appropriate cross-section of First Nation communities to ensure the findings will apply to the broadest spectrum of First Nations possible.

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TITLE: Support for Health Investments in Budget 2017

SUBJECT: Health

MOVED BY: Chief Patricia Big George, Big Island First Nation, ON

SECONDED BY: Chief Stan Beardy, Muskrat Dam First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

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- C. There are Treaty obligations to provide adequate and equitable health care to First Nations communities that are outstanding and unfulfilled by the Crown. The nation-to-nation and Treaty relationship requires these outstanding obligations be met.
- D. The Assembly of First Nations (AFN) submission to the Health Accord was to serve as the foundation for First Nations health investments that are required going forward.
- E. The Health Accord negotiations have stalled, risking the possibility of a 2017 federal budget that does not include First Nations priorities on health.

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

1. Continue to support the Assembly of First Nations (AFN) Chiefs Committee on Health process in developing a Health Accord submission.
2. Call on the federal government to provide significant new investments in Budget 2017 for First Nations health including, but not limited to: home and community care including palliative care; the First Nations Mental Wellness Continuum Framework implementation; and expanded access to key programs including Aboriginal Head Start On-Reserve and the Children's Oral Health Initiative.

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TITLE: Establish a First Nation Office on Disability Issues Unit at the AFN

SUBJECT: Disabilities

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

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

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 22 (1): Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
- ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. AFN Resolution 55/2016 calls on the AFN to work with the federal government to develop a First Nations specific engagement process to develop federal accessibility legislation; and, AFN Resolutions 75/2015 and 48/2014 mandates the AFN to raise awareness and create opportunities for Indigenous persons with disabilities.

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- C. Indigenous peoples/persons with disabilities often experience multiple forms of discrimination and face barriers to full enjoyment of their rights, based on their Indigenous identity and disability status which is recognized in the preamble of the Convention of the Rights of Persons with Disabilities (CRPD). The CRPD stresses that persons with disabilities “are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, Indigenous or social origin, property, birth, age or other status.” The CRPD is the only UN human rights instrument with an explicit sustainable development dimension.
- D. The World Conference on Indigenous Peoples in 2014 called on relevant United Nations entities and bodies to take action to include Indigenous peoples/persons with disabilities in their respective areas of work and to support the creation, strengthening and capacity development of organizations of Indigenous peoples/persons with disabilities.
- E. An Inter-governmental federal framework established in 1997, *IN UNISON: A Canadian Approach to Disability Issues*, demonstrated a commitment to the following vision: “Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation.”
- F. Over the past several years, there has been scarce activity with no major investments in disability and injury prevention to effectively address First Nations disability needs, meaningfully or sustainably.
- G. Disability rates among Indigenous peoples are over twice that of the national rate and increasing. Across the lifespan, Indigenous peoples are more likely to have disabilities as compared to the general Canadian population. Social Policy statistics in 1991 indicated that the 14.3% of Canadians with disabilities are more than twice as likely to live in poverty. Those statistics reported that the disability rate for Aboriginal people was 31%.
- H. The Canadian Mental Health Association recognizes that Post Traumatic Stress Disorder is considered a disability, which creates a greater responsibility to address the issues facing Indigenous peoples with disabilities.

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

1. Direct the Assembly of First Nations (AFN) to seek resources from the federal government to establish an AFN Office on Disability Issues Unit to meaningfully advance work on disabilities and to build necessary capacity to enable the AFN to work effectively with First Nations and the federal government including the larger disability community.
2. Direct the National Chief of the AFN to urge the federal government to work with the AFN in securing resources for the long term, with the purpose of working to support the prevention of disabilities and injuries.
3. Direct the AFN to explore and engage in collaborative efforts with appropriate partners that will elevate the status of First Nation disability issues as a national priority.
4. Direct the newly created AFN Office of Disability Issues Unit to establish a Regional Advisory Disability Task Force and mechanisms to develop a strategic plan/ framework that will highlight key priorities and advance the rights and awareness of First Nations persons with disabilities to better inform legislative developments, socio-economic developments and/or policy changes as they evolve.

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TITLE: North American Indigenous Games Residency Rule

SUBJECT: Sports & Recreation

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

SECONDED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration of the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standards of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- B. The North American Indigenous Games (NAIG) has a requirement that restricts band members who live out of their home province from playing with their provincial team.
- C. More than half of the First Nations population reside off-reserve, including many young First Nation members.

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

1. Direct the Assembly of First Nations (AFN) to respectfully call upon the North American Indigenous Games to reform residency requirements to allow members of First Nations, who live out of province, to play with their provincial team regardless of place of residence.

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2. Direct the AFN to report back to Chiefs-in-Assembly on the progress of this work at the 2017 Annual General Assembly.

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TITLE: Support for First Nations working with school divisions and school boards across Canada

SUBJECT: Education

MOVED BY: Debra Foxcroft, Proxy, Ehattesaht First Nation, BC

SECONDED BY: Tyrone McNeil, Proxy, Seabird Island Band, BC

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) includes the following articles:
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - ii. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- v. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - vi. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
- B. The Truth and Reconciliation Commission of Canada identified twelve Calls to Action specific to Education, including:
- 1. #63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including: (i.) Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools. (iii.) Building student capacity for intercultural understanding, empathy, and mutual respect. (iv.) Identifying teacher-training needs relating to the above.
 - 2. #64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.
- C. The Justice Centre for Constitutional Freedoms (JCCF) has filed a petition in B.C. Supreme Court on behalf of Candice Servatius, a parent of two children who attend an elementary school location in School District 70 in Port Alberni, British Columbia. The mother opposes her children participating in a First Nations smudging ceremony that she considers religious in nature and violating her child's rights to religious freedom.
- D. Despite smudging not being a Nuu-chah-nulth specific or historical tradition, it is one that many First Nations across Canada practice, including Nuu-chah-nulth.
- E. It is essential that schools take steps towards inclusive and culturally responsive teachings of First Nations traditions, work together with staff, students and community to foster an atmosphere of respect, understanding and inclusivity.
- F. Smudging is viewed as a First Nations tradition, which involves the burning of one or more medicines gathered from the earth. The rationale for smudging is to cleanse:
- 1. The air around us.
 - 2. Our minds so that we will have good thoughts of others.
 - 3. Our eyes so that we will only see good in others.
 - 4. Our ears so that we will only listen to positive things about others.

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5. Our mouths so that we will only speak well of others.
 6. Our whole being so we will portray only the good part of our self through our actions.
 7. The negative energy within our own being or any negative energy in a space.
- G. Smudging is seen as a cultural practice that allows people to stop, slow down, become mindful and centered. This allows people to remember, connect and be grounded in the event, task or purpose at hand. Smudging is part of living a good and balanced life.
- H. Traditional First Nations teaching practices, including smudging, is not a religion defined by Webster's dictionary as "a personal set or institutionalized system of religious attitudes, beliefs, and practices."
- I. The Assembly of First Nations Women's Council supports schools and organizations across Canada providing the opportunity for students to better understand First Nations histories, cultures and traditions.

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

1. Support the Nuu-chah-nulth, and First Nations across Canada, to partner with local school divisions and school boards in Canada and their efforts to be culturally responsive in their traditional teaching practice.
2. Affirm that traditional and cultural practices are not to be viewed or defined as a religion by school divisions and boards.
3. Call on Canadian school divisions and boards to implement the appropriate Truth and Reconciliation Calls to Action and to reflect the United Nations Declaration on the Rights of Indigenous Peoples in their curriculum and educational practices, and ensure that First Nations traditions and cultural practices are included only with the support of local First Nations.
4. Continue to support organizations across Canada, especially during National Aboriginal History month, to teach students and communities about First Nations cultural and traditional practices.

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TITLE: Support for the Toronto 2017 North American Indigenous Games Host Society's #88 Campaign

SUBJECT: Sports and Recreation

MOVED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

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

DECISION Carried; 1 abstention

WHEREAS:

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

- i. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
- ii. Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- iii. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

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- iv. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
 - v. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. The North American Indigenous Games (the NAIG) is a multi-sport, multi-disciplinary event involving Indigenous youth from Canada and the United States of America. The NAIG offers 14 sport competitions with up to three age categories in each sport for both male and female participants. The NAIG also includes a vibrant cultural program showcasing local and North American Indigenous cultural groups and entertainers;
- C. The Aboriginal Sport and Wellness Council of Ontario (ASWCO), the Provincial/Territorial Aboriginal sport body for Ontario, secured the rights to host the NAIG in the summer of 2017 in the Greater Toronto Area and have transferred those rights to the Toronto 2017 North American Indigenous Games Host Society.
- D. Assembly of First Nations (AFN) Resolution 12/96 from the 17th Annual General Assembly held in Ottawa, Ontario in July 1996 states that AFN fully endorses and supports any future North American Indigenous Games.
- E. The Truth and Reconciliation Commission (TRC) of Canada's Call to Action #88 states:
- i. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the NAIG, including funding to host the games and for provincial and territorial team preparation and travel.
- F. The *#88 Campaign* will build an education and awareness program acknowledging the place of sport and physical activity in the lives of Indigenous people and its relationship to wellness. It will be inclusive of the four other TRC Calls to Action that involve sport (#87, #89, #90 & #91):
- i. Public education and telling the national story of Indigenous athletes;
 - ii. Reducing barriers to access, increasing pursuit of excellence, building capacity
 - iii. Inclusive policy and program development that is relevant and addresses racism
 - iv. Indigenous protocols in major games and international sporting events
- G. The *#88 Campaign* will focus on tangible objectives and key strategic priorities, as identified by Indigenous communities.

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

1. Fully support the Toronto 2017 North American Indigenous Games (NAIG) Host Society's *#88 Campaign* as a platform to give Indigenous sport a voice and to highlight the power of sport as a pathway of reconciliation.
2. Call upon the Federal Government to support the *#88 Campaign* by providing funding to ensure long-term Indigenous athlete development and growth, and continued support for the NAIG, including funding for provincial and territorial team preparation and travel.

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TITLE: Working Towards a New Urban First Nations Strategy

SUBJECT: Urban

MOVED BY: Chief Cameron Catchway, Skownan First Nation, MB

SECONDED BY: Chief Jean Guy Whiteduck, Kitigan Zibi Anishinabeg, QC

DECISION Carried; 1 abstention

WHEREAS:

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

- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

B. In 1998 the Government of Canada introduced its Urban Aboriginal Strategy (UAS) which was categorized as a government-wide policy. Even as late as the spring of 2003 no publicly available document specified the actual "strategy". However, the federal government indicated that the UAS was the means by which it would address urban Aboriginal issues "through greater internal coordination of federal activities and through partnerships with provinces, municipalities and Aboriginal stakeholders."

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- C. Previous funding authorities for the UAS have not adequately provided programs and services to properly address the needs of urban First Nations residents.
- D. In 2006 the Assembly of First Nations (AFN) entered into a Memorandum of Understanding with the National Association of Friendship Centres (NAFC) for the purposes of delivering services to urban First Nations.
- E. In 2010 the AFN Chiefs-in-Assembly passed AFN Resolution 18/2010, which supports the development of a First Nation Urban Strategy and the establishment of a First Nation Urban Strategy Advisory Committee.
- F. As of April 2014, the Government of Canada provides \$43 million per year to the NAFC, which launches an annual call for proposals from urban Aboriginal and other non-profit organizations for the purpose of Community Capacity Support and Urban Partnerships. The NAFC is required to post all accepted proposals on its website. Indigenous and Northern Affairs Canada (INAC) administers \$8.1 million of UAS funding through a targeted call for proposals, which supports the development of regional and community strategic plans to guide funding provided by the NAFC.
- G. Budget 2016 announced \$23.7 million for the UAS in 2016-2017, which included an engagement process mandated by the Government of Canada to identify ways to strengthen the UAS and more effectively meet the needs of urban Aboriginal peoples.
- H. The engagement process undertaken by INAC had a limited scope and insufficient timeframes and was not designed in a manner that would effectively address long term First Nation needs. As a result, the AFN received funding to conduct two engagement sessions (one in Edmonton and one in Montreal) that had limited participation and did not allow for fulsome review and discussion of the Assembly of First Nations (AFN)/ NAFC Memorandum of Understanding, or to develop a First Nations position on the UAS.
- I. Recommendations received from First Nation participants at these two forums included: the need to engage with AFN membership and relevant First Nation stakeholders on urban priorities, programs and services consistent with the AFN Resolution 18/2010; that "urban" is not limited to major cities but also includes smaller rural cities; and the need to address the lack of accountability and transparency with the current UAS funding delivery mechanism.
- J. The current UAS extension is set to expire on March 31, 2017 with no new strategy in place or plan to extend the current strategy. The extension of the UAS for 2016-2017 reduced the overall budget available to \$23.7 million.

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

1. Call on Indigenous and Northern Affairs Canada (INAC) to extend the Urban Aboriginal Strategy (UAS) through 2017-2018 with funding restored to \$51 million per year.

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2. Call on INAC to ensure that 2017-18 UAS funding be provided to and administered by First Nation governance structures that are nation based, regionally supported, relevant to local circumstance, able to deliver urban First Nation services, and acceptable to First Nations.
3. Call on INAC to rename the UAS to the Urban and Rural Indigenous Strategy.
4. Direct the Assembly of First Nations (AFN) to carry out AFN Resolution 18/2010 and create a First Nation Urban Strategy through a First Nation Urban Strategy Advisory Committee with regional representation.
5. Call on INAC to fund additional AFN regional engagement to assist the development of a long term, sustainable First Nations Urban and Rural Strategy by November 2017, to be included in AFN's federal budget submission for 2017-18.
6. Direct the AFN to continue to advocate for a nation to nation relationship between the Crown and First Nations governance structures to ensure that the needs of First Nations are met regardless of residency.

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TITLE: Support the Protection of the Arctic National Wildlife Refuge

SUBJECT: Environment

MOVED BY: Chief Wanda Pascal, Tetlit Gwich'in Council, NT

SECONDED BY: Richard Nerysoo, Proxy, Gwichya Gwich'in Council, NT

DECISION Carried; 1 abstention

WHEREAS:

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

B. The Gwich'in, and millions of citizens around the world, the United States and in Canada see the Arctic National Wildlife Refuge as one of the largest intact ecosystems in the world.

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- C. The Arctic National Wildlife Refuge abounds with unique wildlife, unspoiled wilderness, cultural heritage and history that is of significance to the Gwich'in and Inupiat peoples and provides diverse habitats for hundreds of species, including the calving grounds of the Porcupine Caribou Herd.
- D. The Gwich'in, in working with the governments of Canada, Yukon and the Northwest Territories, have presented a responsible and consistent defense of the importance and value of the ecosystem of the Arctic National Wildlife Refuge to the people and governments of the United States of America.

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

1. Support the Gwich'in and call on the support and assistance of Canada, the Yukon and Northwest Territories, in their effort and work to ensure the continued protection of the Arctic National Wildlife Refuge.
2. Support the Gwich'in request that Canada intervene, where possible, and support Gwich'in intervention to present their story about the cultural values, history and importance of protecting the Arctic National Wildlife Refuge, including the calving grounds of the Porcupine Caribou Herd and the spectacular ecosystem that makes up the Arctic National Wildlife Refuge.
3. Direct the Assembly of First Nations to communicate with the Prime Minister of Canada and call for the support and continued protection of the Arctic National Wildlife Refuge.

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TITLE: Support of Appropriate Treaty Compensation Payments to Kát'odeeche First Nation

SUBJECT: Treaty Rights

MOVED BY: Chief Roy Fabian, K' Atlodeeche First Nation (Hay River Dene Reserve), NT

SECONDED BY: Chief Lloyd Chicot, Ka'a'gee Tu First Nation, NT

DECISION Carried; 1 abstention

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect.
 - ii. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- B. In 2006, the Kát'odeeche First Nation (KFN) began specific claims negotiations with Canada on the matter of 'agricultural benefits'. 'Agricultural benefits' were promised but never provided to KFN since the signing of Treaty 8 in 1900.

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- C. Canada has formally acknowledged the failure to provide these agricultural benefits to KFN, alongside 17 other Treaty 8 First Nations, and has entered settlement negotiations. Further, Canada and KFN engaged in an independent assessment to determine the amount of compensation required to compensate KFN for the loss of these Treaty benefits. The independent assessor supported KFN in their request for equitable compensation void of a 30% 'risk discount'.
- D. Regardless of the conclusions made by the independent assessor, Canada has made an offer to KFN that includes a "risk discount" of 30%.

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

1. Support the new compensation offer to Kátl'odeeche First Nation, as determined by the independent assessment process, which is void of a 'risk discount'.
2. Urge the Assembly of First Nations (AFN) National Chief to notify the Minister of Indigenous and Northern Affairs Canada (INAC) that the application of a 'risk discount' to Treaty rights does not fulfil the honour of the Crown or promote a nation-to-nation relationship.
3. Direct the AFN National Chief to respectfully call upon the Minister of INAC to acknowledge that the agricultural benefits provisions, as reflected in Treaty 8, must be honoured in full.

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TITLE: Support for Bill C-318 - An Act to Establish Indian Residential School Reconciliation and Memorial Day

SUBJECT: Reconciliation, Residential Schools

MOVED BY: Chief Dave Traverse, Kinonjeoshtegon First Nation, MB

SECONDED BY: Charlene Cardinal, Proxy, Beaver Lake Cree Nation, AB

DECISION Carried, 1 abstention

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 8 (1): Indigenous people and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b) Any action which has the aim of or the effect of dispossessing them of their lands, territories or resources;
 - c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d) Any form of forced assimilation or integration;
 - e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

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- iii. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - iv. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
- B. The Convention on the Prevention and Punishment of the Crime of Genocide states that genocide includes forcibly transferring children from one group to another group.
- C. According to Bill C-318, which designates the second day of June, in each and every year, as "Indian Residential School Reconciliation and Memorial Day":
- i. From 1870 to 1996, approximately 150,000 First Nations, Métis, and Inuit children in Canada were removed from their families and communities to attend residential schools.
 - ii. The goals of the Indian Residential School system—as stated by the Government of Canada in its statement of apology to former students of Indian Residential Schools, delivered in the House of Commons on June 11, 2008—was to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture.
 - iii. Through residential schools, many children experienced neglect and suffered emotional, physical and sexual abuse.
 - iv. It is desirable to continue the process of understanding the impact of the removal of children from their families for placement in residential schools and to promote reconciliation and the healing of wounds.
 - v. Setting aside one day each year will:
 - i. Provide an opportunity to focus on understanding and reconciliation, which involve showing respect and empathy for those who suffered as a result of the actions taken to place children in residential schools.
 - ii. Continue the healing of and support for survivors of residential schools, their families, and communities.
 - iii. Reaffirm the importance of safeguarding and protecting Indigenous children from emotional, physical, and sexual abuse and the importance of support for families to enable children to have optimal development and opportunities within their own families and communities.
 - iv. Reaffirm, recognize, and acknowledge Indigenous peoples and governments as self-governing and sovereign.

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- v. Educate all Canadians about the lessons from the Indian Residential Schools system and its continuing impacts on society.
- vi. The Parliament of Canada supports the work of reconciliation, the necessary ongoing process of truth telling and healing, and the Crown's work with the provinces and territories, First Nations, Métis Nation, and Inuit to support the revitalization of Indigenous communities so as to enable Indigenous peoples to reach their full potential and to bolster efforts at reconciliation between Indigenous and non-Indigenous Canadians.
- vii. The Parliament of Canada reaffirms the importance of honouring the Treaties with Indigenous peoples of Canada and recognizes the validity and importance of the Treaties in the Crown's efforts to establish a nation-to-nation relationship, based on recognition, rights, respect, co-operation, and partnership.

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

1. Support Bill C-318, *An Act to establish Indian Residential School Reconciliation and Memorial Day*, as tabled for first reading on October 31, 2016 in the House of Commons by Robert Falcon-Ouellette, Member of Parliament for Winnipeg-Centre.
2. Direct the Assembly of First Nations to lobby the Government of Canada to adopt Bill C-318 as a government bill to establish a legislative framework for reconciliation.

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TITLE: Support for Aviation Safety in Northern Ontario First Nation Communities

SUBJECT: Infrastructure, Northern Communities

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

SECONDED BY: Chief James Cutfeet, Kitchenuhmaykoosib Inninuwug, ON

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. Nishawbe Aski Nation (NAN) is committed to the improvement of safety standards for public and commercial air service in NAN First Nation communities by upgrading current radar systems in remote airports to meet the Canadian standard.
- C. Enhanced radar technology would allow aircraft and medivacs to land in most weather conditions, which is currently not permitted.
- D. Improved radar technology is directly linked to our territory and people's health and economic development.

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

1. Support Nishawbe Aski Nation in their advocacy to advance and enhance aviation safety in northern Ontario First Nation communities.

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TITLE: Call for a Review of the Indian Residential School Settlement Agreement

SUBJECT: Indian Residential School

MOVED BY: Chief Patricia Big George, Anishnabeg of Naongashiing, ON

SECONDED BY: Chief Anne Marie Beardy, Wawakapewin First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples affirms:
- i. Article 40: Indigenous peoples have the rights to access to and prompt decision through just and fair procedures for the resolutions of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Indian Residential Schools Settlement Agreement (IRSSA) reached in 2007 between the Government of Canada, churches and the Assembly of First Nations established a \$1.9 billion Common Experience Payment fund for former students – the largest class action settlement in Canadian History – along with an Independent Assessment Process for further compensation for former students, a Healing Fund, a Truth and Reconciliation Fund, and a Commemoration Fund.
- C. The IRSSA was intended to be inclusive, however, as matters evolved, the IRSSA became more and more exclusionary, where technical terms were being interpreted in an adversarial manner, as if we were in front of a court of law, as opposed to a process of adjudication and reconciliation.

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- D. While many significant milestones were reached in the past 25 years in redressing the wrongs of Canada's Indian Residential Schools system, many challenges remain to continue with the important work of healing and reconciliation.

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

1. Direct the National Chief of the Assembly of First Nations to call upon the Government of Canada to conduct a comprehensive national review of the Indian Residential Schools Settlement Agreement (IRSSA), to be conducted by a neutral party, and facilitated by a judicial body. This comprehensive review would:
 - a. Be conducted to measure successes and shortcomings, in particular in relation to the direct and indirect impacts of the IRSSA on the survivors.
 - b. Include the government, the churches, the Independent Assessment Process Secretariat, and the Crawford Class Action Services, as well as a thorough examination of the Common Experience Payment and the Personal Education Credits.

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TITLE: Increasing Funding for Aboriginal Head Start On-Reserve Program

SUBJECT: Early Childhood Development and Early Childhood Learning

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

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) states:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning;
 - ii. Article 14 (2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination;
 - iii. Article 14 (3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;
 - iv. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;
- B. In 1995, the Government of Canada established Aboriginal Head Start (AHS) to enhance child development and school readiness of First Nations, Inuit and Métis children living in urban centers and large northern communities.

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- C. An expansion component of the AHS program for First Nations communities was announced on October 19, 1998. The expansion included funds activities that support early intervention strategies to address the learning and developmental needs of young children living in First Nations communities, with the goal of supporting early child development strategies that are designed and controlled by communities. This expansion was a result of commitments made in "Gathering Strength: Canada's Aboriginal Action Plan, Securing our Future Together," and the September 1997 Speech from the Throne.
- D. Research has shown that children experience successful transition when early childhood education has been the primary focus for early learners.
- E. The AHS program encourages parents, families and community members to play a key role in running the program, with programming centered around six components: education; health promotion; culture and language; nutrition; social support; and parental/family involvement.
- F. The 2014 BC Aboriginal Child Care Society (BCACCS) study, "An Environmental Scan of Public Policy and Programs for Young Aboriginal Children in BC: A Cold Wind Blows," found that federal government funding levels have been mostly static for several years, and further, that detailed information that would indicate what the Early Childhood Development/Early Learning and Child Care funding is spent on is sparse or unavailable.
- G. Indigenous and Northern Affairs Canada (INAC), in their ongoing work on issues related to children and families, have acknowledged that early learning (0 to 6) is a critical measure in reducing children in care and leads to better outcomes.
- H. Health Canada provides \$59 million annually to support over 9,000 children in over 300 AHS programs in First Nations communities on reserve. In Budget 2010, the AHS On Reserve Program received \$25 million in additional support to the program over five years (2010-2015).
- I. Budget 2016 commits to undertake urgent repairs and renovations for the facilities used by the AHS On Reserve Program and the First Nations and Inuit Child Care Initiative through an investment of \$29.4 million in 2016-2017. In addition, Budget 2016 commits to provide \$100 million in 2017-2018 towards Early Learning and Child Care on reserve. The Government will be engaging with Indigenous organizations and parents to determine the best approach to delivering high quality early learning and child care on reserve as part of a new National Framework on Early Learning and Child Care.
- J. BCACCS has expressed concerns that the Budget 2016 will not address the critical underfunding of First Nations early childhood development and child care services in BC and Canada, with only \$3 million for facility repairs or upgrades for all 203 First Nations in BC, resulting in First Nations without child care infrastructure having to wait for a year more if they want to create programs for their youngest citizens.

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

1. Recognize the importance of early childhood development and early childhood learning and child care programs and affirms its full support for the Aboriginal Head Start (AHS) program and daycare.
2. Call upon the Government of Canada to increase funding dollars for early childhood development and early childhood learning and child care programs including the AHS on reserve program to an adequate and appropriate level that meets First Nations population growth and demand of all First Nation communities.
3. Direct the National Chief to demand that the Government of Canada provides greater accountability and transparency regarding their 2016 Budget allocations for early childhood learning development and early childhood learning and child care programs including the AHS program.

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TITLE: Support for Chief Poundmaker's Exoneration

SUBJECT: Truth and Reconciliation

MOVED BY: Milton Tootosis, Proxy, Poundmaker Cree Nation, SK

SECONDED BY: Chief Calvin Sanderson, Chakastapaysin Band of the Cree Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. Pitikwahanapiwiyyin, or Poundmaker, an Assiniboine Plains Cree leader living in what is now Saskatchewan, was a distinguished orator and statesman for his people during the 1800s.
- B. Poundmaker was an instrumental figure in the development of Treaty Six, and was recognized for his in-depth questions to the Queen's representatives during negotiations.
- C. In addition to being a recognized leader among his people, Poundmaker was widely respected by settler officials, and was selected to guide the Marquis of Lorne's western visit in 1878.
- D. Poundmaker and his people were treated unjustly. This injustice has been perpetuated through the inaccurate representation of Poundmaker in Canadian history. There is a need to reconcile these historical wrongs and correct Canadian history.
- E. Poundmaker Cree Nation, named after Poundmaker, with the support of his direct descendants and community is seeking justice for this historical wrong, and demand he be officially exonerated for his efforts to advocate for the interests of his people.

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- F. The United Nations Declaration for the Rights of Indigenous Peoples states:
- i. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
 - ii. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
- G. Prime Minister Trudeau has stated that no relationship is more important to Canada than the country's relationship with Indigenous people.
- H. The Truth and Reconciliation Calls to Action, which Canada has committed to implementing, call for the development of curriculum by the federal, provincial, and territorial governments, in consultation with Aboriginal peoples and educators to:
- i. #62 (i): Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

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

1. Support the efforts of Poundmaker First Nation to exonerate Chief Poundmaker from all wrongdoing related to the 1885 North West resistance.
2. Call on Canada to officially exonerate Chief Poundmaker, consistent with the historical and oral record, as an act of reconciliation.

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TITLE: Crown to Disclose Specific Criteria on its Discretionary Authority when Infringing upon First Nations Rights and Title

SUBJECT: Aboriginal Rights and Title

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

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

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. The Supreme Court of Canada held in *R v Adams*, [1996] 3 SCR 101 that a statute [that] confers an administrative discretion which may carry significant consequences for the exercise of an aboriginal right [must] outline specific criteria for the granting or refusal of that discretion (at para 54, emphasis added).
- C. The Court also warned the Crown in *R v Adams* that failing to meet this duty to disclose specific criteria will cause a statute to “fail to provide representatives of the Crown with sufficient directives to fulfil their fiduciary duties”, and thereby constitute an infringement of Aboriginal rights under the *Sparrow* test (at para 54).
- D. Despite the Court having decided *R v Adams* over 20 years ago, the Crown refuses to identify the specific criteria relied upon when exercising administrative discretion that infringes or may infringe upon First Nations’ rights and title.
- E. First Nations are particularly concerned by the absence of specific criteria in relation to matters involving the Crown’s obligations to:
 - i. Evaluate an impacted First Nation’s strength of claim.
 - ii. Measure the impact to, and assess any justification for, infringing an Aboriginal right.
 - iii. Determine the appropriate accommodation of an Aboriginal right.

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

- 1. Direct the Assembly of First Nations (AFN) to call upon the federal, provincial, and territorial Crowns to comply with the law as outlined in the Supreme Court of Canada’s decision in *R v Adams*.
- 2. Direct the AFN to call upon the federal, provincial and territorial Crowns to disclose specific criteria that grants discretionary authority in relation to matters involving the Crown’s obligations to:
 - a. Evaluate an impacted First Nation’s strength of claim.
 - b. Measure the impact to, and assess any justification for, infringing an Aboriginal right.
 - c. Determine the appropriate accommodation of an Aboriginal right.

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TITLE: Call on the Crown to Renounce its Purported Authority to Declare First Nations
"Extinct"

SUBJECT: First Nation Rights

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

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

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for: any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- iii. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.

B. The Chiefs-in-Assembly have passed Resolution no 53/2015, "*The Right of First Nations to Determine their Individual and Collective Identities*" directing the federal government to recognize individuals who belong to First Nations according to their customs, laws, and traditions, as Indigenous peoples, as Aboriginal peoples and as First Nation peoples under section 35(1) of the *Constitution Act, 1982*, and provide resources to First Nations to support their exercise of jurisdiction over citizenship.

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- C. First Nation peoples have always governed themselves according to their customs, laws, and traditions, including the determination of their individual and collective identities.
- D. The Crown has unilaterally interfered with First Nations and violated our inherent rights by purporting to have the authority under the *Indian Act* to declare that a First Nations group is “extinct” or has “ceased to exist”.
- E. Moreover, the Crown has used this purported authority, in violation of First Nations inherent rights, to dispossess First Nations of traditional lands.
- F. For example, this purported authority is currently being relied upon in *R v Desautel*, in which Mr. Desautel—holding that he is a descendent of the Sinixt people—is accused of violating provincial hunting regulations in British Columbia.
- G. The Crown in *R v Desautel* continues to allege that the Sinixt people became “extinct” in British Columbia, while ignoring relevant information held by First Nations in the area, such as other Insiylxcn speaking peoples’. An allegation by the Crown of “extinction” of a First Nations group, when disputed by First Nations of that area, is highly offensive, wholly contrary to the Crown’s fiduciary obligations, and is the antithesis of reconciliation. This is particularly so in cases where, as in *R v Desautel*, the Crown seeks to rely upon Crown policies and practices regarding reserve delineation and allotment, the Crown’s definition and creation of Indian Bands, Crown policies on “extinction”, and the Crown’s own records.

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

1. Call on the Crown to renounce any authority it may purport to have to unilaterally declare that a First Nation is “extinct” or has “ceased to exist”.
2. Call upon the Government of Canada to end its practice, in all legal proceedings to which it is a party, now and in the future, of relying on any authority that purports to unilaterally declare a First Nation “extinct” or having “ceased to exist”.
3. Direct the Assembly of First Nations to work with the Government of Canada to propose legislative amendments to clarify that the *Indian Act* does not grant the Minister the authority to unilaterally declare that a First Nation is “extinct” or has “ceased to exist”. Such amendments would not exclude or limit any decision by the Court in *R v Desautel* that are favorable to First Nation interests or rights.

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TITLE: End the Illegal Extinguishment of Aboriginal Rights and Title by Provincial Authorities

SUBJECT: Aboriginal Rights and Title

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

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8 (2b): States shall provide effective mechanisms for prevention of, and redress for: any action which has the aim or effect of dispossessing them of their lands, territories or resources.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- B. Although the Supreme Court of Canada recently concluded that provincial laws apply to Aboriginal title lands, that same Court has stated that provinces have no jurisdiction to extinguish Aboriginal rights and title: *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010 per Lamer J at paras 175, 177-178, 180.
- C. Provinces and territories continue to exceed their constitutional authority by making unilateral land and resource management plans and decisions that effectively extinguish Aboriginal rights and title by:
 - i. Destroying habitats and ecosystems.
 - ii. Doing major harm to species.
 - iii. Permitting harmful cumulative environmental impacts.

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

1. Call on the provinces and territories to immediately cease any intrusion upon federal jurisdiction pursuant to s. 91(24) of the *Constitution Act, 1867*.
2. Call on the provinces and territories to engage meaningfully with First Nations to ensure that land and resource management plans and decisions properly respect Aboriginal rights and title and do not intrude upon federal s. 91(24) jurisdiction.
3. Call on the federal government to serve notice on to the provinces and territories that the continued intrusion upon s. 91(24) jurisdiction will not be tolerated.

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TITLE: Establish a First Nations Specific Committee under the Species at Risk Act

SUBJECT: Environment

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

SECONDED BY: Chief Calvin Sanderson, Chakastaypasin Band of the Cree Nation, SK

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (the UN Declaration) affirms:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. No relationship is more valuable to First Nations than that with the natural environment and the wildlife contained within.

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- C. The unique relationship between First Nations and the environment is recognized as an essential role within the Species at Risk Act (SARA) as well as the UN Declaration, including the importance of Traditional Knowledge and its application in the assessment of potential species at risk and the development of planning and recovery strategies.
- D. The Crown has the duty to consult and accommodate First Nations on matters impacting First Nations rights, and the honour of the Crown is always at stake in these scenarios.
- E. The Assembly of First Nations (AFN) has participated as a member of the National Aboriginal Council on Species at Risk (NACOSAR) to the extent that it could provide a forum for engagement on SARA.
- F. First Nations are seeking a more formal relationship with all levels of government as it relates to species conservation and protection as we move forward in building the important nation-to-nation relationship referenced by the current federal government.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Minister of Environment and Climate Change Canada (ECCC) to exercise Ministerial authority to establish a First Nations specific committee under s. 9.1/9.2 of the Species at Risk Act (SARA) to support the inclusion of First Nations interests in species protection and conservation.
2. Direct the AFN to urge the responsible minister(s) and the respective agencies to support First Nations engagement and the creation of opportunities for dialogue with all levels of government, particularly the Canadian Endangered Species Conservation Council (CESCC) as referenced in both the National Accord for the Protection of Species at Risk, as well as the SARA.
3. Direct the AFN to urge the Minister of ECCC to ensure the full and effective participation of traditional knowledge holders in all aspects of species protection, conservation and management, with equal weight given as that of Western science.
4. Direct the AFN to call upon the Minister of ECCC to provide adequate financial capacity to support First Nations, regions, and provincial and territorial organizations to participate in the activities as referenced above and to maintain their important role as stewards of the environment in successfully managing Canada's species at risk.

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TITLE:	Renewing Call for a First Nations Governance Institutional Capacity
SUBJECT:	Accountability
MOVED BY:	Chief Thomas Bressette, Chippewas of Kettle & Stoney Point First Nation, ON
SECONDED BY:	Chief Harvey McLeod, Upper Nicola Indian Band, BC
DECISION	Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 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.
- B. Assembly of First Nations (AFN) Resolution 50/2010 stated that the Chiefs-in-Assembly “direct Canada to work with First Nations in the genuine interest of accountability and support joint efforts towards the development of specific First Nation governance institutional capacity such as a First Nations Ombudsperson and/or Auditor-General function as mandated and advanced by the AFN and Chiefs-in-Assembly in 2006.”
- C. Addressing capacity building and improving accountability are issues to be addressed in a new fiscal relationship between First Nation governments and the Government of Canada.

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

1. Confirm the direction to Canada and the Assembly of First Nations to work jointly toward the development of governance capacity through institutions such as a First Nations Auditor General.

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TITLE: Post-Secondary Education

SUBJECT: Post-Secondary Education

MOVED BY: Tyrone McNeil, Proxy, Seabird Island Band, BC

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

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 14: (2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- B. First Nations have the inherent right to self-determination which includes jurisdiction over education, language and culture, and the right to make decisions about the education of their people. This right is protected by the Constitution Act, 1982 and the UN Declaration.
- C. First Nations maintain that post-secondary education programming is a fundamental component of lifelong, holistic learning systems and a basic educational standard required to earn a moderate livelihood.
- D. The federal government is obliged to uphold the honor of the Crown and respect the authority of First Nations to exercise control over education. Chief's-in-Assembly have constantly maintained a position of First Nations Control of First Nations Education, as represented by a series of duly signed resolutions, most recently, Assembly of First Nations (AFN) Resolutions 14/2014, 36/2016, 40/2016.

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- E. The *Taking Action for First Nations Post-Secondary Education: Access, Opportunity, and Outcomes Discussion Paper* serves as a key resource for the development of a national First Nations position on post-secondary education in Resolution 11/2010.
- F. In a letter dated November 22, 2016, addressed to Grand Chief Ron Michel of the Prince Albert Grand Council, Minister Bennett reiterated support for the *Canada Student Loans and Grants Program* as a means of “making post-secondary education more affordable for students from low- and middle-income families and to ensure that student loan debts are manageable.”
- G. First Nations have not been duly consulted by the federal government on any proposed changes to Indigenous and Northern Affairs Canada’s (INAC) post-secondary education policies and programs. Further, First Nations have never demanded the *Canada Student Loans and Grants Program* replace INAC’s *Post-Secondary Student Support Program*.

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

1. Call on the Government of Canada to engage honorably with First Nations to implement calls for action contained in Assembly of First Nations (AFN) resolutions on First Nations post-secondary education, as most recently stated in Resolutions 14/2014 “Post-Secondary Education”, 36/2016 “Inherent and Treaty Right to Post-Secondary Education”, 40/2016 “Call on Canada to Address the Backlog for Eligible First Nation Post-Secondary Students”.
2. Call on the Government of Canada to immediately increase funding to First Nations for post-secondary students within Indigenous and Northern Affairs Canada’s (INAC)’s *Post-Secondary Student Support Program*, in a manner co-determined by First Nations as an interim measure, while calls for action are being developed.
3. Direct the AFN to examine and provide an analysis on why the federal government’s policy response to use Canada Student Loans and Grants Program to replace the *Post-Secondary Student Support Program* does not respect the inherent and Treaty right to education.
4. Call on the Government of Canada to provide the additional \$50 million as previously committed and to ensure that any further funding provided by the federal government for First Nations post-secondary education be provided directly to First Nations.

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TITLE: First Nation Inclusion in the Emerging Cannabis Economy

SUBJECT: Economic Development

MOVED BY: Chief Allan Adam, Athabasca Chipewyan First Nation, AB

SECONDED BY: Chief Rupert Meneen, Tall Cree First Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. Canada's plan to legalize the recreational use of cannabis in 2017 is attracting hundreds of millions of dollars in investment and speculation and may generate billions of dollars of new revenue.
- B. The Government of Canada received an expert report in late November 2016 from a Task Force led by the chancellor of Dalhousie University, the Honourable Anne McLellan on cannabis legalization. This report has not yet been made public.
- C. Unless there is a significant change in policy, a small number of licensed medical producers are likely to control this new market. There are currently no incentives for existing medical producers to partner with First Nations and no guarantees that any new licenses will require First Nation participation or partnerships.
- D. Licensed production by First Nations would provide a new economic opportunity for First Nations communities, particularly remote communities who have few other economic opportunities.

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

- 1. Call on the Government of Canada to ensure that any new legislation or licensing conditions for the production of medical or recreational cannabis set out priorities and incentives to ensure that First Nations are given the opportunity to participate and benefit fully from the development of this new and emerging economic sector.

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TITLE: Support for the Indigenous Health Alignment

SUBJECT: Health

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

SECONDED BY: Hanson Cooper Richard, Proxy, Pimicikamak Cree Nation, MB

DECISION Carried; 3 objections

WHEREAS:

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

- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- ii. Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- iii. Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

B. The Indigenous healthcare system is in perpetual crisis as is evident by the significant and increasing physical and mental health disparities between Indigenous and non-Indigenous peoples in Canada today.

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- C. Indigenous peoples face systemic discrimination within the Canadian health system, resulting in a lack of accessibility to medical programs and services, a poor quality of care, and the unnecessary loss of life.
- D. Best practices have demonstrated that community empowerment results in better health outcomes.
- E. The Indigenous Health Alignment, a collaboration between the Nishanawbe Aski Nation (NAN), Manitoba Keewatin Okimakanak (MKO) and the Federation of Sovereign Indigenous Nations (FSIN), has identified the need for an Indigenous health transformation process driven by Indigenous peoples. This Indigenous health transformation is the specific implementation of the Truth and Reconciliation Commission Calls to Action and is consistent with a nation-to-nation relationship between First Nations and Canada, and supports the self-governance aspirations our Nations have for our Indigenous health systems.
- F. The Indigenous Health Alignment maintains that First Nation communities have a key role in identifying and prioritizing their own community health needs.
- G. The Indigenous Health Alignment will work to address the root causes of health disparities from a community-based perspective and through identifying and building capacity at the community level.
- H. The Indigenous Health Alignment seeks only new funding that would otherwise not be available to First Nation communities, Tribal Councils, or other First Nation organizations, and supports the enhancement of existing transfer agreements and does not interfere with existing processes established by First Nations communities, Tribal Councils, or other First Nation organizations.

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

1. Support and promote the Indigenous Health Alignment and their efforts to establish an Indigenous health transformation process driven by Indigenous peoples.
2. Direct the Assembly of First Nations and the National Chief to urge the federal government to support and secure new resources to fund the Indigenous Health Alignment, and to support any and all other regional First Nation representative organizations in joining the Indigenous Health Alignment.

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TITLE: Support for the Establishment of Culturally-based Indigenous Health Centres
Across Canada

SUBJECT: Health

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

SECONDED BY: Chief Thomas Bressette, Chippewas of Kettle and Stoney Point First Nation, ON

DECISION Carried; 1 objection

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. The overall poor health outcomes of Indigenous peoples are a signal to leadership that there is a need for a fundamental shift away from the colonial foundation on which the current health paradigm is built.
- C. Colonialism relied on the marginalization of Indigenous families, economies, governance, and education and wellness systems.
- D. Colonization and the resulting historical trauma has been transmitted across generations.
- E. Health research, including neuroscience, documents the causal effects of in utero and early childhood trauma and its causal link to later life, far ranging symptoms that include obesity, heart disease, diabetes, stroke, suicide, mental health and addictions which lead to shortened life spans and a loss of quality of life.

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- F. An adequate response to these challenges must be centred on a comprehensive, integrated, community-focused, trauma informed, culturally-grounded Indigenous-led approach to health care including the best of traditional and western approaches.
- G. It is time for Indigenous peoples to work together and assume institutional leadership, wisdom and stewardship over Indigenous health in all aspects, including the design and delivery of programs and services.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada, provinces and territories to vigorously support the establishment of culturally-based Indigenous Health Centres across Canada that includes the provision of financial and other resources.
2. Support the establishment of a Collective Impact Working Group of gifted volunteers representing Indigenous peoples and persons from the public and private sectors, to build a plan, strategy and budget for the development of an Indigenous Health Centre in Edmonton, Alberta.
3. Direct the AFN to support the Collective Impact Working Group, where possible, in providing research and identifying innovative traditional and cultural practices in healing and to improve the quality of care and health outcomes.

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TITLE: Ongoing Commitment for the Non-Insured Health Benefits Joint Review Process

SUBJECT: Health

MOVED BY: Chief Robert Merasty, Flying Dust First Nation, SK

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

DECISION Carried by Consensus

WHEREAS:

- A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples state:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iv. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

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- B. Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
- C. First Nations experience a significant gap in health outcomes across all indicators such as higher infant mortality rates, lower life expectancy, higher rates of chronic illness (i.e. diabetes, cancer, auto-immune disorders and communicable diseases), higher rate of disabilities and higher rates of youth suicide and addictions.
- D. Due to the restrictive and discretionary policies of the Non-Insured Health Benefits (NIHB) program, First Nations do not have equitable access to health care comparable to that of the general population.
- E. Assembly of First Nations (AFN) Resolution 56/2012 mandated the National Chief to call for a comprehensive Joint Review of the NIHB program.
- F. The AFN and First Nations Inuit Health Branch (FNIHB) have undertaken a NIHB Joint Review starting in 2014 and the review is set to be completed in early 2017 with a final report that will include joint recommendations on each benefit area within the NIHB program.
- G. There is an AFN-FNIHB Joint Review Steering Committee guiding the review process.
- H. Despite the success of the review, there has been no formal commitment from Health Canada to fully implement the recommendations that come out of the NIHB Joint Review.

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

1. Direct the Assembly of First Nations (AFN) to seek ongoing commitment and resourcing from Health Canada for implementation of the Non-Insured Health Benefits (NIHB) Joint Review recommendations.
2. Direct the AFN to call upon Health Canada to provide support and resources to communities and regions to explore alternative governance options for the delivery of the NIHB program based on First Nations self-determination in health, population growth, inflation, geography and demonstrated need.
3. Urge the AFN-First Nations Inuit Health Branch (FNIHB) Joint Review Steering Committee to explore legislative and legal options to ensure NIHB delivery is based on Treaty and inherent rights.

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TITLE: Treaty-Based Funding

SUBJECT: Fiscal Relations

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

SECONDED BY: Chief Bernice Martial, Cold Lake First Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - iv. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
 - vi. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
 - vii. Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - viii. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.
- B. Various forms of Government of Canada Contribution Funding Agreements (CFAs) only fund the delivery of the bare minimum of basic, core, essential programs and services, contrary to historical Treaties and the Crown's fiduciary obligations.
 - C. Past and current CFAs do not address the fundamental needs of First Nations people as the eligibility criteria are limited, rigid and impose stringent regulatory and bureaucratic policies.
 - D. Many of the CFAs contain provisions or clauses that marginalize, discriminate and subjugate First Nations citizens as a requirement to receive essential program and service funding.
 - E. Many CFAs do nothing to improve the economic and social conditions confronting First Nations.
 - F. To date, CFAs have not fully addressed the 2% funding cap imposed on essential programs and services for First Nations.
 - G. CFAs are neither negotiated nor Treaty-based, perpetuating the historically paternalistic, bureaucratic and colonialist behaviour of the Government of Canada.

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

1. Call upon the Government of Canada, with the direct, full and effective participation of First Nations representatives, to include a Treaty approach as part of defining a new fiscal relationship, in accordance and compliance with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the

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Truth and Reconciliation Commission Calls to Action and the Organization of American States (OAS) American Declaration on the Rights of Indigenous Peoples.

2. Remind the Government of Canada, and its representatives, of Canada's commitment to rebuild the nation-to-nation relationship with First Nations and remind the Government of Canada that this relationship must be built in accordance with First Nations' understanding of the true spirit and intent of Treaty as the foundation for this renewed relationship.
3. Call upon Her Majesty the Queen in Right of Canada to ensure that the UN Declaration is incorporated in all new funding agreements with First Nations.
4. Call upon the Government of Canada to immediately implement an approach to developing its budgets that is consistent with the Treaties.
5. Call upon the Government of Canada to take immediate action in accordance with this resolution and without prejudice to any other First Nation rights or interests.
6. Direct the Assembly of First Nations Chiefs Committee on Fiscal Relations to ensure that this resolution is advanced within its work.

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TITLE: UN Declaration Legislative Framework and Interpretation of Canadian Laws

SUBJECT: UN Declaration

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

SECONDED BY: Chief Bernice Martial, Cold Lake First Nation, AB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - ii. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
 - iii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iv. Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
 - v. Article 46 (3): The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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- B. Canadian, provincial, territorial and municipal laws, policies, acts and regulations in relation to Indigenous peoples have been imposed by colonial standards that violate the basis of International Treaty agreements with Her Majesty the Queen in the Right of Canada.
- C. The current Canadian, provincial, territorial and municipal laws, policies, acts and regulations that impact Indigenous peoples do not promote a foundation for a renewed nation-to-nation relationship.
- D. In 2012, Canada highlighted to the United Nations Committee on the Elimination of Racial Discrimination the relevance of the UN Declaration and "that Canadian Courts could consult international law sources when interpreting Canadian laws, including the Constitution Act and that this interpretative rule is not new".
- E. The Government of Canada will uphold its commitment to implement the unqualified endorsement of the UN Declaration.
- F. Canadian, provincial, territorial and municipal constitutions must be reformed to accommodate and be in compliance with the UN Declaration.

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

1. Call upon Her Majesty the Queen in Right of Canada to provide a purposive and liberal approach based on international norms and standards when applying present and future federal laws, policies, acts and regulations including the Constitution Act, 1982.
2. Call upon the Government of Canada, its ministers and the Assembly of First Nations to ensure the free, prior and informed consent of Indigenous peoples in the creation of a United Nations Declaration on the Rights of Indigenous Peoples framework in accordance with the respect for and honoring of the four Treaty principles:
 - a. Inherent right to self-determination and Indigenous government.
 - b. The original spirit and intent of Treaty as treaties are sacred agreements.
 - c. Mutual consent, including non-interference.
 - d. Peaceful co-existence and mutual responsibility to honor the inter-national Treaties.

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TITLE: Call for a National Decade of Reconciliation in Canada

SUBJECT: Reconciliation

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

SECONDED BY: Chief Bernice Martial, Cold Lake First Nation, AB

DECISION Carried by Consensus

WHEREAS:

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

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iii. Article 15 (1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
- iv. Article 15 (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

B. The Truth and Reconciliation Commission of Canada passed 94 Calls to Action including:

- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

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- ii. Call to Action 53: We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal, and consisting of Aboriginal and non-Aboriginal members.
- C. Canada has committed to rebuilding the nation-to-nation relationship with Indigenous peoples based on recognition, respect, cooperation and partnership.
- D. As adopted by the United Nations General Assembly on September 22, 2014 of the *Outcome document of the High-level Meeting of the General Assembly: The World Conference on Indigenous Peoples*, paragraph 8 states "We commit to cooperate with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies, or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples."
- E. There is a need for a National Decade of Reconciliation in Canada to help create momentum and achieve the implementation of the UN Declaration and the 94 Calls to Action. In addition, a National Decade of Reconciliation must increase the overall quality of life for all Indigenous children, youth, women, men and elders through the positive promotion of Indigenous health, culture and languages.

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

1. Call on the Government of Canada to declare and implement an official National Decade of Reconciliation dedicated to implementing the Truth and Reconciliation Commission of Canada 94 Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
2. Call on the Government of Canada to jointly develop a framework with First Nations to implement the UN Declaration as the official start of the National Decade of Reconciliation, and ensure that increasing First Nations health and wellness remains a central part of this framework.

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TITLE: Financial Support for Economic Development Organizations across Canada

SUBJECT: Economic Development

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

SECONDED BY: Chief Kevin Tangie, Brunswick House First Nation, ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
 - ii. Article 20 (2): Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - iii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- B. Economic Development Officers (EDOs) in First Nations across Canada rely on organizations that provide economic development support such as networking, working templates, mentoring, partnership development, and idea generation.
- C. Many EDOs for First Nations, as non-profits, are chronically underfunded, requiring the Government of Canada to provide additional financial support in order to provide essential services for First Nations across Canada.

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- D. New funding support would be utilized to provide effective services and support for EDOs in First Nations across Canada.
- E. In 2009, through recommendations from the First Nation EDOs in Ontario, a non-profit organization was formed, the Ontario First Nation Economic Developers Association (OFNEDA), with the support of Indigenous and Northern Affairs Canada (INAC). Unfortunately, no commitment for ongoing and continuous funding was provided – only startup assistance.
- F. Organizations, such as OFNEDA, require ongoing and continuous financial support in order to effectively deliver services and support to EDOs working in First Nations across Canada.
- G. Organizational sustainability is an area of focus and coordination within the Assembly of First Nations Economic Partnerships secretariat, which has been identified as an ongoing need for First Nations across Canada.
- H. INAC is working to respond to the unique needs of First Nations, Inuit and Métis people in Canada so Indigenous peoples and communities can participate more fully in Canada's economy. As part of these efforts, INAC looked at its economic development programs to see how they could be improved and simplified to benefit more Indigenous peoples.

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

1. Direct the Assembly of First Nations (AFN) to request continued financial funding from the federal government of Canada to sustain economic development organizations that support and service Economic Development Officers in First Nations across Canada.
2. Direct the AFN to coordinate joint policy and planning meetings that include First Nations regional economic development representatives and federal counterparts and Aboriginal businesses.

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TITLE: Protecting the Rights of Water Protectors: Review and Amendment of Anti-Terrorism Act, 2015

SUBJECT: Environment, Treaties

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

SECONDED BY: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay), ON

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples includes the following articles:
- i. Article 7: Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 30: Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
- B. The Organization of American States (OAS) American Declaration on the Rights of Indigenous Peoples states:
- i. Article XIX (3): Indigenous peoples are entitled to be protected against the introduction of, abandonment, dispersion, transit, indiscriminate use or deposit of any harmful substance that could negatively affect indigenous communities, lands, territories and resources.

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- ii. Article XX (3): Indigenous peoples, in particular those who are divided by international borders, shall have the right to travel and to maintain and develop contacts, relations, and direct cooperation, including activities for spiritual, cultural, political, economic, and social purposes, with their members and other peoples.
- C. The War Measures Act can be invoked by the Parliament of Canada in a time of crisis resulting in a suspension of Charter rights, potentially impacting water and land protectors.
- D. Bill C-51, *The Anti-Terrorism Act*, provides that actions, including arrest, detainment and charges under the Criminal Code and other actions by the Canadian Security Intelligence Service can be taken in response to any “activity that undermines the security of Canada”, which is defined to include “interference with critical infrastructure.
- E. The Minister of Natural Resources has recently stated in response to the possibility of actions in Canada similar to those at Standing Rock, “if people choose for their own reasons not to be peaceful, then the Government of Canada, through its defense forces, through its police forces, will ensure that people will be kept safe” and “we have a history of peaceful dialogue and dissent in Canada. I’m certainly hopeful that that tradition will continue. If people determine for their own reasons that that’s not the path they want to follow, then we live under the rule of law.”
- F. There is concern that actions by First Nations or First Nation citizens in support of the protection of rights, waters and lands may be classed by Canada as an “activity that undermines the security of Canada” and may result in action under the *Anti-Terrorism Act*.
- G. As a campaign promise, the Liberal Party, which is now the Government of Canada, promised:
 - i. To “repeal the problematic elements of Bill C-51 and introduce new legislation that better balances our collective security with our rights and freedoms.”
 - ii. To launch broad public consultations to engage the Canadians and subject matter experts.
- H. On December 8, 2015, Prime Minister Trudeau committed the government to “conduct a full review of the legislation unilaterally imposed on Indigenous peoples by the previous government. Where measures are found to be in conflict with your rights, where they are inconsistent with the principles of good governance, or where they simply make no public policy sense, we will rescind them.”

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

1. Direct the National Chief and the Assembly of First Nations (AFN) to call upon the Prime Minister, the Minister of Justice, the Minister of Public Safety and the Minister of Defence to ensure that the *Anti-Terrorism Act* is not applied to the peaceful actions of First Nations and First Nation citizens who are engaged in actions to protect water, lands and peoples similar to those being taken by persons at Standing Rock.
2. Direct the National Chief and the AFN to call on the Prime Minister, the Minister of Justice and the Minister of Public Safety to:
 - a. Engage in a nation-to-nation review of the *Anti-Terrorism Act* with First Nations.
 - b. Engage in a process of joint legislative drafting in respect of any revisions to protect the rights of First Nations and First Nation citizens, including those consistent with both the United Nations Declaration on the Rights of Indigenous Peoples and the Organization of American States American Declaration on the Rights of Indigenous Peoples.
 - c. Initiate the promised process to launch broad public consultations to engage First Nations, Canadians and subject matter experts in a process to “repeal the problematic elements of Bill C-51 and introduce new legislation that better balances our collective security with (the) rights and freedoms (of Canadians).”
3. Direct the National Chief of the AFN to call on the Minister of Natural Resources to apologize publicly, and at the next AFN Annual General Assembly in July 2017, for the Minister’s public statements threatening the use of defence and police forces against peoples protecting their water, lands and resources similar to those being taken at Standing Rock.

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